ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

CITY OF ANGELS
CITY COUNCIL AGENDA
JANUARY 19, 2021

THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT.

THIS MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA VIDEO CONFERENCING AT https://meet.google.com/bfn-ezik-fue AND VIA TELECONFERENCE BY CALLING +1 630-634-5291 (PIN: 858 431 338#) AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

Mayor	Alvin Broglio
Vice Mayor	Jennifer Davis-Herndon
Council Members	Jeremy Leonard
	Gretel Tiscornia
	Isabel Moncada

City Administrator Melissa Eads **City Attorney** Doug White

5:00 p.m. CLOSED SESSION

1. ROLL CALL

2. PUBLIC COMMENT

The public may address the Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting Agenda. Speakers are limited to five minutes per person.

3. ADJOURN TO CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)
Property: 584 S. Main Street, Angels Camp
APN: 060-001-008
Agency Negotiator: City Administrator
Negotiating Party: NONE
Under Negotiation: Land Price and Terms

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)
a. Property: 1216 S. Main Street, Angels Camp
APN: 060-012-002
Agency Negotiator: City Administrator
Negotiating Party: USPS and Stephanie Weber, IAG Real Estate
Under Negotiation: Land Price and Terms

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

6:00 p.m. REGULAR MEETING

1. **ROLL CALL**

2. **REPORT OUT OF CLOSED SESSION**

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)
Property: 584 S. Main Street, Angels Camp
APN: 060-001-008
Agency Negotiator: City Administrator
Negotiating Party: NONE
Under Negotiation: Land Price and Terms

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8)
Property: 1216 S. Main Street, Angels Camp
APN: 060-012-002
Agency Negotiator: City Administrator
Negotiating Party: USPS and Stephanie Weber, IAG Real Estate
Under Negotiation: Land Price and Terms

3. **APPROVAL OF THE AGENDA**

4. **PUBLIC COMMENT**

The public may address the Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting Agenda. Speakers are limited to five minutes per person.

5. **CONSENT AGENDA**

A. Approval of the December 15, 2020 meeting minutes
B. Approval of the January 5, 2021 meeting minutes
C. Approval of the January 12, 2021 meeting minutes
D. Approval of the January 14, 2021 meeting minutes
E. Approval of Resolution No. 21-02 Authorizing the Development of an Application for Office of Emergency Services Hazard Mitigation Grant Funds for Critical Water/Wastewater Infrastructure- Nathan Pry, Fire Marshal/Deputy Fire Chief.
F. Adoption of the City Council Handbook- Melissa Eads, City Administrator
G. Adoption of Resolution No. 21-03 Authorizing Signatures on City of Angels Bank Accounts- Melissa Raggio, Administrative Services Director.
H. Approval of Rose Beristianos Contract for the Position of Administrative Services Officer-Melissa Raggio, Administrative Services Director.

6. **REGULAR AGENDA**

A. PUBLIC HEARING: For the Consideration of Potential Programs for Inclusion in the State Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act Application.

i. Receive Staff Report

ii. Open Public Hearing

iii. Receive Public Comment

iv. Close Public Hearing

B. PUBLIC HEARING: For the Consideration of an Ordinance No. 505 Amending Section 17.64.050 of the City of Angels Municipal Code Exempting Work Force/Affordable Housing From the City's Oak Tree and Heritage Tree Preservation Ordinance Requirements- Amy Augustine, City Planning Director

i. Receive Staff Report

ii. Open Public Hearing

iii. Receive Public Comment

iv. Close Public Hearing

C. Approval of the City Council Committees for Calendar Year 2020-2021- Alvin Broglio, Mayor

D. City Financial Report as of September 30, 2020- Joe Agular, Finance Consultant

E. Approval of Resolution No. 21-04 Appointing the Administrative Services Officer to Serve as City Clerk with Administration of the Oath of Office- Melissa Eads, City Administrator and Jennifer Preston, Deputy City Clerk.

7. **COUNCIL REPORTS**

8. **CALENDAR**

9. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator at City Hall 209-736-2181, melissaeads@angelscamp.gov. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II) Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection in the City Administrator's Office at 200 Monte Verda Street, Angels Camp, CA 95222 during normal business hours. The Agenda is also available on line at www.angelscamp.gov.

City of Angels Council Meeting

January 19, 2021

5. CONSENT AGENDA

A – D Approval of the meeting minutes

DRAFT MINUTES THE MEETING OF
THE CITY OF ANGELS CITY COUNCIL
Tuesday, December 15, 2020

This meeting was held in accordance with executive Order N-2-20, issued by California Governor Gavin Newsom on March 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, Et Seq.), and the Federal Americans With Disabilities Act with Participation via Video Conferencing

Council Members Present:	Joseph Oliveira, Alvin Broglio, Linda Hermann and Veronica Metildi
Council Members Absent:	None
Staff Present:	Melissa Eads, City Administrator Melissa Raggio, Director of Administrative Services Jennifer Preston, Deputy City Clerk Debra Vierra, City Attorney Joe Agular, Finance Consultant John Rohrabaugh, Fire Chief

5:01 p.m. CLOSED SESSION

1. ROLL CALL

   Present: Mayor Oliveira, Vice Mayor Broglio, Council Members Hermann and Metildi

   Absent: None

2. PUBLIC COMMENT

   NONE

3. ADJOURN TO CLOSED SESSION

   A. Threat to Public Services or Facilities pursuant to Gov. Code §54957(a) Consultation with: Douglas L. White, City Attorney
   B. Conference with Legal Counsel – Anticipated Litigation pursuant to Gov. Code §54956.9(d)(2)) Significant Exposure to Litigation: 1 case

6:00 p.m. REGULAR MEETING

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL

   Present: Mayor Oliveira, Vice Mayor Broglio, Council Members Hermann and Metildi.

3. REPORT OUT OF CLOSED SESSION

   A. Threat to Public Services or Facilities pursuant to Gov. Code §54957(a) Consultation with: Douglas L. White, City Attorney

ACTION: DIRECTION WAS GIVEN TO STAFF

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Pursuant to Government Code section §54956.9(d)(2)) Significant Exposure to Litigation: 1 case

ACTION: NO ACTION TAKEN

4. APPROVAL OF THE AGENDA

ACTION: MOTION BY VICE-MAYOR BROLIO, SECOND BY COUNCIL MEMBER METILDI, AND PASSED 4-0, TO APPROVE THE AGENDA WITH MOVING ITEM 7-I TO THE LAST ITEM ON THE AGENDA.

5. PUBLIC COMMENT
NONE

6. CONSENT AGENDA
   A. Approval of the December 1, 2020 Meeting Minutes.
   B. Approval of the December 8, 2020 Special Meeting Minutes.
   C. Approval of Resolution No. 20-49 Amending the Augustine Planning Associates, Inc Contract allowing for One-Year Extensions for Planning Services and Exercising the First One-Year Extension Option for Services through July 1, 2022.
   D. Approval of the purchase of replacement blowers for the Aerobic Digesters at the Water Treatment Plant.
   E. Approval of an Employee Agreement between the City of Angels and Chris O'Flinn to a Newly Created Position of Public Works Superintendent necessary to coordinate the Departments of Water, Wastewater and Public Works, further direction was given to the Administrative Services Director to Eliminate the Position of Assistant City Engineer.
   F. Approval of Resolution 20-51 an Agreement between the City of Angels and MuniServices for sales, transactions and use tax auditing services and sales/use tax analysis and reporting services, and authorize the City Administrator to execute contract.
   G. Approval of Term Purchase Orders as approved in the Fiscal Year 2020/2021 budget.
   H. Approval of the Fire Station Project Contract Award for Architectural Services with Calpo Hom & Dong Architects in an amount not to exceed $205,000 as funded by the Community Development Block Grant (CDBG) Program.

ACTION: MOTION BY COUNCIL MEMBER HERMANN, SECOND BY COUNCIL MEMBER METILDI, AND PASSED 4-0 TO APPROVE ITEM A THROUGH ITEM H OF THE CONSENT AGENDA.

7. REGULAR AGENDA

   A. Proclamation recognizing Fire Chief John Rohrabaugh for his actions in the Command of the O'Reiley Fire on July 31, 2020.

MAYOR OLIVEIRA PRESENTED THE PROCLAMATION RECOGNIZING THE FIRE CHIEF JOHN ROHRABAUGH FOR HIS ACTIONS IN THE COMMAND OF THE O'REILEY FIRE ON JULY 31, 2020.

   B. Presentation of a Letter of Commendations by Fire Chief Rohrabaugh to Firefighter Greg Baker and John Sewald for their actions on the O'Reiley Fire on July 31, 2020.

FIRE CHIEF ROHRABAUGH PRESENTED THE LETTERS OF COMMENDATION TO FIREFIGHTER GREG BAKER AND FIREFIGHTER JOHN SEWALD FOR THEIR ACTIONS ON THE O'REILEY FIRE ON JULY 31, 2020.

   C. Presentation of a Service Award for Merit by Fire Chief Rohrabaugh to Firefighter Bill Davis for his actions on the O'Reiley Fire on July 31, 2020.

FIRE CHIEF ROHRABAUGH PRESENTED THE SERIVCE AWARD FOR MERIT TO FIREFIGHTER BILL DAVIS FOR HIS ACTIONS ON THE O'REILEY FIRE ON JULY 31, 2020.

D. Presentation by Sarah Wiebe, Angels Camp Business Association (ACBA) Farmer's Market Coordinator, on the Highlights and Successes of the 2020 Farmer's Market Season.

SARAH WIEBE OF ACBA FARMER'S MARKET PRESENTED THE HIGHLIGHTS AND SUCCESSES OF THE 2020 FARMER'S MARKET SEASON.

E. Review and Appointment of One (1) Council Member to fill the vacancy and remaining two (2) year term of Council Member Amanda Folendorf.

THE CITY COUNCIL INTERVIEWED FOUR CANDIDATES FOR APPOINTMENT TO FILL THE VACANCY LEFT BY FORMER COUNCIL MEMBER AMANDA FOLENDORF. THE CANIDATES WERE LINDA HERMANN, ISABEL MONCADA, CAROLINE SCHIRATO AND MARILYN SMITH.

PUBLIC COMMENT: VIVIAN DANIELSON, NICK BERTOLERO AND CORA BROGLIO.

MELISSA EADS DREW NAMES FOR THE NOMINATION ORDER WHICH WAS METILDI, BROGLIO AND OLIVEIRA. COUNCIL MEMBER METILDI NOMINATED CAROLINE SCHIRATO AND MAYOR OLIVEIRA SECONDED, AND THE NOMINATION FAILED WITH A 2-1 VOTE WITH VICE-MAYOR BROGLIO VOTING NO. VICE-MAYOR BROGLIO NOMINATED LINDA HERMANN AND THE NOMINATION FAILED DUE TO NO SECOND. MAYOR OLIVEIRA NOMINATED ISABEL MONCADA AND VICE-MAYOR BROGLIO SECONDED AND THE NOMINATION PASSED 3-0 TO APPOINT ISABEL MONCADA TO FILL THE VACANCY.

ACTION: MOTION BY COUNCIL MEMBER METILDI AND SECONDED BY VICE-MAYOR BROGLIO AND PASSED 3-0 TO ADOPT RESOLUTION 20-50 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP APPOINTING ISABEL MONCADA TO FILL A VACANCY ON THE CITY COUNCIL RESULTING FROM THE RESIGNATION OF FORMER COUNCIL MEMBER AMANDA FOLENDORF.

DEPUTY CITY CLERK JENNIFER PRESTON ADMINISTERED THE OATH OF OFFICE TO THE NEW CITY COUNCIL MEMBER ISABEL MONCADA.

F. Presentation of the Fiscal Year 2019-2020 Financial Report by Joe Agular, City Finance Consultant.

JOE AGULAR PRESENTED THE FISCAL YEAR 2019-2020 FINANCIAL REPORT.

G. Acceptance of the Annual Report on Development Impact Fees and Adopt Findings to Commit Funds held in the Traffic Impact Fee Fund and Water Connection Fee Fund.

ACTION: MOTION BY VICE-MAYOR BROGLIO AND SECONDED BY COUNCIL MEMBER METILDI AND PASSED 5-0 TO ACCEPT THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEES AND ADOPT FINDINGS TO COMMIT FUNDS HELD IN THE TRAFFIC FEE FUND AND WATER CONNECTION FEE FUND.

H. Consideration and Appointment of Councilman Alvin Broglio to the position of Mayor for the 2021-2022 calendar year.

ACTION: MOTION BY COUNCIL MEMBER METILDI AND SECONDED BY COUNCIL MEMBER HERMANN AND PASSED 5-0 TO APPOINT COUNCILMAN ALVIN BROGLIO TO THE POSITION OF MAYOR FOR THE 2021-2022 CALENDAR YEAR.

J. Comments from outgoing City Councilwoman Amanda Folendorf.

NO ACTION TAKEN.

8. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

9. CALENDAR – NO CALENDAR

DEPUTY CITY CLERK JENNIFER PRESTON ADMINISTERED THE OATH OF OFFICE TO THE NEW CITY COUNCIL MAYOR ALVIN BROGLIO.

I. Approval of Resolution 20-48 Reciting the Facts of the Consolidated General Election Held on Tuesday, November 3, 2020 Declaring the Results and other Matters required by law.

ACTION: MOTION BY COUNCIL MEMBER OLIVEIRA AND SECONDED BY COUNCIL MEMBER METILDI AND PASSED 5-0 TO ADOPT RESOLUTION 20-48 A RESOLUTION RECITING THE FACTS OF THE CONSOLIDATED GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 3, 2020 DECLARING THE RESULTS AND OTHER MATTERS REQUIRED BY LAW.

10. ADJOURNMENT

ACTION: MOTION BY COUNCIL MEMBER OLIVEIRA AND SECOND BY COUNCIL MEMBER HERMANN, AND PASSED 5-0 TO ADJOURN THE MEETING AT 8:31 P.M.

_____
Alvin Broglio
Mayor

ATTEST:_____
Jennifer Preston, Deputy City Clerk

DRAFT MINUTES THE MEETING OF
THE CITY OF ANGELS CITY COUNCIL
Tuesday, January 5, 2021

This meeting was held in accordance with executive Order N-2-20, issued by California Governor Gavin Newsom on March 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, Et Seq.), and the Federal Americans With Disabilities Act with Participation via Video Conferencing

Council Members Present:	Alvin Broglio, Jennifer Davis-Herndon, Jeremy Leonard, Gretel Tiscornia, and Isabel Moncada
Council Members Absent:	None
Staff Present:	Melissa Eads, City Administrator Melissa Raggio, Director of Administrative Services Jennifer Preston, Deputy City Clerk

5:01 p.m. CLOSED SESSION

1. PLEDGE OF ALLEGIANCE
2. OATH OF OFFICE

   The Oath of Office was administered by Jennifer Preston, Deputy City Clerk to new Council Members Gretel Tiscornia, Jennifer Davis-Herndon and Jeremy Leonard

3. ROLL CALL

   Present: Mayor Broglio, Council Members Jeremy Leonard, Gretel Tiscornia, Jennifer Davis-Herndon and Isabel Moncada

   Absent: None

3. PUBLIC COMMENT

   Joe Oliveira stated that he wished all the new council members good luck and congratulations.

4. ADJOURN TO CLOSED SESSION

   A. Threat to Public Services or Facilities pursuant to Gov. Code §54957(a) Consultation with: Douglas L. White, City Attorney.
   B. Conference with Real Property Negotiators (Government Code Section 54956.8) Property at 584 S. Main Street, Angels Camp, APN 060-001-008 with: City Administrator and no negotiating party.
   C. Conference with Real Property Negotiators (Government Code Section 54956.8) Property at 1216 S. Main Street, Angels Camp, APN 060-012-002 with: City Administrator and Negotiating party of Stephanie Weber, IAG Real Estate.

6:01 p.m. REGULAR MEETING

CALL TO ORDER

1. ROLL CALL

   Present: Mayor Broglio, Council Members Jeremy Leonard, Gretel Tiscornia, Jennifer Davis-Herndon and Isabel Moncada

2. REPORT OUT OF CLOSED SESSION

A. Threat to Public Services or Facilities pursuant to Gov. Code §54957(a) Consultation with: Douglas L. White, City Attorney

ACTION: DIRECTION WAS GIVEN TO STAFF

B. Conference with Real Property Negotiators (Government Code Section 54956.8) Property at 584 S. Main Street, Angels Camp, APN 060-001-008 with: City Administrator and no negotiating party.

ACTION: NO ACTION TAKEN AND THE ITEM IS MOVED TO THE JANUARY 19, 2021 MEETING

C. Conference with Real Property Negotiators (Government Code Section 54956.8) Property at 1216 S. Main Street, Angels Camp, APN 060-012-002 with: City Administrator and Negotiating party of Stephanie Weber, IAG Real Estate.

ACTION: NO ACTION TAKEN AND THE ITEM IS MOVED TO THE JANUARY 19, 2021 MEETING

3. APPROVAL OF THE AGENDA

ACTION: MOTION BY COUNCIL MEMBER MONCADA, SECOND BY COUNCIL MEMBER HERNDON, AND PASSED 5-0, TO APPROVE THE AGENDA AS PRESENTED.

4. PUBLIC COMMENT

Veronica Metildi wanted to welcome all the new council members and to wish everyone a Happy New Year.

5. CONSENT AGENDA

A. Direction to Staff to develop an application for Office of Emergency Services Hazard Mitigation Grant Funds for Critical Water/Wastewater Infrastructure.

ACTION: MOTION BY COUNCIL MEMBER HERNDON, SECOND BY COUNCIL MEMBER MONCADA, AND PASSED 5-0 TO APPROVE ITEM A OF THE CONSENT AGENDA.

6. REGULAR AGENDA

A. Appointment of the City of Angels Vice-Mayor.

ACTION: MOTION BY COUNCIL MEMBER MONCADA TO NOMINATE HERSELF TO VICE-MAYOR, SECOND BY MAYOR BROGLIO, AND FAILED BY A 2-3 VOTE WITH COUNCIL MEMBERS HERNDON, TISCORNIA AND LEONARD VOTING NO.

ACTION: MOTION BY MAYOR BROGLIO TO NOMINATE COUNCIL MEMBER JENNIFER DAVIS-HERNDON TO VICE-MAYOR, SECOND BY COUNCIL MEMBER TISCORNIA AND PASSED 5-0 TO APPOINT COUNCIL MEMBER JENNIFER DAVIS-HERNDON TO VICE MAYOR.

ACTION: MAYOR BROGLIO DIRECTED STAFF TO PLACE ON THE NEXT AGENDA FOR CONSIDERATION THE APPOINTMENTS OF MAYOR AND VICE-MAYOR AS TWO YEAR TERMS.

B. Public Hearing – Adoption of an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Report Plan for the City of Angels Water Treatment Plant Upgrades including installing a new underground pipeline paralleling the existing underground pipeline.

Public Hearing opened at 6:34 PM.

There was no Public Comment

Public Hearing closed at 6:35 PM.

ACTION: MOTION BY VICE-MAYOR HERNDON, SECOND BY COUNCIL MEMBER MONCADA, PASSED 5-0 TO ADOPT RESOLUTION 21-01 A RESOLUTION APPROVING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND REPORTING PLAN FOR CITY OF ANGELS WATER TREATMENT PLAN UPGRADE

C. Review of the City of Angels Boards and Commissions for consideration of appointment at the next regular City Council meeting of January 19, 2021.

ACTION: NO ACTION TAKEN

D. Review of the City of Angels Council Handbook for consideration of adoption at the next regular City Council meeting of January 19, 2021.

ACTION: NO ACTION TAKEN

7. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

8. CALENDAR – NO CALENDAR

9. ADJOURNMENT

ACTION: MOTION BY MAYOR BROGLIO AND SECOND BY COUNCIL MEMBER TISCORNIA, AND PASSED 5-0 TO ADJOURN THE MEETING AT 6:46 P.M.

_____

Alvin Broglio
Mayor

ATTEST:_____
Jennifer Preston, Deputy City Clerk

DRAFT MINUTES THE SPECIAL MEETING OF THE CITY OF ANGELS CITY COUNCIL AND THE CALAVERAS COUNTY BOARD OF SUPERVISORS

Tuesday, January 12, 2021

This meeting was held in accordance with executive Order N-2-20, issued by California Governor Gavin Newsom on March 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, Et Seq.), and the Federal Americans With Disabilities Act with Participation via Video Conferencing

Council Members Present:	Alvin Broglio, Jennifer Davis-Herndon, Gretel Tiscornia, Jeremy Leonard, and Isabel Moncada
Council Members Absent:	None
Staff Present:	Melissa Eads and Jennifer Preston

9:07 a.m. SPECIAL MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. STAFF ANNOUNCEMNETS

   Kathy Gallino – reported on the Cal Relief Grant for businesses.

2. ROLL CALL

   Present: Mayor Broglio, Vice Mayor Herndon, Council Members Tiscornia, Leonard and Moncada.

   Absent: None

3. REGULAR AGENDA

   A. PUBLIC HEALTH SERVICES: The Council and Board received an update presentation from Calaveras County Staff, including Samuel Leach and Doug Archer, on COVID-19 (novel coronavirus).

4. PUBLIC COMMENT

   Terry McBride, Robert Polakov and Norman Rector.

5. ADJOURNMENT

ACTION: MOTION BY VICE MAYOR HERNDON, SECOND BY COUNCIL MEMBER MONCADA, AND PASSED 5-0, TO ADJOURN THE MEETING.

ATTEST:

Mayor, Alvin Broglio

Jennifer Preston, Deputy City Clerk

DRAFT MINUTES THE SPECIAL MEETING OF THE CITY OF ANGELS CITY COUNCIL AND THE CALAVERAS COUNTY BOARD OF SUPERVISORS

Thursday, January 14, 2021

This meeting was held in accordance with executive Order N-2-20, issued by California Governor Gavin Newsom on March 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, Et Seq.), and the Federal Americans With Disabilities Act with Participation via Video Conferencing

Council Members Present:	Alvin Broglio, Jennifer Davis-Herndon, Gretel Tiscornia, Jeremy Leonard, and Isabel Moncada
Council Members Absent:	None
Staff Present:	Melissa Eads, Melissa Raggio and Rose Beristianos

5:00 p.m. CLOSED SESSION

CALL TO ORDER 5:04 PM

1. ROLL CALL

Present: Mayor Broglio, Vice Mayor Herndon, Council Members Tiscornia, Leonard and Moncada.

Absent: None

2. PUBLIC COMMENT

None

3. ADJOURNMENT TO CLOSED SESSION

5:30 p.m. REGULAR MEETING

CALL TO ORDER: 5:36 PM

4. ROLL CALL

Present: Mayor Broglio, Vice Mayor Herndon, Council Members Tiscornia, Leonard and Moncada.

Absent: None

5. APPROVAL OF THE AGENDA

ACTION: MOTION MADE BY VICE MAYOR HERNDON, TO APPROVE THE AGENDA WITH THE AMENDMENT TO ADD REPORT OUT OF CLOSED SESSION, SECOND BY COUNCIL MEMBER MONCADA, AND PASSED 5-0

6. REPORT OUT OF CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNBCEL – ANTICIPATED LITIGATION: Significant Exposure to Litigation pursuant to paragraph (2) of subdivision (d) Government Code § 54956.9: One case

ACTION: DIRECTION GIVEN TO STAFF

7. PUBLIC COMMENT

None

8. CONSENT AGENDA

None

9. REGULAR AGENDA

Discussion and direction from City Council to terminate agreement with Eide Bailly LLP and direct staff to solicit proposals for non-audit finance and accounting services.

ACTION: MOTION MADE BY COUNCIL MEMBER MONCADA TO TERMINATE THE CONTRACT WITH EIDE BAILLY WITH DIRECTION TO EXCUTE PROPOSAL ON THE JANUARY 19, 2021 MEETING, SECOND BY MAYOR BROGLIO, AND PASSED 5-0

10. CALENDAR

NONE

11. ADJOURNMENT

ACTION MADE BY MAYOR BROGLIO TO ADOURN THE MEETING, SECOND BY COUNCIL MEMBER TISCORNIA, PASSED 5-0 TO ADJOURN THE MEETING AT 5:44 P.M.

_____

Mayor, Alvin Broglio

ATTEST:

_____

Jennifer Preston, Deputy City Clerk

City of Angels Council Meeting

January 19, 2021

5. CONSENT AGENDA

E. Approval of Resolution No. 21-02 Authorizing the Development of an Application for Office of Emergency Services Hazard Mitigation Grant Funds for Critical Water/Wastewater Infrastructure

ANGELS CAMP
CALIFORNIA

FIRE DEPARTMENT

CITY OF ANGELS PO Box 667, 1404 Vallecito Road, Angels Camp, CA 95222 P: (209) 736-4081 F: (209) 736-2861

Date: January 7, 2021

To: City Council

From: Nathan Pry, Fire Marshal/Deputy Fire Chief

Re: Resolution approving hazard mitigation grant program and pre-disaster mitigation program applications, Local Match Fund Commitment Letter and, Project Maintenance Letter.

RECOMMENDATION

Staff recommends approving a universal resolution effective for all open and future disaster/grants applications for up to three (3) years following the date of approval **OR** Alternative action; staff recommends approving this resolution for this specific City of Angels critical water/wastewater infrastructure relocation project. Staff recommends authorizing the City Administrator to execute the attached OES forms/letters.

BACKGROUND

We are currently updating the City's Local Hazard Mitigation Plan (LHMP) in conjunction with Calaveras County and UWPA. One of the projects identified in the LHMP was to relocate critical water/wastewater infrastructure located in Angels Creek. The relocation of these water/wastewater lines from the creek will mitigate the potential of a disaster such as a flood from destroying the infrastructure and creating a larger more complex disaster. I submitted notice of intent application to OES in October for this project. The NOI application was approved as a viable project that met the guidelines of the grant, which allows the City to submit a full application for this grant project. In coordination with Dewberry, the City Planner and the Chief Plant operator, we are putting together the full grant application. The full grant application requires the City Council to approve the submittal by resolution which is due January 21, 2021. The City has the option to approve one resolution for this grant application and all potential future applications for a period of three (3) years. Since we have a significant number of projects contained in our Local Hazard Mitigation Plan that we will be pursuing grant funding for, Staff recommends this option rather than a resolution for this specific project. This infrastructure project has been in the planning process for several months prior to the grant submittal. Dewberry has already completed the design and City Planner has completed the EIR. The entire funding for this project was anticipated to come from Water/wastewater capital improvement fund. If successful and the grant is approved by OES, 75% of the cost of the project would be funded by OES with the City contributing the remaining 25% with W/WW capital improvement funds.

In addition to obtaining a resolution from the City Council to submit a full application, OES requires the City Council approve two (2) other letters. The first is called a local match fund commitment letter. This letter simply tell OES that the City's understands there is a 25% commitment and that if the project is successful in being approved, the City is willing to contribute that 25% amount of funding. The second letter is called a project maintenance letter. This letter simply tells OES that the City agrees to perform the necessary maintenance for the entire useful life of the grant project once completed. In this letter OES also requests that you state an allocated amount of annual budget to allow maintenance to occur as needed to ensure the project remains in good repair and operational.

STATE OF CALIFORNIA
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
CAL OES 130

Cal OES ID No: _____

DESIGNATION OF SUBRECIPIENT'S AGENT RESOLUTION
Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program

BE IT RESOLVED BY THE City Council (Governing Body) OF THE City of Angels (Name of Applicant)

THAT City Administrator (Title of Authorized Agent), OR
Administrative Services Director (Title of Authorized Agent), OR
Fire Marshall / Deputy Fire Chief (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Angels (Name of Subrecipient), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Service. for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Angels (Name of Subrecipient), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Governor's Office of Emergency Service for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

[X] This is a universal resolution and is effective for all open and futures Disasters/Grants up to three (3) years following the date of approval below.

[ ] This is a Disaster/Grant specific resolution and is effective for only Disaster/Grant name/number(s) _____

Passed and approved this Tuesday day of January 19, 2021

_____
(Name and Title of Governing Body Representative)

_____
(Name and Title of Governing Body Representative)

_____
(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____ (Name), duly appointed and Deputy City Clerk (Title) of City of Angels (Name of Applicant), do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council (Governing Body) of the City of Angels (Name of Applicant) on the 19th day of January, 2021.

_____ (Signature)

Deputy City Clerk (Title)

<INSERT LETTERHEAD HERE>

LOCAL MATCH FUND COMMITMENT LETTER

<DATE>

<COMPANY NAME>
<ADDRESS LINE 1>
<ADDRESS LINE 2>
<CITY, STATE, ZIP>

RE: < DISASTER & CONTROL #> Subapplication Funding Match Commitment Letter

Dear State Hazard Mitigation Officer:

As part of the Hazard Mitigation Grant Program process, a local funding match of at least 25% is required. This letter serves as <NAME OF SUBAPPLICANT>'s commitment to meet the local match fund requirements for the Hazard Mitigation Grant Program.

SOURCE OF NON-FEDERAL FUNDS:

LOCAL AGENCY FUNDING	OTHER AGENCY FUNDING	PRIVATE NON-PROFIT FUNDING	STATE AGENCY FUNDING
☐	☐	☐	☐

NAME OF FUNDING SOURCE:

FUNDS AVAILABILITY DATE:

PROVIDE EXACT MONTH/DATE/YEAR OF AVAILABILITY OF FUNDS

FEDERAL SHARE AMOUNT REQUESTED: $

MUST MATCH $ AMOUNT PROVIDED IN SUBAPPLICATION

LOCAL SHARE AMOUNT MATCH: $

MUST EQUAL A MINIMUM OF THE 25% FEDERAL SHARE REQUESTED

FUNDING TYPE:

EXAMPLES: ADMINISTRATION, CASH, CONSULTING FEES, ENGINEERING FEES, FORCE ACCOUNT LABOR, AGENCY PERSONNEL, PROGRAM INCOME, ETC.

If additional federal funds are requested, an additional local match fund commitment letter will be required.

Please contact <NAME OF CONTACT> at <PHONE NUMBER & EMAIL> with questions.

Sincerely,

<ADD SIGNATURE HERE OF AUTHORIZED AGENT>

<FIRST AND LAST NAME OF AUTHORIZED AGENT>
<TITLE>
<PHONE>
<FAX>
<EMAIL>

<INSERT LETTERHEAD HERE>

PROJECT MAINTENANCE LETTER

<DATE>

<COMPANY NAME>
<ADDRESS LINE 1>
<ADDRESS LINE 2>
<CITY, STATE, ZIP>

RE: <INSERT DISASTER NUMBER HERE> Project Subapplication

Dear State Hazard Mitigation Officer:

This is to confirm that <NAME OF SUBAPPLICANT> is committed to perform the necessary maintenance for the entire useful life of this project (# OF YEARS) once completed. The <NAME OF ENTITY RESPONSIBLE> is allocating an annual budget of <AMOUNT> which will allow maintenance to occur as needed to ensure the <PROJECT BUILDING/FACILITY> remains in good repair and operational.

ENTITY RESPONSIBLE FOR THE MAINTENANCE:
Example: City of Townsville

PAST MAINTENANCE TASKS INVOLVED:
Explain the maintenance cost before mitigation and explain what the maintenance activities included in the past.

FUTURE MAINTENANCE TASKS INVOLVED:
Explain the maintenance cost after mitigation and explain what the maintenance activities will include in the future.

FUTURE MAINTENANCE SCHEDULE:
Example: Annually

FUTURE COST OF MAINTENANCE:
Example: $10,000.00

SOURCE OF FUTURE MAINTENANCE FUNDS:
Example: Flood Control Funds

Please contact <NAME OF CONTACT> with questions.

Sincerely,

<ADD SIGNATURE HERE OF AUTHORIZED AGENT>

<FIRST AND LAST NAME OF AUTHORIZED AGENT>
<TITLE>
<PHONE>
<FAX>
<EMAIL>

City of Angels Council Meeting

January 19, 2021

5. CONSENT AGENDA

F. Adoption of the City Council Handbook

CITY OF ANGELS

2021

Council Handbook

Mayor Alvin Broglio

Vice-Mayor Herndon

Councilman Leonard

Councilwoman Tiscornia

Councilwoman Moncada

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2. Time for Consideration. Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible and will continue until the matter has been completed, or until other disposition of the matter has been made. 26

3. Continuance of Hearing. Any hearing being held, noticed, or ordered to be held by the Council at any meeting of the Council may, by order, notice, or continuance, be continued or re-continued to any subsequent hearing. 26

4. Communications and Petitions. Written communications and petitions concerning the subject matter of the hearing will be noted and summarized by the Mayor/Presiding Officer. A reading in full shall take place where a majority of the Council votes to have that correspondence read into the record. 26

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6. Resolutions. A resolution is generally adopted by the Council to deal with temporary or special matters, such as when the Council makes only a factual determination or certification that certain necessary conditions or requirements set by statute or ordinance have been met. Resolutions can also express opinions of the legislative body or set temporary standards (i.e. amount of permit processing fees that may be changed again by future resolutions). Resolutions are recorded and kept on file with the City Clerk. A resolution is less formal than an ordinance because it does not become part of the municipal code. 27

7. Ordinances. An ordinance is a law that the Council adopts and in most cases is codified into formal law by means of the published municipal code. An ordinance is the most binding and permanent type of Council action and usually may only be repealed or amended by a subsequent ordinance. Ordinances must be publically read aloud at two (2) Council meetings: introduced at one (1) meeting and adopted at the subsequent meeting (most often at the next meeting). Ordinances may not be passed within five (5) days of introduction unless they are urgency ordinances. A public hearing notice must be published at least ten (10) days prior to the first reading of the ordinance. ...27

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PART I: ADMINISTRATIVE GUIDELINES

A. Purpose of Angels Procedures Manual

The City of Angels (the "City") has prepared this City Officials' Handbook (the "Handbook") to assist Councilmembers and other City Officials (collectively, "City Officials") by documenting accepted practices and clarifying expectations. This Handbook should serve as a reference on adopted practices and procedures pertaining to Angels City Council ("Council") meetings, meetings of Boards, Commissions, or Advisory Groups, provide an overview of City operations, Council powers and responsibilities, expected behavior and decorum from Councilmembers and other elected or appointed officials, and related matters.

The Handbook supersedes any other handbooks which govern the Council, Boards, Commissions, or Advisory Groups.

B. Overview of Basic Documents

This Handbook is a summary of important aspects of City Officials' activities. However, it cannot incorporate all materials and information necessary for understanding the business of City Officials. Many other laws, plans and documents exist which bind the City Officials to certain courses of action and practices. A summary of some of the most notable documents which establish City Official direction is provided below.

1. **Angels Municipal Code:** The Angels Municipal Code ("A.M.C.") contains local laws and regulations adopted by ordinances. Title 2 Administration and Personnel, of the A.M.C. addresses the role and relationship of the Council, Mayor and Vice Mayor. It also describes the organization of Council, Board, Commissions, and Advisory Group meetings, and responsibilities and appointment of certain City staff positions and advisory commissions. In addition to these administrative matters, the A.M.C. contains a variety of laws including, but not limited to, zoning standards, traffic and speed regulations, and local tax standards.

2. **California Government Code:** The state Government Code contains many requirements for the operation of city government and administration of public meetings throughout the state. Many of these requirements, such as open meeting laws, are also replicated within the A.M.C. to ensure there is broad awareness of such requirements. The City is a "general law" city which means it is organized in accordance with provisions of the Government Code and it is bound by the state's general law.

   Also described within the Government Code is the council-City Administrator form of government which is the form of government utilized in the City. This form of government prescribes that the Council's role is to establish policies and priorities, while the role of the City Administrator is to administer the affairs of the city government.

3. **Annual Budget:** The City's annual budget provides a description of City services and the resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization.

4. **General Plan:** Often referred to as a City's development constitution, a state mandated general plan addresses adopted future land development plans and policies.

5. **Emergency Operations Plan:** The City maintains an emergency plan entitled "Emergency Operations Plan" dated August 21, 2021 which describes actions to be taken in periods of extreme emergency. The Emergency Operations Plan may be updated from time-to-time. The Council may be called upon during an emergency to establish policies related to the specific incident.

C. Orientation of New City Officials

It is important that new and incoming City Officials gain an understanding of the full range of services and programs provided by the City. As Councilmembers join the Council or other City Officials join their respective Commission or Board, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which Councilmembers would like more information, arrangements will be made to increase awareness of these operations.

D. Basic Definitions

1. **Chair** is the individual authorized by law, the A.M.C. or City policy to oversee, direct and preside over the public meeting of the City Council, Planning Commission or any other City board or commission.

2. **City Council** is the governing body of the City of Angels, comprised of four (4) Councilmembers and one (1) Mayor.

3. **City Official** is any elected or appointed member of the Angels City Council or Angels Planning Commission or any other City board or commission established by ordinance or City Council policy.

A. Council Functions

The Council is the legislative body of the City; its members are the community's decision makers. Power is centralized in the elected Council collectively, and not in individual members of the Council. The Council approves the budget and determines the public services to be provided and the taxes, fees and assessments to pay for these public services. It focuses on the community's goals, major projects and such long-term considerations as community growth, general plan and land use, development standards, capital improvements, financing and strategic planning. The Council appoints a professional City Administrator to carry out the administrative responsibilities and supervises the City Administrator's performance.

B. Mayor and Vice Mayor Functions

1. **Mayor:** The Mayor is to preside at all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. At Council meetings, the Mayor assists the Council in focusing on the agenda, discussions and deliberations. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

2. **Vice Mayor:** The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice Mayor shall serve in this capacity at the pleasure of the Council.

C. Appointment of City Administrator and City Attorney

The Council appoints two (2) positions within the City organization: City Administrator and City Attorney. Both positions serve at the will of the Council.

1. **City Administrator:** Is an employee of the City and has an employment agreement which specifies terms of employment including an annual evaluation by the Council. City Administrator shall be the administrative head of the City government under the direction of the City Council, except as otherwise provided in the A.M.C. He or she shall be responsible for the efficient administration of all the affairs of the City which are under the City Administrator's control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be the City Administrator's duty and the City Administrator shall have the powers listed in the A.M.C.[i]

2. **City Attorney:** City Attorney services will be provided by contract. The City Attorney attends all Council Meetings as well as other meetings at the request of the Council as deemed necessary. The City Attorney is appointed and serves at the pleasure of the Council.

D. Role in Emergency

Chapter 2.12 of the Angeles Municipal Code governs the preparation, planning and protection of persons and property in the City in the event of an emergency or disaster. The City also has an *Emergency Operations Plan* that assists in governing emergency response.

Per AMC Section 2.12.030, the City's "Emergency Council" (aka Civil Defense and Disaster Council) consists of the following:

- The Mayor, who shall be chairman;
- The City Administrator as Director of Emergency Services, who shall be vice-chair;

- The Assistant Director of Emergency Services, appointed by the mayor with the advice and consent of the City Council who, under the supervision of the Director, shall develop emergency response and disaster plans of the City, and other duties as assigned by the Director;
- Such deputy directors and chiefs of emergency services as are provided for in the City's Emergency Operations Plan; and
- Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the mayor with the advice and consent of the City Council.[ii]

The Emergency Council shall be responsible for the development of the City emergency plan, which shall provide for the effective mobilization of the City's resources, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.[iii] The Council shall meet upon call of the Chairman, or in the Chair's absence, upon the call of the Vice Chairman [AMC 12.12.040(B)].

In the event of a local emergency or state emergency, the office of the Director of Emergency Services shall be created who shall appoint the Assistant Director of Emergency Services.[iv] The Director of Emergency Services' power and responsibilities are outlined in the A.M.C. Section 2.12.050 and 2.12.060[v]

Should the Council be unavailable during an emergency, state or federal law, as applicable, specifies a hierarchy of others who may serve in place of the Council

E. Appointment of Advisory Board and Planning Commissioners

The City currently has two (2) commissions: Planning Commission, and the Museum Commission. In addition, special purpose citizens' committees and task forces are often appointed by the Council to address issues of interest within City limits. The following procedures reflect the policy of the Council regarding the appointment of volunteer citizens to the various advisory bodies and commissions of the City.

Term[vi]: All appointees to any other board, commissions, or committee not described below shall be limited to serving two (2) years. If a board, commission, or committee member is appointed to a partial term that partial term is not counted towards the maximum terms that can be served as designated below.

1. **Planning Commission[vii]:**

Qualifications:	Must be a resident of the City.
Term:	As prescribed in the Angels Municipal Code Section 17.85.030 (3-year terms)
Appointment:	Per Angels Municipal Code Section 17.85.030 (appointed by City Council)

2. **Museum Commission[viii]:**

Qualifications:	Must be a Resident of the City with the exception of two (2) Members can non-residents living within Calaveras County
Term:	Three (3) years. Terms expire on the last day of June.
Appointment:	Made by Mayor with consent of Council.

A. Requests for Research or Information

Councilmembers requests information or research should be directed to the City Administrator. Requests for new information or policy direction will be brought to the full Council for consideration at a regular meeting. All written products will be copied to the full Council.

B. Inappropriate Actions

The Council has delegated the City Administrator the responsibility to discuss, on behalf of the full Council, any perceived or inappropriate action by a Councilmember. The City Administrator will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Administrator will report the concern to the full Council.

A. Councilmember Compensation

State law and the City municipal code provide for modest compensation to members of the Council.[ix] Currently, members receive a salary of $300 per month.

Councilmembers may waive their monthly salaries as provided by state law; however, they may not elect to assign their salary to any person or entity including a charitable organization.[x]

B. Expenditure Allowance

The annual City budget may include an expenditure allowance for expenses necessary for members to undertake official City business. Eligible expenses include travel expenses, including meals for Councilmembers, and mileage reimbursement, which are made for City business.[xi] Donations to organizations are not eligible nor are meals for individuals other than Councilmembers.

C. Expenditure Guidelines

Any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. For example, reimbursement is not allowed to pay for meals at a meeting to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen or spouse attending a meeting.

City budgetary practices and accounting controls apply to expenditures within the Council budget. Councilmembers should plan expenditures, which will allow them to remain within the annual allocation. When exceptional circumstances require that additional amounts be allocated, the request must be made to the City Administrator, and Council action may be necessary. Reimbursement requests should be made through the City Administrator's office with receipts.

A. Overview

Perhaps the most fundamental role of a Councilmember is communication; communication with the public to assess community options and needs and communication with staff to provide policy directions and to gain an understanding of various policy alternatives. Because the Council performs as a body (that is acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking "for" the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

B. Speaking "for the City"

When Councilmembers are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a Councilmember may clarify their vote on a matter by stating "While I voted against X, the Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the Council's position rather than that of an individual member.

C. Correspondence from Councilmembers

1. Members of the Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information.

2. The following is the policy of the Angels Council relative to official and non-official correspondence by members of the Council.
   a. Councilmembers shall not write or send letters on City stationary without Council approval.
   b. The Mayor is authorized to send thank you and acknowledgement letters as they directly pertain to the City in its usual course of business. Such correspondence shall not represent or include City endorsements, positions, etc. In addition, the Mayor may sign correspondence drafted by the City Administrator which the City Administrator believes is more appropriately signed by the City's chief elected official. Such correspondence may include public notices, invitations, information, etc. All correspondence signed by the Mayor shall have a copy forwarded to each Councilmember.
   c. Councilmembers may endorse political candidates, initiatives, legislation or positions using their own stationary. They may identify themselves by City position and title, but in no case shall said endorsements infer that the City or Council supports said position or candidate. Members are encouraged to notify or send copies of said endorsement to the full Council.
   d. The Council policy is that it will not support individual political candidates, but may vote to support or take stands on initiatives, measures (i.e. school bonds) or other legislation as appropriate and permissible under state law. The Mayor shall be authorized to sign letters stating the Council's position.

D. Confidential Issues

Confidential issues, including anything which has been discussed in a closed session, shall not be disclosed to any member of the public, including the press.

E. Local Ballot Measures

At times ballot measures may be placed on the ballot that affect Council policy. There are restrictions regarding what actions Council or individual members may take on ballot measures under California Law.

F. State Legislation, Propositions

The Council is frequently requested to take action on pending state legislation. The Council has adopted a practice of requiring analysis of bills prior to taking any official position. The analysis is to include a summary of the legislation's purpose and a listing of those entities both in support and against the proposed legislation.

G. Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the City can make special recognition of an event (e.g. Recycling Week). As part of his or her ceremonial responsibilities, the Mayor is charged with administration of Proclamations. Individual Councilmembers do not issue proclamations, but may request that the Mayor issue a proclamation.

A. Conflict of Interest

State laws are in place that attempt to eliminate any action by a City Official that may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

Newly elected officials are required to file a Statement of Economic Interest (Form 700) within thirty (30) days of being sworn into office. Thereafter, elected officials are required to file an annual Form 700. The City Clerk's Department will notify you of your filing requirements. Written permission must be obtained before posting elected officials' home addresses or telephone numbers on the Internet.

At any time if a City Official believes that a potential for conflict of interest exists, he or she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a City Official's potential conflict. Laws which regulate conflicts are very complicated. Violations may result in significant penalties or fines, including criminal prosecution.
While not inclusive, a general summary of conflict rules has been prepared and appears below.

There are several laws that govern conflicts of interest for public officials in California – the Political Reform Act, Government Code section 1090, and Government Code section 87105 (http://leginfo.legislature.ca.gov/faces/codes.xhtml). In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official. Section 1090 prohibits a public official from being interested in government contracts; and section 87105 requires a public official who has a conflict of interest to publicly announce the conflict, recuse himself or herself and leave the room until after the discussion and voting on the matter is complete.

B. Political Reform Act

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a disqualifying conflict of interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. During that discussion, the official must leave the Council Chambers or where the discussion is taking place.

An official has a financial interest if "it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally" on one or more of the economic interests of the official or a member of the official's immediate family.

As of 2015, economic interests include interests in businesses worth $2,000 or more, interests in real property, both ownership and leases, worth $2,000 or more, a source of income in an amount of $500 or more, and gifts of $460 or more provided to or received within one (1) year of the decision. These dollar amounts are subject to annual increases. Please check with the City Attorney to verify the current dollar amounts.

Often the economic interest involved is real property owned or leased by the City Official. In these cases, a public official is presumed to have a conflict of interest if he or she has a direct or indirect interest worth two thousand dollars ($2,000) or more in fair market value.[xii] If a Councilmember has a pro rata share interest in real property, in which the Councilmember or immediately family member owns, and has a ten percent (10%) or greater interest in the property, then that is also a conflict of interest.[xiii]

Determining whether a Councilmember has a disqualifying conflict of interest is very complicated and fact specific. Please contact the City Attorney if you suspect that you may have a conflict of interest so that a formal four-step analysis of the potential conflict can be provided.

Government Code section 87105 states that a Council or commission member who has a conflict of interest must recuse himself or herself and leave the room, unless the matter is on the Consent Calendar.[xiv] After it has been determined that a conflict of interest exists under the Political Reform Act, the following steps must take place:

1. **Publicly identify the financial interest.** This must be done in enough detail for the public to understand the economic interest that creates the conflict of interest. Residential street addresses do not have to be disclosed.

2. **Recuse yourself from both the discussion and the vote on the matter.** Recusal applies to all proceedings related to the matter.

3. **Leave the room until the matter has been completed.** The matter is considered complete when there is no further discussion, vote, or any other action.[xv]

Exceptions: if the matter is on the consent calendar, recusal is not required. Additionally, if the individual with the conflict wants to speak during public comment, he or she may do so as a private citizen. However, this is the only time he or she may be in the room while the matter is being considered.

The Fair Political Practices Commission ("FPPC") has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.

C. Government Code Section 1090

Government Code section 1090 is similar to the Political Reform Act, but it applies only to City contracts in which a public official has a financial interest. The financial interests covered by section 1090 are different than those in the Political Reform Act. Having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating section 1090 are severe. If a City Official believes that he or she may have any financial interest in a contract that will be before the Council, the member should immediately seek advice from the City Attorney or the City Official's personal attorney.

There are a number of other restrictions placed on Council actions which are highlighted in the League of California Cities Handbook. Such restrictions include prohibitions on secrecy and discrimination, as well as assurance that all City funds are spent for public purposes. Violations of these restrictions may result in a personal liability for individual City Officials.

D. Conflict of Interest Forms

Annual disclosure statements are required of all Councilmembers, designated commissioners, and senior staff. These disclosure statements indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers often serve on the governing board of other local agencies as a result of appointment or delegation through the Council. These agencies will also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

E. Ex Parte Communications

All Councilmembers may have "ex parte" communications – meaning communications outside the meeting forum. However, such communication should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the official or other officials in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. This guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests. The applicable California law, the Brown Act, is discussed

in Chapter 10 of this Handbook and provides more detail as to Councilmembers' obligations under California state law.

F. Liability

The City is a large institution offering a variety of services and may often find itself subject to legal actions through lawsuits. The City must always approach its responsibilities in a manner which reduces risk to all involved. However, with such a wide variety of high profile services (e.g. police, fire) risk cannot be eliminated.

The City belongs to an agency with other cities in the San Joaquin Valley to manage insurance and risk activities. When claims are filed against the City they are sent to the City's claims examiner to review and make recommendations. Unless there is a clear liability on the part of the City, the claim will normally be recommended for denial. The Claim is placed on the Council agenda for rejection but will only be discussed in closed session if Council desires. Council should be careful discussing details of a claim or lawsuit outside of closed session.

It is important to note that violations of certain laws and regulations by individual City Officials may result in that official being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

G. AB 1234 Training

State law requires the City to advise local officials, subject to California's ethics education requirements about their compliance options at least once a year.[xvi] The City will ensure that all local officials will be provided the AB 1234 Ethics Training.

A. Overview

Council policy is implemented through professional staff. Therefore, it is critical that the relationship between the Council and staff be well understood by all parties so policies and programs may be implemented successfully. The City of Angels has a long tradition of positive relationships between members of the Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

B. Council-Manager Form of Government

Angels governs under a Council-City Manager form of government. This structure reflects that it is the Council's role to establish City policy and priorities. The Council appoints a City Administrator to implement this policy and undertake the administration of the organization. The Council is to work through the City Administrator in dealing with City staff. Indeed, the A.M.C. requires Councilmembers to work through the City Administrator.

The City Administrator is appointed by the Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the Council. The City Administrator is responsible to the Council rather than to individual Councilmembers and directs and coordinates the various departments.

C. Council-Manager Relationship

1. **Employment relationship between the Council and City Administrator**: This relationship honors the fact that the City Administrator is the chief executive officer of the City. The Council should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the Council. Regular communication between the Council and City Administrator is important in maintaining open communications. All dealings with the City Administrator, whether in public or private, should respect the authority of the City Administrator in administrative matters. Disagreements should be expressed in policy terms rather than in terms that question satisfaction with or support of the City Administrator.

2. **Evaluation:** The Council is to evaluate the City Administrator on an annual basis and pursuant to the terms of the City Administrator's contract with the City.

3. **Open Communication:** As in any professional relationship, it is important that the City Administrator keep the Council informed. The City Administrator respects and is sensitive to the political responsibility of the Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the Council. The City Administrator encourages regular one on one meetings with Councilmembers to provide information on various issues before the Council.

4. **Staff Roles:** The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole through the City Administrator or from the appropriate management supervisors. The Council is discouraged from instructing staff directly but should instead submit any requests to the City Administrator or City Attorney. Further, any comments or concerns from the Council should be communicated to the City Administrator or City Attorney. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

   City staff will make every effort to respond in a timely and professional manner to all requests made by individual Councilmembers for information or assistance, provided that, in the judgment of the City Administrator, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full Council.

D. City Administrator Code of Ethics

City Administrator is subject to a professional code of ethics from his or her professional association. These standards appear in Appendix A of this Handbook, the ICMA Code of Ethics. It should be noted that this code binds the City Administrator to certain practices which are designed to ensure actions are in support of the City's best interests. Violations of such standards can result in censure by the professional association. This code is posted in the City Administrator's office.

E. Council-City Attorney Relationship

1. **City Attorney:** The City Attorney is the legal advisor for the Council, City Administrator, and department heads.

2. **City Attorney Legal Responsibilities.** The general legal responsibilities of the City Attorney are to:

   a. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;

   b. Represent the City's interest, as determined by the Council, in litigation, administrative hearings, negotiations and similar proceedings;

   c. Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and

   d. To keep Council and staff apprised of court rulings and legislation affecting the legal interest of the City

3. **City Attorney Representation:** It is important to note that the City Attorney does not represent individual Councilmembers, but the Council as a whole.

F. City Administrator-City Attorney Relationship

The City Attorney provides legal support and advice to the City Administrator to assist him or her in implementing Council policies and exercising his or her authority as the chief executive officer of the City. The City Attorney also keeps the City Administrator apprised of current relevant court rulings and legislation. It is important to note that the City Attorney represents the Council and the City as a whole, not the City Administrator, Councilmembers, or individual residents of the City. The City Attorney may share confidential information obtained from the City Administrator with the Council if necessary to protect the best interests of the City, and vice versa.

G. Access to Information and Communications Flow

1. **Objectives:** It is the responsibility of staff to ensure Councilmembers have access to information from the City and to insure such information is communicated completely and with candor to those making the request. However, Councilmembers must avoid intrusion into those areas that are the responsibility of the staff. Individual Councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Councilmembers, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal.

2. **Council Roles:** The full Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, departmental priorities, and the performance of City business.

Individual members of the Council should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Councilmembers also have a responsibility of information flow. It is critical that they make extensive use of staff and commission reports and commission minutes. Councilmembers should come to meetings prepared—having read the council agenda packet materials and supporting documents, as well as any additional information or memoranda provided on city projects or evolving issues. Additional information may be requested from staff, if necessary.

3. **Access to Information:** Individual Councilmembers, as well as the Council as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The City Administrator or City Attorney will pass critical information to all Councilmembers. The Council will always be informed by the City Administrator or City Attorney when a critical or unusual event occurs about which the public would be concerned.
   There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, administrative draft EIRs) are under review and not available for release until complete and after review by City management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the Council. Certain aspects of police department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council. Confidential personnel information also has restrictions on its ability to be released. Any concerns Councilmembers may have regarding the release of information, or the refusal of staff to release information, should be discussed with the City Attorney for clarification.

H. Dissemination of Information

In cases where a staff response to an individual Councilmember request involves written materials which may be of interest to other Councilmembers, the City Administrator will provide copies of the material to all other Councilmembers. In making this judgment, the City Administrator will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

I. Staff Relationship with Advisory Bodies

Staff support and assistance may be provided to commissions and task forces, but advisory bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Administrator and Council. The members of the commission or committee are responsible for the functions of the advisory body, and the commission or committee Chair is responsible for committee compliance with the policies outlined in the A.M.C.

Staff support includes preparation of a summary agenda and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person serves as secretary, taking minutes as needed.

It is important that advisory bodies wishing to communicate recommendations to the Council do so through adopted or approved Council agenda procedures. In addition, when a commission or committee wishes to correspond with an outside agency, correspondence should be reviewed and approved by the Council. Individuals who would like a commission or committee to review a particular issue must also gain approval for such a request from the full Council. Staff members are to assist the advisory body Presiding Officer to ensure appropriate compliance with state and local laws and regulations.

J. Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of Council-City Administrator form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

1. **Staff Members:** By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and general employees.

2. **Management Staff:** The City Administrator strongly discourages any involvement in local campaigns even while on personal time. Such involvement erodes the tenet that staff are to provide an equal level of service to all members of the Council.

3. **General Employees:** These employees have no restrictions while off the job; however, no participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaigns or other political activities while in City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the Council in these matters is requested. A Councilmember asking staff to sign petitions or similar items can create an awkward situation.

K. General Conduct Expectations

Councilmembers are expected to uphold a high standard of civility towards each other and to abide by the City's Ethics and Civility Code. Civility is expected between Councilmembers, the public, and City staff while in Council meetings and when out in public. Rude behavior and profanity will not be tolerated.

While in public, Councilmembers should be aware that they are still viewed as elected representatives of the citizens of the City. As such, Councilmembers' behavior in public shall be appropriate and shall not include inappropriate gesturing (including, but not limited to, crude or offensive body language, gyrating, or other inappropriate body movements) or profanity.

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts should model the same professional behavior displayed during Council meetings and community meetings.

Social media sites are not to be used as mechanisms for conducting official City business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing and discussing items of legal or fiscal significance that have not been previously released to the public. Officials' social media site(s) should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct official City business. Officials will not post or release proprietary, confidential, or sensitive information on social media websites.

Councilmembers must conduct themselves in a respectable manner as to not damage the prestige of his or her elected title. In the performance of their official duties and in public, they should refrain from any form of conduct which may cause any reasonable person unwarranted offense or embarrassment.

A. Filling Council Vacancies

A vacancy on the City Council may be filled by appointment or call of a special election in the manner prescribed by law. Alternatively, the City Council may appoint a person to fill a vacancy on the City Council to hold office only until the date of a special election, which shall be immediately called to fill the remainder of the term. The special election may be held on the date of the next regularly established municipal election or other regularly established election to be held in the City more than one hundred fourteen (114) days from the call of the special election.[xvii]

B. Conflicts of Interest While Leaving Office

A public official may not use his or her official position to influence prospective employment. California law prohibits elected officials, who held a position with the agency from lobbying the agency, to take any action within one (1) year of official's departure from office or employment.[xviii] However, the individual may appear before the agency with which the official worked if the official is appearing on behalf of another public agency.

C. Filling Vacancies for Boards, Commissions, or Advisory Groups

A vacancy on any one of the City's Boards, Commissions, or Advisory Groups may be filled by appointment by the Mayor with consent of the Council. Chapter 2, Section E of this Handbook shall be followed when filling vacancies for any Boards, Commissions, or Advisory Boards.

A. Policy

1. **Introduction.** The Council shall comply with the provisions of the Ralph M. Brown Act, the Open and Public Meeting Law (the "Brown Act").

2. **Penalties and Applicability.** The intent of the Brown Act is to ensure that deliberation and actions of local public agencies are conducted in open and public at meetings.

   a. Penalties: The law provides for misdemeanor penalties for members of a body who violate the Brown Act.[xix] Violations are also subject to civil action.[xx]

   b. Applicability: The Brown Act applies to the Council, all commissions, boards, and task forces that advise the Council. Staff cannot promote actions which would violate the Brown Act.

B. Meetings

1. **General.** All meetings shall be open and public. A meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions do not fall under the Brown Act unless City business is discussed.

2. **Serial Meetings.** These can take place, and are prohibited by the Brown Act, when any member of the Council or City staff contact more than two (2) Councilmembers for the purpose of deliberating or acting upon an item pending before the Council (does not apply to the public or media). Correspondence that merely takes a position on an issue is acceptable.

C. Procedure

The following procedure shall be followed:

a. Posting the Agenda: Agendas for regular meetings must be posted seventy-two (72) hours in advance of the meeting and must include the following:

   i. Time and location of the meeting.

   ii. Description of the agenda items. The description should be reasonably calculated to adequately inform the public, and should include the contemplated Council action.

   iii. Public Comments Section. A section providing an opportunity for members of the public to address the Council. (The public comments portion of the agenda meets this requirement).

   iv. Agendas in uniform font. Agendas for all Council meetings shall be in Arial font. The City shall comply with provisions of the Brown Act and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) in making the agenda and documents in the agenda packet available in appropriate alternative formats to persons with a disability.

b. Affidavit of Posting. Immediately after posting the agenda, the City Clerk will prepare and sign an affidavit of posting, declaring the date and place where the agenda was posted. These affidavits will be filed in the City Clerk's office for public reference.

D. Actions

No action can be taken on any item not appearing on the posted agenda.

E. Ex Parte Communication

All Councilmembers may have "ex parte" communications – meaning communications outside the meeting forum. However, such communication should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the official, or other officials, in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. This guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests.

Councilmembers who have ex parte communications with a party that appears before them at the meeting, should disclose that he or she had ex parte communication with the party. This can be done by stating that the Councilmember had ex parte communication with a party at a time in the meeting when the item is discussed.

Any written ex parte communication received by an official in a matter when all interested parties should have an equal opportunity for a hearing, shall be made a part of the record by the recipient.

A. Council Meetings

1. **Regular Meetings.** Consistent with the A.M.C., regular meetings of the Council shall be held the first and third Tuesdays of each month, commencing at 6:00 p.m. in the City Council Chambers, Angels City Fire Department, 1404 Vallecito Road, Angels, California 95222.[xxi]

   a. Other Locations. The Council may, from time to time, elect to meet at other locations within the City, and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.[xxii]

   b. Location During Local Emergency. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the City Fire Department, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Vice Mayor or City Administrator.[xxiii]

   c. Holidays. When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall automatically be held on the next regular business day at the regular time and place unless canceled by the Council.[xxiv]

2. **Special Meetings & Emergency Meetings.** Special meetings and emergency meetings of the Council may be called and held from time to time consistent with, and pursuant to, the procedures set forth in the Government Code.[xxv]

3. **Adjourned Meetings.** The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Government Code.[xxvi]

4. **Closed Session.** The Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter which is authorized by State law to be heard in closed session. The general subject matter for consideration shall be expressed in open meeting before such session is held.[xxvii]

   a. Time Limit: Closed Sessions may begin earlier than 6:00 p.m., as needed, as long as the closed session items are agendaized and the time for their consideration is specified in the agenda.[xxviii] Closed session must conclude promptly at 6:00 p.m. regardless of whether there is a pending action that must be taken. Closed session may be continued and reconvened after the regular meeting to finish any unfinished agenda items.

5. **Cancellation of Regular Meetings.** Any meeting of the Council may be canceled in advance by a majority of the Council.

6. **Quorum.** A majority of the Council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time, and compel attendance of absent members in the manner and under the penalties prescribed by ordinance.[xxix] If all Councilmembers are absent from any regular meeting, the City Clerk shall declare the meeting adjourned to a stated day and hour. The City Clerk shall cause a written notice of the adjournment to be delivered personally to each Councilmember at least three (3) hours before the adjourned meeting.[xxx]

7. **Chair.** The Mayor shall preside over all Council meetings. The Mayor shall have the authority to preserve order at all Council meetings, to call for the removal of any person or persons from any

meeting of the Council for disorderly conduct, to interpret and enforce the procedural guidelines of the Council, and to determine the order of business under the guidelines of the Council.[xxxi]

a. Absence of Mayor - The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.[xxxii]

b. Mayor & Vice Mayor Absence - When the Mayor and Vice Mayor are absent from any meeting of the Council, the Councilmembers present may choose another member to act as Vice Mayor, and that person shall, during that meeting, have the duties of the Mayor.[xxxiii]

c. Presiding Officer – The Presiding Officer for any City appointed or created commissions, committees and boards shall preside over public meetings of such commissions, committees and boards.

8. **Attendance by the Public.** Except as specifically provided by law for closed sessions,[xxxiv] all meetings of the Council shall be open to the public in accordance with the terms, provisions and exceptions consistent with State law.[xxxv]

9. **Action Minutes.** The City Clerk, or his or her designee, will maintain a written record and attest to the proceedings of the Council in the form of action minutes. Action minutes will include final motions with votes of the Council, and reflect the names of public speakers.[xxxvi]

10. **Recordings of Meetings.** Video recordings of proceedings shall be made and shall be permanently maintained by the City Clerk.[xxxvii]

B. **Policy Decision Making Process**

1. **Ad-Hoc Committees.** Ad-Hoc Committees are formed on an as needed basis with a clearly defined purpose and term. Ad-Hoc Committees will consist of two (2) Councilmembers appointed by the Mayor.

2. **Study Session.** Study session items are placed on agendas for the purpose of open discussion. During study sessions, Councilmembers may hear reports from staff or others, ask questions, or invite public input.

3. **Town Hall or Community Meetings.** Such meetings may be held by an individual Councilmember and are not considered official governmental committees or Council meetings. Town Hall or Community Meetings do not require formation or appointment by the Mayor or Council. The Councilmember shall disclose this fact at their town hall meeting(s). To avoid possible Brown Act violations, only two (2) Councilmembers may participate in the discussion at a Town Hall or Community Meeting.

A. General Order

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

B. CLOSED SESSION (IF NECESSARY)

a. The Council meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to public and news media. These are:

i. Closed sessions held at such times pursuant to Government Code Section 54957.6 where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.

ii. Security or emergencies.

iii. Personnel sessions.

iv. Closed sessions to consider potential or pending litigation in which the City or an officer or employee is or could be a party.

b. Matters discussed in closed sessions are considered confidential:

i. Labor Relations: As a matter of policy, the Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are presented as those of the Council as a whole. Members of the Council agree that positions and agreements shall not be divulged.

ii. Personnel Sessions: Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

iii. Security – For obvious reasons: Arrangements made to address threats to the City or its property must be kept confidential.

iv. Litigation: Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position.

c. The Council must adhere to the time limits for closed session in order to begin the regular meeting in a timely manner. If the Council does not conclude the closed session in the required timeframe as set forth in the Agenda, the Council will temporarily continue the closed session meeting until the close of the regular meeting.

C. CALL TO ORDER

D. PLEDGE OF ALLEGIANCE

E. ROLL CALL

F. CONFLICT OF INTEREST

G. APPROVAL OF AGENDA.

A motion should be made to approve the agenda for the current meeting. Should a Councilmember wish to remove an item from the consent calendar for separate discussion, any Councilmember may do so during the approval of the agenda or during the approval of the consent calendar.

H. PRESENTATIONS/PROCLAMATIONS/RECOGNITION.

All special presentations, proclamations and recognitions will be calendared and coordinated through the Mayor, City Clerk, or City Administrator.

I. PUBLIC COMMENT (NON AGENDA ITEMS)

J. ITEMS FROM THE CITY COUNCIL

K. CONSENT CALENDAR.

All matters listed under the Consent Calendar are considered by the Council to be routine and will be acted upon in a single motion. Separate discussions of these items may be requested by a Councilmember or staff member prior to the time the Council considers the motion to adopt. A member of the public may not pull an item from the consent calendar.

Agenda items requested for removal from the consent calendar by Councilmembers or staff will be considered at the beginning of the "Unfinished Business" Section of the agenda. Members of the public cannot request for the removal of agenda from the consent calendar. A Councilmember may vote "no" on any consent item without comment or discussion. Any substantive Council comments, questions or discussion on an item will require removal of the item from the consent calendar.

L. PUBLIC HEARINGS. The guidelines for conducting public hearings are discussed below at sub-section B of this Chapter.

M. UNFINISHED BUSINESS

N. NEW BUSINESS

O. OTHER AGENCY BUSINESS

P. ITEMS FROM THE CITY TREASURER

Q. ITEMS FROM THE CITY ATTORNEY

R. ITEMS FROM THE CITY ADMINISTRATOR

S. INFORMATIONAL ITEMS. Upcoming Meetings (30-day calendar)

T. ADJOURNMENT TO NEXT REGULAR MEETING OF (Date)

B. Action on Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda seventy-two (72) hours prior to the Council meeting unless an exception is made as permitted by the Government Code.[xxxviii]

C. Items Placed on Written Agenda

Items of business shall be placed upon the written agenda prior to the deadline announced or observed for the preparation thereof, at the request of the City Administrator or the City Attorney.

Any member of the City Council may place an item on a future agenda by making a formal request to the City Administrator at a meeting of the City Council. The City Administrator will place City Council items on a future City Council agenda when reasonable based on the staff time and research necessary to prepare the item for City Council consideration.

D. Items from the City Council, City Treasurer, City Administrator, or City Attorney

These sections of the agenda provide the opportunity for brief comment on City business, City operations, City projects, and other items of general interest.[xxxix]

E. Public Hearings:

1. **General Procedure.** Certain actions of the Council require a public hearing, wherein the community receives an opportunity to provide testimony in front of the Council to adopt a resolution, introduce an ordinance, or approve a document. Zoning ordinances always require a public hearing. Check with the City Attorney if in doubt as to whether a public hearing is required. The Council procedure for the conduct of public hearings is generally as follows:

   a. The Staff Presents its Report. After the Mayor/Presiding Officer announces the item as it appears on the agenda, City staff will give a presentation to the City Council and the public on the staff report prepared for the matter.

   b. Initial Questions to Staff by the Council. Prior to opening up a public hearing on a matter, Councilmembers may ask questions of staff or third party consultants regarding the staff report and the item.

   c. Mayor/Presiding Officer Opens the Public Hearing:

      i. Applicant or Appellant Presentation. The applicant or appellant then has the opportunity to present comments, testimony, or argument.

      ii. Public Testimony. Members of the public are provided with the opportunity to present their comments, testimony, or argument. Members of the public presenting comments, testimony, or argument will follow the following guidelines:

         1. Members of the Public Request to Speak. Any person desiring to speak or present evidence shall make his or her presence known to the Mayor/Presiding Officer and upon being recognized by the Mayor/Presiding Officer, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor/Presiding Officer.

         2. Council Questions of Speakers. Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor/Presiding Officer.

         3. Public Oral Presentations. All Council guidelines pertaining to oral presentation by members of the public apply during public hearings. These guidelines are discussed below in Chapter 13: "Addressing the Council."

4. Materials for Public Record. All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence.

5. Germane Comments. No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor/Presiding Officer, but may be appealed to the full Council.

   i. The applicant or appellant is given an opportunity for rebuttal or closing argument.

   ii. The public input portion of the public hearing is closed.

d. Questions and discussion from the Council. Councilmembers should not express their opinions on an item prior to the close of the public hearing, as the Councilmembers should not form or express an opinion until after all testimony has been received. Questions and comments from the Council should not be argumentative, and the Council should not engage in debates with staff, or those members of the public testifying to an opinion, until after all testimony has been received.

   Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and have the reason entered in the minutes. If the dissenting Councilmember desires such dissent or protest to be entered into the minutes, this should be made clear by language such as "I would like the minutes to show that I am opposed to this action for the following reasons..."

e. Council decision occurs. Once the Council completes its discussion of the matter, a Councilmember may make a motion to take action on the item. A Councilmember may also make a motion to table, amend, substitute, postpone, or continue the matter, pursuant to these Procedures. If the Council is unsuccessful in carrying a motion on the matter before the adjournment of the meeting, the motion shall be deemed to have failed.

f. The Mayor/Presiding Officer will announce the final decision of the Council.

F. **Time for Consideration**. Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible and will continue until the matter has been completed, or until other disposition of the matter has been made.

G. **Continuance of Hearing.** Any hearing being held, noticed, or ordered to be held by the Council at any meeting of the Council may, by order, notice, or continuance, be continued or re-continued to any subsequent hearing.

H. **Communications and Petitions**. Written communications and petitions concerning the subject matter of the hearing will be noted and summarized by the Mayor/Presiding Officer. A reading in full shall take place where a majority of the Council votes to have that correspondence read into the record.

I. **Ex-Parte Contacts**. Should a Councilmember and one (1) or more members of the public make contact outside of the hearing process regarding a matter which is, or may be, before the Council for a quasi-judicial hearing, as soon as the Council is informed that the matter will come before it as a

quasi-judicial hearing, that Councilmember must disclose the substance of the contact and the names of the parties on the record at the beginning of the Council's quasi-judicial hearing. Visits by Councilmembers to sites or properties that are the subject of such pending hearings, shall also be disclosed at the beginning of the Council's quasi-judicial hearing.

J. **Resolutions**. A resolution is generally adopted by the Council to deal with temporary or special matters, such as when the Council makes only a factual determination or certification that certain necessary conditions or requirements set by statute or ordinance have been met. Resolutions can also express opinions of the legislative body or set temporary standards (i.e. amount of permit processing fees that may be changed again by future resolutions). Resolutions are recorded and kept on file with the City Clerk.[xl] A resolution is less formal than an ordinance because it does not become part of the municipal code.

K. **Ordinances**. An ordinance is a law that the Council adopts and in most cases is codified into formal law by means of the published municipal code. An ordinance is the most binding and permanent type of Council action and usually may only be repealed or amended by a subsequent ordinance. Ordinances must be publically read aloud at two (2) Council meetings: introduced at one (1) meeting and adopted at the subsequent meeting (most often at the next meeting). Ordinances may not be passed within five (5) days of introduction unless they are urgency ordinances.[xli] A public hearing notice must be published at least ten (10) days prior to the first reading of the ordinance.[xlii]

L. **Urgency Ordinances**. An urgency ordinance is a special type of ordinance that is only brought once before the Council for a vote.[xliii] It does not go on the Consent Calendar and usually cannot be codified into the municipal code.

M. **Voting & Publishing Requirements for Resolutions and Ordinances**.

a. Voting. All resolutions and ordinances require a recorded majority vote of the total membership of the Council.[xliv] Ordinances shall be signed by the Mayor and attested by the City Clerk.[xlv]

b. Publishing. The rates of taxes to be levied, or the amount of revenue required to be raised by taxation, may be fixed either by ordinance or resolution. Where the tax rate or the amount of revenue required to be raised by taxation is fixed by resolution, such resolution shall be published in the same manner and within the same time as ordinances are required to be published.[xlvi] Within fifteen (15) days after the ordinance passes, the City Clerk shall cause each ordinance to be published at least once, with the names of those City Councilmembers voting for and against the ordinance, in a newspaper of general circulation circulated in the City of Angels.[xlvii] Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but these ordinances shall be posted in the manner and at the time required by the Government Code.[xlviii] Except as provided in Section 36937 of the Government Code, an ordinance shall not take effect or be valid unless it is published or posted pursuant to Government Code Section 36933 and not until thirty (30) days after the final passage of an ordinance. The publication and posting of ordinances may be satisfied by the actions prescribed in Government Code Sections 36933(c)(1) and 36933(c)(2).

c. Exceptions to Publishing Requirement. An ordinance takes effect immediately if it is an ordinance: (i) relating to an election; (ii) for the immediate preservation of public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Council; (iii) relating to street improvement proceedings; (iv) relating to taxes

for the usual and current expense of the City; or (v) covered by particular provisions of law prescribing the manner of its passage and adoption.[xlix]

A. General Procedures

It is the policy of the Council not to become involved in the protracted discussion over parliamentary procedure. Consistent with any City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Presiding Officer, subject to appeal to the full Council.

B. Authority of the Mayor/Presiding Officer

Subject to appeal to the full Council, the Mayor/Presiding Officer shall have the authority to prevent the misuses of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor/Presiding Officer shall be courteous and fair and should presume that the moving party is acting in good faith.

C. Mayor to Facilitate Council Meetings

The Council delegates the responsibility and expands the role of Mayor/Presiding Officer to include the facilitation of Council meetings. In the role as facilitator, the Mayor/Presiding Officer will assist the Council to focus on their agenda, discussions and deliberations.

D. Council Deliberation & Order of Speakers

The Mayor/Presiding Officer is delegated the responsibility to oversee the debate and the order of speakers. Speakers will generally be called upon in the order they request to speak as recognized by the Mayor/Presiding Officer.

E. Limit Deliberation to Item at Hand

Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.

F. Length of Council Comments

Councilmembers will govern themselves as to the length of their comments or presentations. The Council delegates to the Chair the responsibility to assist the Council by signaling if a Councilmember has been speaking for an excessive time period. Comments from Councilmembers are limited to five (5) minutes for each Councilmembers, unless the Council, by concurrence, extend such time.

G. Limitations of Debate

Councilmembers will be allowed to speak once before the Mayor/Presiding Officer opens the matter for public comment. Councilmembers may speak a second time after the close of public comment if more time is allowed by the Mayor/Presiding Officer or the majority of the Council. Comments from Councilmembers are limited to five (5) minutes for each Councilmember, unless the Council, by concurrence, extend such time.

H. Obtaining the Floor

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

I. Motions

Motions may be made by any member of the Council, including the Mayor, providing that before a motion is offered by the Mayor, the opportunity for making a motion is offered to the other Councilmembers. Any members of the Council, other than the person offering the motion, may second the motion.

1. **Procedure for Motions:** Before a motion can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion

offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor. Once the matter has been fully discussed and the vote is called for, no further discussion will be allowed; however, Councilmembers may be allowed to explain their vote.

a. Process to Make and Second a Motion. Councilmembers wanting to make or second a motion may do so through a verbal request to the Mayor.

2. **Precedence of Motions:** When a motion is on the floor, no other motion shall be entertained except the following, which shall have precedence in the following order:

a. Motion to Adjourn the Meeting (not debateable). A motion to adjourn shall be in order at any time, except as follows:

i. When repeated after defeat without any intervening business or discussion.

ii. When made as an interruption of a Councilmember who is speaking.

iii. While a vote is being taken.

A motion to adjourn "to another time" shall be debatable only as to the time which the meeting is adjourned

b. Motion to Fix Hour of Adjournment. Such motion shall be set to a definite time at which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posted on or near where the meeting was held within twenty-four (24) hours of the adjournment. [I]

If the subsequent meeting occurs within five (5) days of the original meeting, the Council may consider matters placed on the original meeting agenda without posting a new agenda. If the subsequent meeting occurs more than five (5) days from the original meeting, a new agenda must be prepared and posted. [Ii]

c. Motion to Table. A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be "taken from the table" at any time by a motion made prior to the end of the meeting. If the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.

d. Motion to Amend. A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending on whether the motion to amend carries.

e. Motion to Substitute. A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable, and voted on before a vote on a motion to amend the main motion amendment.

f. Motion to Continue. Motions to continue to a definite time shall be amendable and debatable as

to the propriety of postponement and time set. If desired, the Councilmember who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

3. **Motions Introducing Ordinances.**[lii] Ordinances shall not be passed within five (5) days of their introduction unless they are urgency ordinances. Ordinances may only be passed at a regular meeting and must be read in full at the time of introduction and passage except when, after reading the title, further reading is waived. Motions introducing ordinances for adoption at a future meeting are deemed to include a waiver by the Council of the full reading of the text and title of the proposed ordinance unless the motion otherwise specifically so provided. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting held at least five (5) days after alteration. Corrections of typographical or clerical errors are not considered alterations for purposes of this paragraph.

J. Voting Procedures

Any Councilmember present at a meeting when a question comes up for a vote, should vote for or against the measure unless he or she is disqualified from voting and abstains because of such disqualification. All votes shall be roll call votes, except for minute actions. Minute actions may be taken by voice vote. The results reflecting all "ayes" and "noes" and "abstentions" must be clearly set forth for the record.

1. **Abstention:** An abstention does not count as a vote for or against a matter. If a Councilmember abstains, he or she is counted as present for quorum purposes but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." If a Councilmember abstains from voting on the grounds that he or she has or may have a conflict of interest, that abstention shall be made either at the beginning of the Council consideration of the matter, or as soon as the Councilmember recognizes that he or she may have such a conflict or potential conflict. In addition, the Councilmember shall state for the record the precise nature of the interest which he or she may have that creates the conflict or potential conflict and shall leave the Council Chamber during discussion of the item when required to do so by the Political Reform Act.[liii]

2. **Tie Votes:** A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

3. **Motion for Reconsideration:** Motions for reconsideration of a matter may only be made at the same meeting at which the Council takes action on a matter. Such motion may only be made by a Councilmember who voted with the side that prevailed on the matter in question. With regard to a tie vote resulting in a lost motion, the prevailing side will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.

K. Non-Observance of Guidelines

The guidelines are adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion, and shall be deemed to be procedural only. The Council shall not be required to follow formal organizational procedures such as Robert's Rules of Order. Failure to strictly observe the guidelines shall not affect the jurisdiction of, or invalidate any action taken by the Council.[liv]

L. Non-Exclusive Guidelines

These guidelines are not exclusive and do not limit the inherent power and general legal authority of the Council, or of the Mayor/Presiding Officer, to govern the conduct of Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

A. Oral Presentations by Members of the Public

The rules governing oral presentations by members of the public at Council meetings are as follows:

1. The person is requested to come to the podium, state his or her name and address for the record (although not required), and, if speaking for an organization or other group, identify the organization or group represented.

2. All remarks should be addressed to the Council as a whole, not to individual members thereof.

3. Questions, if any, should be directed to the Mayor/Presiding Officer who will determine whether, or in what manner, an answer will be provided.

B. Public Comment

Public Comment is that period set aside at Council meetings for members of the public to address the Council on items of City business other than scheduled agenda items. The Public Comment portion of the Council meeting is the opportunity for members of the public to address the Council in compliance with the Government Code.

1. **Timing.** Public Comment for each speaker is limited to three (3) minutes, unless the Council, by concurrence, extend such time.

2. **City Matters.** Presentations under Public Comment are limited to items within the subject matter jurisdiction of the City.

C. Agenda Item Oral Presentation

Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda, may do so when that item is taken up by the Council, or as otherwise specified by the Council or the Mayor/Presiding Officer.

1. **Presentations Submitted in Writing.** Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing, in advance, care of the City Clerk, for prior distribution to the Council and other interested parties. Submission of comments in writing is encouraged in lieu of possible lengthy oral presentations which may not be permitted.

2. **Timing.** Comments by the public on City business matters appearing on the agenda may do so once the Mayor/Presiding Officer opens the matter for public comment. Members of the public may speak a second time after the close of public comment only if more time is allowed by the Mayor/Presiding Officer or the majority of the Council.

3. **Assigning Time.** Persons wishing to assign their time for oral presentations to other individuals may do so only with authorization of the Mayor/Presiding Officer or a majority of the Council.

4. **Reading Written Comments.** Persons wishing to read written comments into the record may do so only with authorization of the Mayor/Presiding Officer or a majority of the Council. Additional procedures for written comments is detailed below.

D. Comments in Writing Encouraged

Members of the public may submit, and are encouraged to submit, comments in writing to the Council, care of the City Clerk, relating to any items of City business, whether on the Council agenda or otherwise. Such

comments will be distributed to members of the Council and considered and acted upon, or not acted upon; as the Council, in its judgment, may deem appropriate. All written comments submitted prior to or during the item the comments relate to, will be part of the record on that particular item. Written comments will not be read aloud at the Council meeting.

1. **Comment Cards.** Comment cards may be used by members of the public in attendance at the meeting who do not wish to or cannot verbally address the Council during a meeting. A person may indicate his or her brief comments on the card and his or her opposition or support for an item on a comment card. During the public testimony on the item, the Mayor indicates that the Council has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue.

2. **Repetitious Comments Prohibited.** Speakers shall not present the same or substantially the same items or arguments to the Council repeatedly or be repetitious in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

E. Speaker Time Limits for An Agenda Item

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, the Mayor/Presiding Officer may request that a spokesperson be chosen by the group, and in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Council. A specific time limit may also be set for the total presentation. No group shall arrange themselves so as to use individual speakers' times in sequential order to circumvent the time limits.

F. Waiver of Guidelines

Any of the foregoing guidelines may be waived by majority vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

G. Decorum

It is crucial that the public have confidence in the integrity of its local government. Further, to ensure that the City's business is conducted in a manner that is both professional and efficient, it is important that all participants in the process exercise decorum and civility.

The Mayor/Presiding Officer shall maintain order, decorum, and the fair and equitable treatment of all speakers. The Mayor/Presiding Officer shall keep discussions and questions focused on the specific agenda item under consideration.

Councilmembers shall perform their duties in accordance with the City's processes and rules of order governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the Council by City staff. They shall work together collaboratively, assisting each other in conducting the affairs of the City. Councilmembers shall fully participate in public meetings, in both the open and closed sessions while demonstrating respect and courtesy to others. City Officials shall stay focused, stay on topic and act efficiently during public meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.

No person shall engage in harassment of another person during a public meeting. Harassment includes but is not limited to:

1. Verbal harassment such as racial epithets, derogatory comments, or slurs;

2. Physical harassment such as assault, impeding or blocking movement, or any other physical interference or threat directed at an individual;

3. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes that unreasonably interferes with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

During public meetings, all present shall:

1. Preserve safety and order;

2. Not block the audience or camera from viewing the proceedings;

3. Not engage in disruptive behavior, including but not limited to: heckling, whistling, yelling, and other similar demonstrations;

4. Not willfully disrupt the peace and order of the meeting;

5. Listen to others respectfully and not interrupt those whom are speaking;

6. Refrain from making comments that personally attack an individual in a way that disrupts, disturbs, or otherwise impedes orderly conduct;

7. Avoid the use of profanity, obscene language, and threats that disrupt, disturb, or otherwise impede orderly conduct;

8. Not use unlawful physical force. Physical force includes but is not limited to: grabbing, pushing, slapping, punching, kicking, or otherwise striking the body of another or an object attached to another's body;

9. Not harass any other person in any way, including, but not limited to, types of harassment described in section 2.07.060 of the A.M.C.;

10. Avoid obscene gestures or motions that could be viewed as threatening or an effort to intimidate. Unacceptable gestures include, but are not limited to. those of a sexual nature, finger pointing and fist shaking in an overly aggressive or accusatory manner, miming the use of weapons or other violent acts, and other movements that could be seen as threatening; and

11. Avoid raising voices beyond what is necessary to be heard by the audience.

Unruly conduct that disrupts the meeting such as undue noise, hissing, profanity, inappropriate applause, insults or physical disturbance shall not be permitted.

If these rules are violated, the City has the following recourse:

1. The Mayor/Presiding Chair can call a point of order;

2. A Councilmember present at the public meeting may move to require the Mayor/Presiding Chair to enforce the rules and upon majority vote, the Mayor/Presiding Chair shall be required to do so;

3. The Mayor/Presiding Chair may instruct the Chief of Police or another member of the police department designated by the Chief of Police to enforce the rules;

4. The Chief of Police or other member of the police department designated by the Chief of Police to enforce the rules may order an individual to sit, refrain from addressing the Council, board or commission, or remove the disruptive person from the meeting.

Any person making personal, impertinent, or derogatory remarks, or who shall become boisterous while addressing the Council, shall be barred from further audience before the Council at said meeting by the Mayor/Presiding Officer unless permission to continue is granted by a majority of the Council.[lv]

A. Applicability of Rules

1. All rules regarding the Conduct of City Officials shall apply to individuals serving as Commissioners or Board members in other appointed positions on City commissions and boards. Currently, the City has two (2) standing commissions: Planning Commission, and the Museum Commission.

2. Members of the public shall abide by the rules governing addressing the Council when addressing a City-created board or commission.

3. All Public Hearings held by City appointed boards and commissions shall be conducted by the rules contained herein under Chapter 11, Section E: Public Hearings.

B. Planning Commission and Museum Commission Guidelines

1. Meetings

a. Regular Meetings:

i. Planning Commission regular meetings shall be held the second Thursday of each month, commencing at 6:00 p.m. in the City Council Chambers.

ii. Museum Commission regular meetings shall be held at least every two (2) months as defined by the Commission.

b. Quorum: A majority of the full Museum Commission shall constitute a quorum, but a lesser number may adjourn from time to time.

A majority of the voting members of the Planning Commission shall constitute a quorum for the purpose of conducting routine business. The affirmative vote of a majority of the voting members shall be required for the approval of any general plan element or amendment thereto, any rezone, variance, use permit, tentative map or other planning commission action (AMC 17.85.050)

c. Chairman ("Chair"): the Chair for each Commission shall preside over that Commission's meetings. He or she shall be elected by a majority vote of the Commission to serve for a designated term. The Chair shall have authority to preserve order at that Commission's meetings, to call for the removal of any person(s) from any meeting of the Commission for disorderly conduct, to see that all actions of the Commission are properly taken, to sign documents of the Commission, to interpret and enforce the procedural guidelines of the Commission and to determine the order of business under the guidelines of the Commission. AMC Section 17.85.030 further details the duties of the Planning Commission Chair.

i. *Absence of Chair*: the Vice Chairman ("Vice Chair") shall act as Chair in the absence or disability of the Chair. The Vice Chair shall be elected by a majority vote of the Commission in which he or she sits.

ii. *Absence of Chair and Vice Chair*: When the Chair and Vice Chair are absent from any meeting of his or her Commission, the members present may choose another member to act as Chairman pro tem, and that person shall, during the meeting, have the duties of the Chair.

d. Other rules regarding Museum Commission meetings shall be conducted by the rules contained herein under Chapter 10: Council Meetings. Planning Commission meeting rules are detailed in AMC Sections 17.85.060 and 17.85.070.

C. Order of Business

a. The Museum Commission shall adhere to the Order of Business procedures contained herein under Chapter 11: Order of Business, except for Section A: "General Order". The Museum Commission's specific General Orders are outlined below. The Planning Commission's Order of Business procedures are detailed in AMC Sections 17.85.060 through 17.85.090.

b. General Order for Museum Commission

D. General Order - The business of the Museum Commission at their meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

AUDIENCE/PUBLIC COMMENT (NON-AGENDA ITEMS)

APPROVAL OF AGENDA

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Planning Commission or the Transportation Advisory Commission to be routine and will be acted upon in a single motion. There will not be separate discussions of these items unless a request is made prior to the time the Commission considers the motion to adopt.

PUBLIC HEARINGS

PUBLIC HEARINGS (PLANNING COMMISSION ONLY)

UNFINISHED BUSINESS

NEW BUSINESS

ITEMS FROM THE PLANNING COMMISSION OR TRANSPORTATION ADVISORY COMMISSION

ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR OR CITY ENGINEER

ADJOURNMENT TO NEXT REGULAR MEETING OF (Date)

The Planning Commission's Order of Business is as prescribed in AMC Section 17.85.090.

E. Administrative Rules

a. Request for Research or Information: Planning Commissioners may request information or research from the Community Development Director. Museum Commissioners may request information or research from the Museum Operations Director. Requests for new information or policy direction will be brought to the full Commission for consideration at a regular meeting. All written products will be copied to the full Commission.

b. Inappropriate Actions: The Commissions delegate to the Chair the responsibility to discuss, on behalf of the full Commission, any perceived or inappropriate action by a Commissioner. The Chair will discuss with the Commissioner the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Administrator will report the concern to the full Commission.

c. Agendas in Uniform Font: Agendas for all Commission meetings shall comply with provisions of the Brown Act and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) in making the agenda and documents in the agenda packet available in appropriate alternative formats to persons with a disability.

d. Agenda Materials Delivery: Delivery of the agenda materials to the Planning Commissioners shall be on or before the evening of the Friday preceding the regular meeting. As necessary, supplemental materials may be delivered subsequent to the preceding Friday.

e. Procedural Guidelines: The guidelines that the Museum Commission adheres to may be amended at any meeting of the City Council by a majority of a quorum of the City Council, provided that notice of said proposed amendments is given to each member in writing prior to said meeting. The procedural guidelines for the Planning Commission may be amended at any meeting of the Planning Commission by a majority of the full membership (AMC 17.85.190)

f. Distribution: Each member of the Commission, including new members as they are appointed, shall be provided a copy of these Guidelines by the City Clerk, the Community Development Director for the Planning Commission, or by City Staff.

g. Vacancy Caused by Absence: If a member of the Museum Commission is absent without cause for more than two successive regular meetings of the Commission, or is absent from more than four regular meetings in a fiscal year, the office becomes vacant automatically. The Commission shall immediately notify the City Council of the vacancy. A member is not absent without cause if his or her absence is:

   i. due to illness or,

   ii. unavoidable and the member gives the Secretary of the Commission notice before the date of the meeting from which he or she will be absent and giving the reason for the absence.

Per AMC 17.85.060, the secretary of the planning commission shall report the absence of any member at three consecutive meetings without an acceptable excuse. This may be grounds for the planning commission to recommend the removal of that member from the commission.

h. Officers-Election: At its regular meeting in July of each year or soon thereafter as possible, the Commission shall elect a Chair and Vice-Chair.

i. Adjournment Time: Per AMC 17.85.060, No public hearing will commence after ten p.m., and no item of business will commence after eleven p.m. for the Planning Commission. Scheduled items which cannot be heard because of lack of time will be continued to the earliest possible date.

j. Attendance: Each member of the Commission who has knowledge of the fact that he or she will not be able to attend a scheduled meeting of the Commission shall notify the Secretary of the Commission at the earliest possible opportunity and, in any event, prior to 5:00 p.m. on the date of the meeting. The Secretary shall notify the Chair of the Commission in the event that the projected absences will result in lack of quorum.

k. Subcommittees: The Commission may from time to time, at the recommendation of staff, the request of the Council, or of its own volition, determine that a subcommittee should be formed to perform some function on behalf of the Commission. Such subcommittee assignments usually involve some degree of research or analysis with a report back to the full Commission for consideration of the subcommittee's recommendation(s). Formation of any such subcommittee will require consideration by the Commission as a regular agenda item wherein the Commission will discuss and define the roles and responsibilities of the subcommittee and by consensus name a Commission representative to any such subcommittee.

l. Appeals: Pursuant to the A.M.C., Section 2.04.070, or as amended, the Commissions act as advisory bodies to the City Council. On those rare occasions where a Commission acts as the decision-making body, said decision may be appealed to the City Council.

m. Continuance of Advisory Items: The following rules relate to advisory items, that is, items where the Commission offers recommendations to the City Council for final action. For example, Planning Commission rulings on zoning amendments or general plan updates are advisory items which go before the City Council for ultimate determination. The following rules serve to ensure advisory items arrive to the City Council for review within a reasonable time:

    i. The Commission may continue or postpone advisory items for further consideration, but the Commission must reconsider the item at its next regular meeting. Therefore, any continuance of the item without an official ruling shall automatically reappear on the agenda for the Commission's next regular meeting.

    ii. The Commission shall not continue or postpone advisory items for further consideration, without offering final recommendations to the City Council, more than twice (2).

    iii. Where the Commission fails to rule on the advisory item after having continued the item two (2) times, the Commission has forty (40) days from the second continuance to render its official recommendation to the City Council. Failure to render a final ruling on the item at a third consecutive meeting shall constitute an automatic recommendation of the item, as is and without modifications, for adoption by the City Council.

Appendix A

ICMA Code of Ethics

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential Information, or by misuse of public time is dishonest.

Appendix B

Referenced Code Citations

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[i] A.M.C. §2.09.040.
[ii] A.M.C. §2.12.030
[iii] A.M.C. §2.12.040.
[iv] A.M.C. §.2.12.050
[v] A.M.C. §2.12.060
[vi] A.M.C. §2.02.010.
[vii] A.M.C. §2.03.
[viii] A.M.C. §2.05.
[ix] Government Code § 36516.
[x] A.M.C. §2.01.050(E).
[xi] A.M.C. §2.01.050(D).
[xii] Government Code §82033.
[xiii] *Id.*
[xiv] Government Code §87105.
[xv] Government Code §87105(a)(1)-(3).
[xvi] Government Code §53235(f).
[xvii] A.M.C. §2.01.040.
[xviii] Government Code §87406.3.
[xix] Government Code §54959.
[xx] Government Code §54960.
[xxi] A.M.C. §§ 2.01.030; 2.08.020; Government Code §§ 36805; 54954(a).
[xxii] Government Code § 54954(b).
[xxiii] Government Code § 54954(e).
[xxiv] A.M.C. §2.01.030.
[xxv] Government Code §§ 54956; 54956.5. Special meetings and emergency meetings, respectively.
[xxvi] Government Code §§ 36805; 36809; 54955; 54956.
[xxvii] Government Code § 54954.5.
[xxviii] A.M.C. § 2.01.030.
[xxix] Government Code § 36810.
[xxx] Government Code § 36811.
[xxxi] Government Code §§ 36802; 36813; 54957.9.
[xxxii] Government Code § 36802.
[xxxiii] *Id.*
[xxxiv] Government Code § 54954.5.
[xxxv] Government Code § 54953.
[xxxvi] Government Code § 36814.
[xxxvii] Government Code § 54953.5. The statute only requires maintenance of the audio or visual recording for thirty (30) days where there are other records of the meeting that are retained according to Government Code § 6250 *et seq.*
[xxxviii] Government Code §54954.
[xxxix] Government Code §54954.2(a).
[xl] Government Code § 36936.
[xli] Government Code § 36934.
[xlii] Government Code § 65090.
[xliii] Government Code § 36934.
[xliv] Government Code § 36936.
[xlv] Government Code § 36932.
[xlvi] Government Code § 36936.1.
[xlvii] Government Code § 36933(c).
[xlviii] Government Code § 36933(a).

[xlix] Government Code § 36937.
[l] Government Code § 54955.
[li] Government Code § 549554.2(b)(3).
[lii] Government Code § 36934. The requirements for introducing an ordinance or urgency ordinance are provided in this section of the Government Code and establish the information that follows in this paragraph.
[liii] Government Code §87100 *et seq.* A Councilmember should leave the room when he or she identifies that he or she has a financial interest in the decision being discussed. Prior to leaving the room, the Councilmember should publically identify the financial interest at stake and recuse himself or herself from that portion of the meeting.
[liv] *City of Pasadena v. Paine* (1954) 126 Cal.App.2d 93.
[lv] Government Code §§ 36813, 54957.9.

City of Angels Council Meeting

January 19, 2021

5. CONSENT AGENDA

G. Adoption of Resolution No. 21-03 Authorizing Signature on City of Angels Bank Accounts

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

DATE: January 16, 2021

TO: City Council

FROM: Melissa Raggio, Administrative Services Director

RE: **APPROVE RESOLUTION 21-03 AUTHORIZING THE SIGNATORS FOR THE CITY OF ANGELS**

RECOMMENDATION

It is recommended that the City Council approve resolution 21-03 authorizing City staff and City Council Members as signers on City of Angels bank accounts.

DISCUSSION

The City has three (3) checking accounts, Greenhorn Creek Assessment District with Mechanics Bank, Utica Power Authority with Mechanics Bank, and City of Angels General Account with US Bank. Periodically with staff and council turnover it is necessary to update signature cards on City bank accounts. Staff requests approval of the attached resolution to maintain day to day operations.

FINANCIAL IMPACT

If not approved the city will not be able to process day to day operations.

ATTACHMENTS

Resolution

Mayor Amanda Folendorf • Vice Mayor Linda Hermann • Council Members Scott Behiel, Veronica Metildi, Joe Oliveira
City Administrator Melissa Eads • City Attorney Doug White, Churchwell White, LLP

CITY OF ANGELS
CITY COUNCIL
RESOLUTION 21-03

A RESOLUTION APPROVING THE AUTHORIZED SIGNATORS FOR THE CITY OF ANGELS BANK ACCOUNTS

WHEREAS, in the course of the City of Angels business it establishes accounts with various banks for purposes including, but not limited to depository of City funds, orders for payment, payment of claims, transmittals, or transfers for payment on behalf of the City; and

WHEREAS, banks with whom the City does business normally require a City resolution designating which City officials are authorized to execute checks and other orders for payment of City funds; and

WHEREAS, the City desires to designate certain City officials to execute check and other orders for payment of City funds; and

WHEREAS, the City has three (3) bank accounts, Greenhorn Assessment District-Mechanics Bank, Utica Power Authority- Mechanics Bank, and City of Angels General Account- US Bank.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Angels that the holders of the following position with the City are authorized to sign or act on behalf of the City (Authorized Signers):

1. Mayor
2. Vice Mayor
3. City Administrator
4. Administrative Services Officer

DULY PASSED AND ADOPTED this 19th day of January, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Alvin Broglio
Mayor

ATTEST:

_____
Jennifer Preston
Deputy City Clerk

City of Angels Council Meeting

January 19, 2021

5. CONSENT AGENDA

H. Approval of Rose Beristianos Contract for the Position of Administrative Services Officer

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

DATE: January 16, 2021

TO: City Council

FROM: Melissa Raggio, Administrative Services Director

RE: **APPOINTMENT OF ROSE BERISTIANOS TO THE POSITION OF ADMINISTRATIVE SERVICES OFFICER WITH RATIFICATION OF THE EMPLOYMENT AGREEMENT AS NEGOTIATED**

RECOMMENDATION

It is recommended that the City Council appoint Rose Beristianos to the position of Administrative Services Officer and ratify the execution of the Employment Agreement as negotiated and attached.

DISCUSSION

Ms. Beristianos has 14 years of local government experience in Human Resources, Administration, Finance, and Integrated Waste Management. Ms. Beristianos skill set in local government, management, budget development, and her work ethic make her a great addition to the City Hall team.

FINANCIAL IMPACT

Ms. Beristianos was hired at Step A of the Salary Schedule or $36.27 per hour.

ATTACHMENTS

Contract

Mayor Amanda Folendorf • Vice Mayor Linda Hermann • Council Members Scott Behiel, Veronica Metildi, Joe Oliveira
City Administrator Melissa Eads • City Attorney Doug White, Churchwell White, LLP

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into this 29nd day of December 2020, by and between the City of Angels Camp, a municipal corporation ("City"), and Rose Beristianos, an individual ("Employee"). The City and Employee may individually be referred to herein as "Party" or collectively as "Parties". There are no other parties to this Agreement.

RECITALS

A. The City Administrator is authorized to select and recommend City staff appointments to the City of Angels Camp City Council ("City Council") pursuant to City of Angels Camp Municipal Code ("Municipal Code") section 2.08.070.

B. The City Administrator has evaluated Employee's knowledge, experience, administrative skills, and ability to serve as the City's Administrative Services Officer and recommends to City Council that Employee be appointed as the Administrative Services Officer, pursuant to the terms of this Agreement.

C. The Parties agree that this Agreement shall be the sole agreement between the Parties regarding the employment of Employee as Administrative Services Officer.

D. The Parties' desire to execute this Agreement pursuant to the authority of, and subject to, the provisions of California Government Code ("Government Code") section 53260 *et seq.*

NOW, THEREFORE, in consideration of the mutual covenants entered into between the Parties, and in consideration of the benefits that accrue to each, it is agreed as follows:

AGREEMENT

Section 1. Recitals. The recitals set forth above ("Recitals") are incorporated herein by this reference and made a part of this Agreement. In the event of any inconsistencies between the Recitals and Sections 1 through 10 of this Agreement, Sections 1 through 10 will prevail.

Section 2. Effective Date. This Agreement shall become effective once executed by both the City and Employee ("Effective Date").

Section 3. Appointment of Administrative Services Officer, Duties, and Term.

Section 3.1. Appointment of Administrative Services Officer and Duties. Employee shall serve as the Administrative Services Officer for the City, and shall be vested with the powers, duties, and responsibilities as set forth in the City Code, California law, City ordinances and resolutions, the Administrative Services Officer job description

and any such other duties and functions as the City Administrator may from time-to-time assign to Employee. Employee accepts employment pursuant to the terms of this Agreement.

Section 3.2. Secondary Employment/Conflict of Interest. Employee agrees to devote all of her productive time, ability, and attention to the City's business to the extent necessary to perform her duties and responsibilities in a manner satisfactory to City. During the Term, as defined in Section 3.5 of this Agreement, Employee shall not hold secondary employment or engage in activities which conflict with, or present the appearance or possibility of conflicting with, City's legitimate business interests. As such, Employee agrees that Employee will notify the City Administrator in writing if Employee accepts secondary employment, so City may determine whether there is the appearance of or an actual conflict or potential conflict with the satisfactory performance of Employee's duties and/or the best interest of the City. Employee has the right to volunteer for such nonprofit organizations as she may see fit and further provided that such volunteer services shall not interfere with her duties as Administrative Services Officer.

Section 3.3. Exempt Employee. The general business hours for City employees are Monday through Friday, 8:00 a.m. to 5:00 p.m. However, it is recognized by the Parties that Employee is an exempt employee for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 *et seq.*). Employee shall not receive overtime or extra compensation for hours worked outside of the City's general business hours, which are necessary to fulfill the duties of the Administrative Services Officer position, unless otherwise provided in this Agreement.

Section 3.4. Duties/Schedule. Employee's daily and weekly work schedule shall vary in accordance with the work required to be performed. The Administrative Services Officer position may include frequent attendance at evening meetings and irregular hours as necessary to meet deadlines and achieve objectives. The City Council and the City Administrator recognize that the Administrative Services Officer must devote a great deal of her time outside normal office hours to the business of the City and, to that end, Employee will be allowed to take management leave during general business hours, upon approval of the City Administrator.

As Administrative Services Officer, Employee's initial duties shall be as shown in the job description attached as Exhibit A. Employee shall perform Employee's duties under this Agreement pursuant to the laws of the State of California and applicable City Municipal Code, ordinances, and resolutions. Employee understands that Employee's duties may be amended from time to time by City, as necessary to meet the City's needs. No modification or change in Employee's responsibilities, duties or position shall otherwise change or revoke any other provision of this Agreement.

Unless otherwise specified in this Agreement, Employee shall be bound by all the policies, rules and regulations of City now in force and effect applicable to Employee's position, and by all such other applicable policies, rules and regulations as may be hereafter implemented and called to her notice and will faithfully observe and abide by the same. No such policy, rule or regulation shall alter, modify or revoke Employee's status as an at-will employee or any other provision of this Agreement.

Section 3.5. Term. The term of this Agreement shall be for one (1) year from the Effective Date ("Term") subject to Section 4 of this Agreement. The City Administrator, in his or her sole discretion, may extend the Term from time to time in increments of at least one (1) year. No later than three (3) months prior to the expiration of the Term, the City Administrator shall provide written notice to Employee as to whether the City Administrator intends to extend the Term. Termination of this Agreement shall be in accordance with Section 6 below.

Section 4. At-Will Employment.

4.1. At Will. Employee is an at-will employee serving at the pleasure of the City Council and City Administrator, as provided in Government Code section 36506. Accordingly, either the City or Employee may terminate Employee's employment and this Agreement at any time, with or without cause. Only if Employee is terminated by City without Good Cause, as defined in Section 6.3 of this Agreement, shall Employee be entitled to a Severance, as defined in Section 6.3 of this Agreement.

4.2. No Property Right in Employment. Employee understands and agrees that the terms of her employment are governed solely by this Agreement and the provisions of any applicable Memorandum of Understanding ("MOU"). Employee further understands and agrees that this Agreement does not confer a right of employment for any specified term and that she is not entitled to due process for any disciplinary action under the City's personnel policies and rules, including termination, unless such process is provided in pursuant to the terms of any applicable MOU.

Section 5. Compensation and Evaluations.

Section 5.1. Base Salary. City agrees to pay Employee an annual salary of seventy five thousand, four hundred forty one dollars and 60 cents ($75,441.60) ("Base Salary"), payable in installments at the same time the other City employees are paid. Employee shall be eligible for cost of living and salary increases under the same terms and conditions as other similarly situated employees, in accordance with any applicable provisions of City personnel policies, rules and regulations and/or applicable MOU.

Section 5.2. Pro-rata Decrease. Employee acknowledges that the Base Salary may be subject to a pro-rata decrease based on the City Council's adoption of an unpaid Mandatory Furlough Program adopted as a budgetary measure.

Section 5.3. Review and Evaluation. The Administrative Services Director agrees to review and evaluate Employee's performance of her duties as Administrative Services Officer, pursuant to the terms of this Agreement ("Review and Evaluation"), on not less than an annual basis and to provide Employee with a written performance review. The annual Review and Evaluation shall generally be conducted each year in the month prior to Employee's anniversary date, or at the City Administrator's discretion.

Section 5.4. Benefits. Employee shall be entitled to participate in medical, dental and vision insurance coverage provided by the California Public Employees Retirement

System (CalPERS). Unless otherwise specified in this Agreement, the City shall provide such coverage on the same terms and conditions as similarly situated employees, and in accordance with any applicable provisions of City personnel policies, rules and regulations and/or any applicable MOU. Employee acknowledges that the level of benefits and portion of premiums paid by the City may be subject to change. City will endeavor to provide Employee no less than thirty (30) days' notice of new medical benefit program and costs.

Section 5.5. Longevity Pay. Employee may be eligible for Longevity Pay after ten (10) years of service with the City. Longevity Pay will be 2.5% added to the Employee's Base Salary and included in her bi-weekly paycheck with her Base Salary.

Section 5.6. Retirement. The City participates in the CalPERS. CalPERS will make the determination if Employee is considered as a "Classic" or "New Member" (as defined under Government Code section 7522.04), and Employee shall contribute based on the enrolled tier. City will pay 100% of the employer contribution. Employee will pay 100% of the employee contribution.

Section 5.7. Vacation. Accrual of vacation leave shall begin on the first day of the first full month of employment. During the term of this Agreement, Employee shall accrue vacation at a rate of ten (10) days, or eighty (80) hours, of paid vacation leave per year. Accrued vacation time should be taken within a year after accrual. Unless otherwise specified in this Agreement, the accrual and use of vacation shall be administered in accordance with any applicable provisions of City personnel policies, rules and regulations and/or applicable MOU. Upon separation, Employee is entitled to receive payment for all accrued but unused vacation time at her current Base Salary rate as of the date of the Employee's separation of employment.

Section 5.8. Sick Leave. Employee shall earn sick leave at the rate of one (1) day, or eight (8) hours, for each month of service. Accrual of sick leave shall begin on the first day of the first full month of employment. Employee may be required by the City Administrator to bring a note by a medical provider stating the cause of absence if the sick leave exceeds three (3) days. Employee shall not accrue more than ninety (90) days, or seven hundred and twenty (720) hours, of sick leave. Unless otherwise specified in this Agreement, the accrual and use of sick leave shall be administered in accordance with any applicable City personnel rules, policies and regulations and/or applicable MOU.

Section 5.9. Management Leave. It is recognized that Employee must devote a great deal of time outside the normal office hours to City business as the Administrative Services Officer. To that end, Employee receive shall fifteen (15) days, or one hundred and twenty (120) hours, of management leave ("Management Leave") at the beginning of each fiscal year to be used as needed, upon approval of the City Administrator. Unless otherwise specified in this Agreement, the accrual and use of Management Leave shall be administered in accordance with any applicable City personnel rules, policies and regulations and/or applicable MOU. In the first year of this Agreement, Employee will be credited with a prorated portion of Management Leave for the remainder of the fiscal year. Any unused Management Leave expires on June 30 of each fiscal year and shall not be carried over from year to year.

Section 5.10. Holidays. Employee shall be entitled to observe, with pay, the thirteen (13) observed City holidays including New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, and one Floating Day (in lieu of Election Day). Unless otherwise specified in this Agreement, the accrual and use of holiday pay shall be administered in accordance with any applicable City personnel rules, policies and regulations and/or applicable MOU. Any unused holiday pay will not be paid out to Employee upon Employee's separation of employment.

Section 6. Termination of Employment and Severance.

Section 6.1. Voluntary Resignation. Employee may resign at any time and agrees to give the City at least thirty (30) days advance written notice of the effective date of Employee's resignation, unless the Parties otherwise agree in writing. If Employee retires from full-time public service with the City, Employee shall provide three (3) months advanced written notice. During the notice period, all rights and obligations of the Parties under this Agreement shall remain in full force and effect. Promptly after the effective date of resignation or retirement, the City shall pay to Employee all salary and other compensation due and owing under this Agreement. In the event of voluntary resignation or retirement, Employee shall not be entitled to Severance, as set forth in Section 6.3 of this Agreement.

Section 6.2. Termination by City Administrator. The City Administrator may terminate this Agreement and remove Employee from her position as Administrative Services Officer at any time with or without cause and with or without notice. If Employee's termination is based on charges of misconduct that publicly stigmatizes Employee's reputation or impairs her ability to earn a living, or might damage her standing in a community, Employee may, within five (5) business days of the City Administrator's notice to Employee of his or her intent to terminate Employee's employment, make a written request for a "name-clearing" hearing (as described in *Lubey v. City and County of San Francisco* (1979) 98 Cal.App.3d 340 at its progeny) before the City Council in closed session. The "name-clearing" hearing is solely to provide Employee the opportunity to clear her name. The City Council may determine whether the allegations contained in the notice of termination are supported. If the City Council determines that the allegations are not supported, a decision shall be issued to reflect that Employee's termination was without fault. This decision will not, however, require that Employee be reinstated to her position. In the event Employee does not request a "name-clearing" hearing before the City Council, the City Administrator's decision to terminate will be effective by the close of business on the fifth (5th) day after the City Administrator provided notice to Employee of his or her intent to terminate her employment.

Section 6.3. Termination Without Good Cause. In the event the City terminates Employee's employment and this Agreement without Good Cause, as defined in Section 6.4, below, the City shall pay Employee a sum equal to one (1) month's Base Salary ("Severance"). Such Severance is subject to the restrictions of Government Code section 53260. Severance shall be paid in the same manner as to other similarly situated City employees unless otherwise agreed to by the City and Employee. In the event the City terminates this Agreement and Employee's employment, Employee shall be entitled to

continued medical and dental benefits at her own cost, pursuant to the provisions of the federal Consolidated Omnibus Budget Reconciliation Act ("COBRA").

Section 6.4. Termination for Good Cause. The City may at any time immediately terminate this Agreement and Employee's employment for Good Cause, as defined below. If Employee is terminated for Good Cause, the City shall not be required to pay any Severance under this Agreement, and the City shall have no obligation to Employee beyond those benefits accrued as of Employee's last day of employment and those the City is obligated to provide under federal or state law.

"Good Cause" for purposes of this Agreement, means a fair and honest cause or reason for termination. These reasons include, but are not limited to:

1. Conviction of a felony;
2. Disclosing confidential information of the City;
3. Gross carelessness or misconduct;
4. Unjustifiable and willful neglect of the duties described in this Agreement;
5. Mismanagement;
6. Dishonesty;
7. Failure to perform Employee's duties to the standard set by the City,
8. Any conduct which violates the applicable provisions of the City's personnel policies, rules or regulations for which a City employee may be terminated;
9. Repeated and protracted unexcused absences from the Administrative Services Officer's office and duties;
10. Willful destruction or misuse of City property;
11. Conduct that in any way has a direct, substantial, and adverse effect on the City's reputation whether during or outside business hours;
12. Willful violation of federal, state, or City discrimination laws;
13. Being under the influence of alcohol or narcotics (for which the employee does not have a valid medical prescription) while on duty;

14. Substance abuse which adversely affects performance of Employee's duties as Administrative Services Officer;

15. Discourteous treatment of the public or other employees;

16. Refusal to take or subscribe any oath or affirmation which is required by law;

17. Employee's disability resulting in his or her inability to perform the essential functions of his/her job, which the City is unable to reasonably accommodate without placing an undue burden on City business operations; or

18. Engaging in other employment or activities which conflict with, or present the appearance or possibility of conflicting with, City's legitimate business interests

The City Administrator may also place Employee on paid or unpaid investigatory leave during the Term of this Agreement.

Section 7. Indemnification. The City shall defend, hold harmless, and indemnify Employee against any tort, personnel, civil rights, or professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Administrative Services Officer in accordance with the California Government Claims Act (Government Code section 810 *et seq.*) and shall provide a defense to Employee in accordance with Government Code sections 995-996.6. The City may decline to defend or indemnify Employee only as permitted by the Government Code. City may compromise and settle any such claim or suit and pay the amount of any resulting settlement or judgment; provided, however, the City's duty to defend and indemnify Employee shall be contingent upon Employee's good faith cooperation with such defense. In the event the City provides paid leave to the Employee pending an investigation or funds for a legal criminal defense pursuant to this Section, Employee shall reimburse the City for the amount of such paid leave or cost of the legal criminal defense, if Employee is convicted of a crime involving an abuse of office or position, as provided by Government Code sections 53243-53243.1. Also, if this Agreement and Employee's employment are terminated, any severance the Employee may have received from the City shall be fully reimbursed to the City if Employee is convicted of a crime involving an abuse of his or her office or position as provided in Government Code section 53243.2-53243.4.

Section 8. Bonding. City shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 9. Notices. Any notice or communication required hereunder between the City and Employee must be in writing and may be given either personally, by facsimile (with original forwarded by regular U.S. Mail), by registered or certified mail (return receipt requested), or by Federal Express, UPS, or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when

delivered to the Party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving Party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day, or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered, as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to the City:	City of Angels Camp Attn: City Clerk P.O. Box 667 584 S. Main Street Angels Camp, CA 95222
If to the City Administrator:	City of Angels Camp Attn: City Administrator P.O. Box 667 584 S. Main Street Angels Camp, CA 95222
and	Churchwell White, LLP Attn: Douglas L. White 1414 K Street, 3rd Floor Sacramento, CA 95814
If to Employee:	City of Angels Camp Attn: Rose Beristianos P.O. Box 667 584 S. Main Street Angels Camp, CA 95222 Copy sent to employee's home address

Section 10. General Provisions.

10.1. Modification of Agreement. This Agreement may be supplemented, amended, or modified only by a writing signed by the City and Employee.

10.2. Entire Agreement. This Agreement constitutes the final, complete, and exclusive statement of the terms of the agreement between the Parties and supersedes all other prior or contemporaneous oral or written understandings and agreements of the Parties. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement.

10.3. Severability of Agreement. If a court or an arbitrator of competent jurisdiction holds any section of this Agreement to be illegal, unenforceable, or invalid for any reason, the validity and enforceability of the remaining sections of this Agreement shall not be affected.

10.4. Authority. All Parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement and the names, titles, and capacities herein stated on behalf of any entities, persons, states, or firms represented or purported to be represented by such entities, persons, states, or firms and that all former requirements necessary or required by state or federal law in order to enter into this Agreement had been fully complied with. Further, by entering into this Agreement, neither Party hereto shall have breached the terms or conditions of any other contract or agreement to which such Party is obligated, which such breach would have a material effect hereon.

10.5. Headings. The headings in this Agreement are included for convenience only, and neither affect the construction or interpretation of any section in this Agreement nor affect any of the rights or obligations of the Parties to this Agreement.

10.6. Necessary Acts and Further Assurances. The Parties shall, at their own cost and expense, execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

10.7. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California.

10.8. Waiver. No covenant, term, or condition, or the breach thereof, shall be deemed waived, except by written consent of the Party against whom the waiver is claimed, and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition.

10.9. Counterparts. This Agreement may be executed in counterparts and all so executed shall constitute an agreement which shall be binding upon the Parties hereto, notwithstanding that the signatures of all Parties and Parties' designated representatives do not appear on the same page.

10.10. Venue. Venue for all legal proceedings shall be in the Superior Court in and for the County of Calaveras in the State of California.

10.11. Attorney's Fees and Costs. If any action at law or in equity, including action for declaratory relief, is brought to enforce or interpret sections of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such Party may be entitled.

IN WITNESS WHEREOF, this Agreement has been entered into by and between Employee and City as of the date of the Agreement set forth above.

CITY:

City of Angels Camp, a municipal corporation of the State of California

By:_____
Melissa Eads, City Administrator

Date Signed:_____

By:_____
Jennifer Preston, Deputy City Clerk

Date Signed:_____

Approved as to Form and Content:

By:_____
Douglas L. White, City Attorney

EMPLOYEE:

By:_____
Rose Beristianos an individual

Date Signed:_____

City of Angels Council Meeting

January 19, 2021

6. REGULAR AGENDA

A. PUBLIC HEARING: For the Consideration of Protentional Programs for Inclusion in the State Community Development Block Grant

ANGELS CAMP CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

DATE: January 14, 2021

TO: Honorable Mayor and City Council

FROM: Melissa Eads, City Manger

RE: PUBLIC HEARING FOR THE CONSIDERATION OF POTENTIAL PROGRAMS FOR INCLUSION IN THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CDBG-CV 2/3) APPLICATION

RECOMMENDATION:

It is recommended as follows:

1) Open the public hearing and receive public comment regarding the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CDBG-CV1, CV2 and CV3) program and possible activities and projects to be considered for funding under the upcoming Notice of Funding Availability (NOFA) process; and

2) Provide direction for staff to prepare an application (when available) in response to the release of the Notice of Funding Availability (NOFA) for CDBG-CV2 and CV3 funds for COVID-19 related activities that benefit low- and moderate-income residents.

BACKGROUND:

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in response to the impacts of the COVID-19 pandemic. The California State Department of Housing and Community Development (HCD) published a Notice of Funding Availability (NOFA) for Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CDBG-CV1) funds on June 5, 2020 for $18.7 million in funds. Additional funding has been made available to the department and will be allocated to the Cities and Counties and the NOFA was release late December. The State has received a total $113,263,490 in CV2 and $18,031,478 in CV3 funding and the City of Angels has been allocated $247,461. The City has already made application for CV 1 Funds for a Business Assistance Program and we are awaiting our contract to begin implementation. A maximum of two (2) additional activities will be allowed under this application cycle. Each activity must expend all funds within 24 months of the contract execution. The City may also allocate addition funding to the Business Assistance Program awarded under the CV1 funding contract.

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Eligible activities paid for with State CDBG funds must meet one of the three National Objectives listed in CDBG Federal Statutes as follows: benefit to low-income households or persons (also called Low/Mod Benefit), slum and blight (addressing physical problems in specific neighborhoods) or meeting urgent community development need (a need resulting from a state or federal declared disaster or posing unforeseen risks to health and safety). In addition, eligible activities must be used directly to prevent, prepare for or respond to COVID-19 and meet CDBG requirements as provided and directed by HCD in the published NOFA and outlined in their plan as follows:

- Public services to respond to COVID-19 impacts
- Public facility improvements to increase capacity for healthcare facilities and improve public facility safety
- Housing facilities for persons experiencing homelessness, including acquisition and rehabilitation
- Economic development to support needs of local businesses to retain and bring back jobs impacted by COVID-19

All activities are required to meet a National Objective as outlined under Section IV. of the attached NOFA.

Before submitting an application, the first step required is to hold a public hearing. The purpose of the public hearing is to gather information regarding the needs of the community and business community. Staff will then work to prepare the final application for approval at a future meeting prior to submittal. The deadline for the submittal has not been announced but CDBG staff has stated the NOFA release and application deadline will require a quick response.

DISCUSSION:

Eligible activities for the grant funding are limited to the following:

For the CDBG-CVNOFA, the following activities are permitted:

A. Community Development

1. Public Services to respond to COVID-19 impacts, including short-term subsistence payments for households at risk of eviction and/or homelessness and housing costs for those exiting homelessness, homeless shelter operations, and health and education support services
2. Public Facility and Infrastructure improvements with a documented COVID-19 nexus
3. Public facility acquisition, including healthcare facilities, emergency shelters, and housing for persons experiencing homelessness in response to COVID-19 impacts
4. Housing Assistance
   a. Acquisition and/or rehabilitation of Low-Mod Income Housing in response to COVID-19 impacts on vulnerable populations or individuals including households experiencing homelessness

B. Economic Development

1. Business assistance to help businesses retain employees, or in the case of businesses re-starting after mandated COVID-19 related shut-downs, adding employees
2. Microenterprise assistance (including Micro-financial assistance and Technical assistance) for businesses impacted by COVID-19with five or fewer employees, including the business owner

The funds can be used to contract with a service provider to provide the desired program or to administer a program. It is important to note that the funding includes extensive requirements for administration and data on both contractors and recipients of the services. Therefore, it is preferable to plan project or program and avoid dividing it into small subrecipient grants to avoid duplicative administrative work. In addition, the data that needs to be collected from recipients of the services may limit the types of services the funding can feasibly be used for. Additionally, funds can be combined with other agency funding through MOU's to combine funding to one project or program for maximum results.

Based on staff's initial outreach and analysis of options available, we came up with the following considerations:

1. Provide additional funding to the Business Technical Assistance program
2. Provide additional gear and equipment to protect our fire department staff when responding to COVID related calls
3. Install a generator at the City EOS site that will also serve as a testing and vaccination center to ensure consistent services to support the efforts to care for those in need during major events

COST ANALYSIS:

It is estimated that the City will be eligible to receive up to $247,461.00 based on a formula provided by HCD. Of that amount, approximately 13% can be used towards administration, which will include the consultant's cost for administering the grant and reimbursement of staff time. The project funding is as follows:

General Administration:	$32,170
Project/Program Funding:	$215,291

ENVIRONMENTAL REVIEW:

CEQA and NEPA review will be considered based on the project or program selected. Programs are provided an exemption and documents will be completed accordingly.

ALTERNATIVES:

The following alternatives are provided for consideration:

1. Receive public input and direct staff to prepare an application for funding for an appropriate program.

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2. Receive public input and direct staff to prepare an application for funding for another program or programs;
3. Direct staff to solicit additional public input;
4. Direct staff to not prepare or submit an application for funding; or
5. Provide other direction to staff.

CDBG-CV1

Notice of Funding Availability

City of Angels

Public Hearing

January 19, 2021

adams ashby Group

Background

- HUD provided $18.7million in CARES Act funding to the State Non-Entitlement CDBG program in response to Coronavirus. (CDBG-CV1)
- Funds are being distributed by the Department of Housing and Community Development (HCD) CDBG Program through a method of distribution allocation
- Each city is scheduled to receive an amount as determined by CDBG: City of Angels $247,461
- Applications are due on a rolling timeline – first application due February 12, 2021
- Activities are limited to (**3**) per applicant (City of Angles may apply for (2))
- All funds must be **expended in 24 months** from Contract
- All Activities must meet a National Objective (Low-to-Moderate Income; LMI Job Retention, Limited Clientele, Low Mod Area, LMI Housing, and/or Urgent Need)
- Funds may be combined with other City's and County
- City must be in good standing and meet Threshold Requirements to be eligible

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CDBG-CV1 – Permitted Activities

Community Development

1. Public Services to respond to COVID-19 impacts:
   a) Including short-term subsistence payments for households at risk of eviction and/or
   b) Homelessness and housing costs for those exiting homelessness, homeless shelter operations, and health and education support services

2. Public Facility and Infrastructure improvements with a **documented COVID-19 nexus**

3. Public facility acquisition
   a) Including healthcare facilities, emergency shelters, and housing for persons experiencing homelessness in response to COVID-19 impacts

4. Housing Assistance
   a) Acquisition and/or rehabilitation of Low-Mod Income Housing in response to COVID-19 impacts on vulnerable populations or individuals including households experiencing homelessness

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CDBG-CV1 – Permitted Activities

Economic Development

1. Business assistance to help businesses retain employees, or in the case of businesses re-starting after mandated COVID-19 related shut-downs, adding employees

2. Microenterprise assistance (including Micro-financial assistance and Technical assistance) for businesses impacted by COVID-19 with five or fewer employees, including the business owner

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Public Hearing Process

- Citizen Participation is a key component of the CDBG Program.
- Here today to allow an opportunity to pose questions and provide input on the program and receive answers
- We will now open the hearing and begin the Public Hearing Process. The process will include tracking your comments and answers provided to document the outreach. Please provide your name and then your comment or question.

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Resources

- CDBG-CV2 Notice of Funding Availability

https://www.hcd.ca.gov/grants-funding/active-funding/cdbg/docs/cdbg_cv2_3_nofa_final_do_approved_12_15.pdfCDBG –

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Public Hearing Review

- Close Public Hearing
- Review the discussion and ideas identified during the hearing
- Review next steps
- Adjourn

Thank you for your participation!

City of Angels Council Meeting

January 19, 2021

6. REGULAR AGENDA

B. PUBLIC HEARING: For the Consideration of an Ordinance No. 505 Amending Section 17.64.050 of the City of Angels Municipal Code Exempting Work Force / Affordable Housing From the City's Oak Tree and Heritage Tree Preservation Ordinance Requirements

ANGELS CAMP
CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: January 19, 2021

TO: City Council

FROM: Amy Augustine, AICP – City Planner

RE: **ORDINANCE 505 ADDING SECTION 17.64.050(E) TO THE CITY OF ANGELS MUNICIPAL CODE EXEMPTING WORK FORCE/AFFORDABLE HOUSING FROM THE CITY'S OAK TREE AND HERITAGE TREE PRESERVATION ORDINANCE REQUIREMENTS**

RECOMMENDATION

Introduce, waive the first reading, hold a public hearing and set a second public hearing for February 2, 2021 to:

Approve Ordinance 505 adding Section 17.64.050(E) to the City of Angels Municipal Code exempting work force/affordable housing from the City's Oak Tree and Heritage Tree Preservation Ordinance requirements.

BACKGROUND/DISCUSSION

Public Resources Code Section 21083.4 [California Environmental Quality Act (CEQA) Statutes] states that cities are exempt from the state's oak woodland conservation requirements. Conversion of oak woodlands in an urban setting is less likely to result in significant adverse biological impacts because oak woodlands tend to be fragmented with degraded biological value in urban settings. It is the aesthetic value of individual oaks in an urban setting that is generally of environmental concern.

The proposed code amendment does not preclude evaluation of aesthetic impacts as they may pertain to oaks for individual projects subject to CEQA. Such projects will continue to be evaluated for potentially significant adverse impacts associated with oaks based on aesthetic values and shall be mitigated as appropriate. However, because the City's Oak and Heritage Tree Ordinance, which focuses on both aesthetic and biological values, can be costly in its application and may prevent or substantially hinder the provision of affordable housing in the City, the City's General Plan Housing Element was adopted in August 2019 to include an implementation program exempting affordable housing from the requirements of AMC Chapter 17.64. That approval was subject to public hearings and unanimous approval by both the Planning Commission and the City Council.

Last year, California approved City funding under SB2 to amend the City Code and bring the AMC into compliance with The City's state-certified 2019-2027 Housing Element. This amendment is consistent with the use of those funds.

The City of Angels Planning Commission met on January 14, 2021 and passed Resolution of Intent 2021-1 recommending to the City Council approval of the proposed code amendments.

ANALYSIS:

Pursuant to AMC Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code

General Plan Housing Element Implementation Program 2.A.b calls for continuing to encourage the *Establishment of Small, Affordable Housing Units Distributed Throughout the City* by "reducing mitigation requirements for oak tree removal in Angels Municipal Code (AMC) Chapter 17.64 for affordable housing"

The proposed code amendment implements General Plan Program 2.A.b. and is therefore consistent with the General Plan and Municipal Code and Finding A can be made.

Finding B: The proposed changes are not detrimental to the health, safety, peace, morals and general welfare of the city and its people.

The purpose of the proposed change is to facilitate the provision of affordable (work force) housing in the City for the general welfare of City residents. Therefore, Finding B can be made.

ENVIRONMENTAL FINDINGS

The ordinance is exempt from further review pursuant to Section 15061(b)(3) of the State Guidelines for the Implementation of CEQA, the common-sense exemption which states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Public Resources Code Section 21083.4 [California Environmental Quality Act (CEQA) Statutes] states that cities are exempt from the state's oak woodland conservation requirements. Conversion of oak woodlands in an urban setting is less likely to result in significant adverse biological impacts because oak woodlands tend to be fragmented with degraded biological value in urban settings. It is the aesthetic value of individual oaks in an urban setting that is generally of environmental concern. The proposed code amendment does not preclude evaluation of aesthetic impacts as they may pertain to oaks for individual projects subject to CEQA. Therefore, it can be seen with certainty that the ordinance will not have a significant effect on the environment and is not subject to CEQA.

FISCAL IMPACT

None anticipated.

ATTACHMENT

Ordinance 505

CITY OF ANGELS CITY COUNCIL
ORDINANCE NO. 505

AN ORDINANCE ADDING SECTION 17.64.050(E)
TO THE CITY OF ANGELS MUNICIPAL CODE -- PROVISIONS FOR EXEMPTING WORK FORCE/AFFORDABLE HOUSING FROM THE CITY'S OAK TREE AND HERITAGE TREE PRESERVATION ORDINANCE REQUIREMENTS **OF THE CITY OF ANGELS MUNICIPAL CODE**

THE CITY OF ANGELS CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 17.64.050 of the City of Angels Municipal Code is amended to add paragraph 17.64.050(E) as follows:

17.64.050 Exceptions to requirement for permit.

E. No Permit shall be required under this chapter for the removal of any oak or heritage tree for that portion of the site dedicated as residential housing, either for sale or rent, which, by recordable means, is obligated for affordable housing as that term is defined in Section 17.06.190(B). Where a project proposes a mixture of affordable housing and market rate housing or other uses, only that portion of the project dedicated for affordable housing by recordable means is exempt from this chapter. If the precise boundaries of the affordable housing component of a mixed-use site cannot be determined, the entire site shall be treated as subject to this chapter and a proportional share representative of the affordable housing component shall then be subtracted and exempted. (Ord. 505, 2021)

Section 2: The foregoing Ordinance or a summary shall, before the expiration of fifteen (15) days of its passage, be published with the names of the Council members voting for and against the same once in a newspaper of general circulation printed and published in the County of Calaveras, State of California, and said Ordinance shall take effect and be in force thirty (30) days after the passage thereof.

The foregoing Ordinance was introduced at a regular meeting of the City of Angels City Council held on January 19, 2021, and passed and adopted as an ordinance of said City at a regular meeting of said Council held on February 2, 2021, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Alvin Broglio, Mayor

ATTEST:

_____
Jennifer Preston
Deputy City Clerk

City of Angels Council Meeting

January 19, 2021

6. REGULAR AGENDA

C. Approval of the City Council Committees for Calendar Year 2020-2021

CITY of ANGELS
2021 COUNCIL APPOINTMENTS

CITY COMMITTEES:

Museum Commission – 3rd Thursday @ 8:30 am @ Museum
Representative: **Jeremy**
Alternate: **Gretel**

INTER-AGENCY COMMITTEES:

Calaveras Public Power Agency (CPPA) – 1/20, 4/21, 7/21, 10/20 9am @ CPUD Office
Representative: **Gretel**
Alternate: **Jeremy**

Central Sierra Economic Development District – 2/18, 5/20, 8/19, 11/18 9:30 am @ Motherlode Job Training
Representative: **Jennifer**
Alternate: **Gretel**

Council of Governments (CCOG) – 1st Wednesday @ 5:30pm @ Board of Supervisors Chambers
Representatives: **Jennifer and Alvin**
Alternates: **Isabel**

Destination Angels Camp (Exec. Committee) – 3rd Thursday @ 8:30 am @ ACBA/DAC Office
Representative: **Gretel**
Alternate: **Alvin**

(League of California Cities) Central Valley Executive Committee – Quarterly @ League Offices/Sacramento
Representative: **Alvin**
Alternate: **Jennifer**

Local Agency Formation Commission (LAFCO) – 1/25, 3/15, 5/17, 7/19, 9/20, 11/15 @ 6 pm @ Board of Supervisors Chambers
Representatives: **Jennifer and Isabel**
Alternate: **Alvin**

Solid Waste Management – Monthly third Thursday of the month at 5:30pm
Representative: **Jeremy**
Alternate: **Jennifer**

Utica Water Power Authority (UWPA) – 4th Tuesday @ 5:30 pm @ UWPA Office (December 2020 TBD, possibly 12/15)
Representatives: **Alvin and Isabel**
Alternate: **Jeremy**

Environmental Health Dept. – Date/Time/Location TBD
Representative: **Isabel**
Alternate: **Gretel**

Integrated Regional Water Management Authority (IRWMA) –Advisory Committee - 3rd Wed. @ 9:00 am TUD Offices
Representative: **Jeremy**
Alternate: **Isabel**

City of Angels Council Meeting

January 19, 2021

6. REGULAR AGENDA

D. City Financial Report as of September 30, 2020

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

DATE January 19, 2021

TO City Council

FROM Joe Aguilar, Finance Consultant

RE **FINANCIAL REPORT AS OF SEPTEMBER 30, 2020**

RECOMMENDATION

Staff recommends that City Council receive the Financial Report as of September 30, 2020.

BACKGROUND

Staff has compiled Budget to Actual Financial Reports as of September 30, 2020.

DISCUSSION

General Fund Revenues

- Property Taxes for each fiscal start to come in January. No receipts are reportable thru 9/30/20.
- The City received Sales Tax of $77,000 thru September which is applicable to FY2020-21. The amount is higher than expected, but no definitive information to revise any revenue estimates at this time.
- We recorded $48,358 of Transaction (Sales) Tax applicable to FY2020-21. The receipts thru September are better than expected, but no definitive information to adjust the budget at this time.
- General Fund portion of Transient Occupancy Tax was zero thru 9/30/20. The zero receipts for the 1st quarter was in line with budget expectations from the COVID 19 lockdown.
- As expected, no reportable revenues for Interest Earning thru September 30.
- Small general operating revenues show receipts thru 9/30/20 at 10% received for the year. The timing of these receipts is within our budget expectations.
- General Fund Building and Planning Department service charges of $54,000 thru 9/30/20 is at 24% of budget. These receipts are on budget with our projected expectations.
- Strike Team revenue received in the first quarter was much higher than expected, but the Strike Team overtime expenses offset these revenues. Therefore, the overall effect is expected to be net neutral to the budget.
- Thru 9/30/20, the Police Department Reimbursable Revenue came in at $9,300 or 19% of budget. This is within our budget expectations.
- Overall, the General Fund revenues are doing slightly better than expected and within budget expectations.

General Fund Expenditures

- Administration and Finance expenses running faster than the prior year, but $55,000 of one-time pension charges and $133,000 of one-time liability insurance occurs in the first quarter. After backing out the one time charges, expenses ran about 10% ahead of budget for the first quarter.

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- The Building and Planning Department has continued to experience steady development and related expenses for the first quarter were 17% of budget.
- Fire Department personnel costs expended for the first quarter was 26% of budget. The department experienced greater than expected Strike Team charges with matching revenues that keeps the Strike Team net cost neutral to the General Fund. Other Fire Department operations were underspend for the first quarter and shows no significant trending for the first few months of the fiscal year.
- Police Department personnel costs hit 19% of budget for the first quarter after adjusting for one-time pension charges that occur in the early part of the year.

Overall, the General Fund budget activity focuses on public safety where these costs for Police and Fire make up 73% of the budget. Through the first quarter, public safety consumed 25.2 % of their operating budget which keeps the budget on track for the year.

With revenues holding up with budget expectations and expenses staying in line in public safety departments, no budget adjustments are needed for the first quarter. The General Fund operation totals about $3.6 million per year and a $2 million reserve is a healthy backstop for now.

Sewer Funds

- Revenues for the quarter ending 9/30/20 in the O&M Sewer Fund hit 29% of budget.
- The Sewer Expense budget of $1.7 million in the O&M Sewer fund consumed 19% of budget. Spending is expected to pick up in the next three quarters for system repairs.
- The City budgeted $982,000 for capital spending for the sewer system for the year. The majority of spending for these projects is expected to occur in the Spring of 2021. There were only minor charges for capital projects in the first quarter. Sewer Fund reserves were at $2.9 million to begin the year.

Water Funds

- Revenues for the quarter ending 9/30/20 in the O&M Water Fund hit 23% of budget.
- The Water Expense budget of $1.6 million (exclusive of transfers) in the O&M Sewer fund consumed 18% of budget. Spending is expected to pick up in the next three quarters.
- The City budgeted $403,000 for capital spending for the system for the year. There were only minor charges for capital projects in the first quarter. Water Fund reserves stood at $7.0 million to begin the year.

Transportation Projects

- The currently approved transportation projects are funded with grants and restricted revenue streams. No significant spending occurring in the first quarter

Local Transportation Fund (200)

- For the September quarter there were no recorded revenues.
- For the September quarter there was no reportable expenses.

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Street Gas Tax

- For the September quarter, Gas Tax revenues came in at $28,000 for the quarter or about 27% of budget.
- For the September quarter, Gas Tax expenses totaled $18,000 for the quarter or about 16% of budget.

Gas Tax RMRA (SB1)

- For the September quarter, revenues came in at $16,000 for the quarter or about 25% of budget.
- For the September quarter there was no reportable expenses.

TOT Roads (271)

- Transient Occupancy Tax was not expected to be collected for the September quarter and none was received.
- Spending for the quarter amounted to $34,000 or 27% of budget for road repairs.

Utica Water and Power Authority Trust Fund

- For the September quarter, revenues came in at $95,000 for the quarter or about 23% of budget.
- For the September quarter, expenses totaled $111,000 for the quarter or about 27% of budget.

Lighting & Landscape District (245)

- Assessments are collected by the County and will not be remitted to the City until the second half of the fiscal year. No revenues were received in the September quarter.
- Spending for the quarter amounted to $29,000 or 16% of budget for road repairs.

Greenhorn Creek Assessment District (400)

- Assessments are collected by the County and will not be remitted to the City until the second half of the fiscal year. No revenues were received in the September quarter.
- Debt payments are made from this fund twice a year and none occurred in the September quarter.

Local Agency Formation Commission

- For the September quarter, $91,000 was received or about 98% of budget.
- For the September quarter, $13,000 was spent or about 10% of budget.

FINANCIAL IMPACT

For the first quarter of the fiscal year, most revenues and spending are holding true to our budget expectations. At this time no budget changes are warranted.

City of Angels Council Meeting

January 19, 2021

6. REGULAR AGENDA

E. Approval of Resolution No. 21-04 Appointing Administrative Services Officer to Service as City Clerk with Administration of the Oath of Office

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

MEETING DATE: JANUARY 19, 2021

TO: CITY COUNCIL

FROM: DOUGLAS L. WHITE, CITY ATTORNEY

RE: ADOPT A RESOLUTION OF THE CITY OF ANGELS CAMP APPOINTING THE ADMINISTRATIVE SERVICES OFFICER TO SERVE AS A CITY CLERK

RECOMMENDATION:
Adopt a resolution of the City of Angels Camp appointing a Councilmember to serve as City Clerk to perform City Clerk duties and responsibilities.

DISCUSSION:
The Office of the City Clerk (the "City Clerk") of the City of Angels Camp (the "City") has been vacant since November 30, 2020 following the resignation of the former City Clerk, Susan Wegner. The City Clerk performs a variety of duties crucial to the operation of City government. The City Clerk ensures City compliance with State of California laws, keeps accurate City records and acts as the City Elections Official.[1] The City Administrator, however, acts as the City Elections Official during a City Clerk vacancy.[2]

The City Administrator appoints the City Clerk, subject to ratification of the City Council.[3] The City Administrator is currently considering options to appoint a full-time City Clerk. Pending appointment of a full time City Clerk, City staff recommends that the City Council appoint a Councilmember as a City Clerk Pro Tempore to perform the duties of the City Clerk. The City Council should also authorize the delegation of day-to-day administrative tasks routinely handled by a City Clerk to City staff. This will ensure that the duties of the City Clerk will be properly executed pending appointment of a full time City Clerk.

The proposed Resolution, if adopted, will appoint the Administrative Services Officer, designated by the City Council, to serve as a City Clerk. to-day administrative tasks to City staff.

[1] See Angels Camp Municipal Code ("A.M.C."), §§ 1.12.020, 2.05.020.
[2] A.M.C., § 1.12.020.
[3] A.M.C., § 2.05.010.
{CW100073.1}

FISCAL IMPACT

There is no fiscal impact associated with appointing the Administrative Services Officer as City Clerk.

ENVIRONMENTAL

Appointing a City Clerk does not constitute a project pursuant to the California Environmental Quality Act ("CEQA") since it does not have the potential to cause a direct or reasonably foreseeable indirect impact on the environment. (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).)

ATTACHMENTS

Resolution

RESOLUTION NO 21-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP APPOINTING THE ADMINISTRATIVE SERVICES OFFICER TO SERVE AS A CITY CLERK AND PERFORM CITY CLERK DUTIES AND RESPONSIBILITIES

WHEREAS, the Office of the City Clerk (the "City Clerk") of the City of Angels Camp (the "City") became vacant on November 30, 2020 upon the resignation of the former City Clerk, Susan Wenger; and

WHEREAS, the City Council recognizes the City Clerk's crucial role in overseeing key components of City business; and

WHEREAS, the City Clerk is an appointed position; and

WHEREAS, the City Council seeks to ensure a qualified individual executes the role of the City Clerk prior to the appointment of a full-time permanent City Clerk; and

WHEREAS, California Government Code section 36804 authorizes the Mayor of the City to appoint Rose Beristianos, the Administrative Services Officer to the position of the City Clerk, and when the City Clerk is absent there is a deputy; and

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Angels Camp is as follows:

1. Rose Beristianos, Administrative Services Officer is appointed as the City's City Clerk.

2. The City Administrator, or his or her designee, may delegate day-to-day administrative tasks routinely handled by a City Clerk to City staff, including taking minutes at public meetings and preparing the affidavit of the agenda postings.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP ON THIS 19th DAY OF JANUARY, 2021, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

_____
Alvin Broglio, Mayor

ATTEST:

_____
Jennifer Preston, Deputy City Clerk