



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, August 18, 2022

Closed Session 5:00 PM

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: <https://clearlakeca.zoom.us/j/84417125301>

A. ROLL CALL

B. 5:00 PM CLOSED SESSION

- (1) Conference with Legal Counsel: Anticipated Litigation Pursuant to Government Code Section 54956.9(b): One (1) Potential Case

6:00 PM REGULAR MEETING**C. PLEDGE OF ALLEGIANCE**

D. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invocational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at mwsanson@clearlake.ca.us.*

E. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

F. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION**G. PRESENTATIONS**

2. Presentation of August's Adoptable Dogs
3. Presentation of the Sulphur Fire Roadway Disaster Repair Project
4. Presentation on ZoneHaven

H. PUBLIC COMMENT: *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

I. CONSENT AGENDA: *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

5. Authorization of an Amendment of Contract with E4 Utility Design for Dry Utility Planning Services related to the Burns Valley Development Project

Recommended Action: Approve the amendment of contract with E4 Utility Design for a not-to-exceed amount of \$24,900.00

6. Discontinuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021

Recommended Action: By motion end declaration of emergency

7. Discontinuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021

Recommended Action: By motion end declaration of emergency

8. Warrants

Recommended Action: Receive and file

J. BUSINESS

9. Discussion and Consideration of Purchase Agreement for Property Located at 6540 Old Highway 53 (APN 010-031-01), Clearlake

Recommended Action: Approve the purchase of property located at 6540 Old Highway 53, Clearlake and authorize the City Manager to executed and necessary documents to complete the sale.

10. Introduction for first reading Ordinance No. 266-2022 Amending Chapter 2, Section 2-7 of the Clearlake Municipal Code Relating to Traffic Engineer and City Engineer

Recommended Action: Introduction and first reading of Ordinance No. 266-2022: AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-7 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC ENGINEER / CITY ENGINEER, read by title only and set second reading and adoption for the August 25, 2022 meeting

11. Review and Approval of the use and retention of the Development Impact Fees for Fiscal Year 2021-2022

Recommended Action: Move to adopt the resolution approving the use and retention of the Development Impact Fees

12. Discussion of the 2022 League of California Cities (CalCities) Annual Conference Proposed Bylaws Amendments

Recommended Action: Discuss and give direction to the CalCities Conference Delegates

K. CITY MANAGER AND COUNCILMEMBER REPORTS

L. FUTURE AGENDA ITEMS

M. ADJOURNMENT

POSTED: August 12, 2022

BY:

Melissa Swanson

Melissa Swanson, Administrative Services Director/City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Presentation of the Sulphur Fire Roadway Disaster Repair Project and Acceptance of Project	MEETING DATE: August 18, 2022
SUBMITTED BY: Adeline Leyba, Construction Project Manager	
PURPOSE OF REPORT: <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

Presentation of project and acceptance by City Council.

BACKGROUND/DISCUSSION:

In September of 2021, the City of Clearlake awarded a construction contract with Argonaut Constructors for the Sulphur Fire Roadway Disaster Project. Construction began in October of 2021 and was completed on July 14th. Approximately 8 miles of roadways were rehabilitated along with several drainage and erosion control improvements.

Grant funding through the Department of Housing and Community Development allowed for disaster recovery activities, including infrastructure repair throughout the area impacted by the Sulphur Fire Disaster of 2017.

OPTIONS:

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Presentation of project and acceptance by City Council.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT

SUBJECT: Authorization of an Amendment of Contract with E4 Utility Design for Dry Utility Planning Services related to the Burns Valley Development Project	MEETING DATE: August 18, 2022
SUBMITTED BY: Adeline Leyba, Construction Project Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve an amendment to the current contract with E4 Utility Design for a not-to-exceed amount of \$24,900.00.

BACKGROUND/DISCUSSION:

The City awarded a contract with E4 Utility Design for dry utility planning services related to the Burns Valley Development Project. In order to move forward, there are additional services that are needed. This work includes utility conversions, coordination of service extension to the Public Works building, and temp power to the coffee kiosk. E4 has submitted a proposal for the additional work.

The cost for the additional work is \$24,900.00.

OPTIONS:

1. Move to amend the contract with E4 Utility Design for a not-to-exceed amount of \$24,900.00.
2. Other direction

FISCAL IMPACT:

None \$24,900.00 Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: CDBG-DRR Funds

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake

- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to amend the contract with E4 Utility Design for a not-to-exceed amount of \$24,900.00.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT

SUBJECT: Discontinuation of Director of Emergency Services/City Manager Order (Directive #CACHE-01) Restricting Access to Specified Areas as a Result of Cache Fire

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

On August 18, 2021 The Director of Emergency Services/City Manager issue a Proclamation of Local Emergency due to the Cache Fire, which was ratified by the City Council on August 19, 2021.

On August 23, 2021 the roadblocks into the fire area were lifted and unauthorized access to the Cache Fire impacted properties became a concern. Based on this concern and the need for law enforcement to have the appropriate tools to prohibit and take action against illegal activity in the area, the City Manager issued a directive restricting access to specified areas as a result of the Cache Fire.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council.

The circumstances for which the Council had declared the Cache Fire emergencies no longer exist and federal and state funding has been secured. It is appropriate to consider ending the local emergency.

OPTIONS:

1. Discontinue the Proclamation of Emergency ratified on August 19, 2021.
2. Other direction to staff.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Motion to end the declaration of emergency.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT

SUBJECT: Discontinuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action August 19, 2021

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to end the declaration of emergency.

BACKGROUND/DISCUSSION:

On August 18, 2021 City Manager Flora, as the Director of Emergency Services for the City of Clearlake, declared a Local Emergency due to the Cache Fire:

“A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property”

According to California Government Code Section 8630:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On August 19, 2021, the Council ratified the Proclamation of the Local Emergency by adoption of Resolution No. 2021-44. The Council must continue the Proclamation every 60 days or terminate the local emergency.

It is recommended that the City Council end the Proclamation of Emergency ratified in Resolution No. 2021-44.

OPTIONS:

- 1. Move to discontinue the Proclamation of Emergency ratified in Resolution No. 2021-44
- 2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: The recovery of costs by the City due to the declared state of emergency has been finalized.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to discontinue the Proclamation of Emergency ratified in Resolution No. 2020-10.



Clearlake, CA

Check Register

Packet: APPKT01541 - 8/10/22 CHECK RUN CM

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
VEN01321	IXII GROUP, INC	08/10/2022	Regular	0.00	296.00	13095
VEN01321	IXII GROUP, INC	08/10/2022	Regular	0.00	296.00	13096
002201	JESSICA MENDEZ	08/10/2022	Regular	0.00	150.00	13097
000781	NICKI BURRELL	08/10/2022	Regular	0.00	448.05	13098
000027	OPERATING ENGINEERS PUBLIC EMP	08/10/2022	Regular	0.00	68,396.00	13099
002339	TAYLOR EAGLE	08/10/2022	Regular	0.00	150.00	13100

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	7	6	0.00	69,736.05
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	7	6	0.00	69,736.05

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	8/2022	69,736.05
			<hr/>
			69,736.05

CITY OF CLEARLAKE

Successor Agency



STAFF REPORT	
SUBJECT: Discussion and Consideration of Purchase Agreement for Property Located at 6540 Old Highway 53 (APN 010-031-01), Clearlake	MEETING DATE: Aug. 18, 2022
SUBMITTED BY: Alan D. Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to consider the purchase of a parcel located at 6540 Old Highway 53 in Clearlake to be used for the construction of a new public roadway and future commercial development at the former Pearce Field.

BACKGROUND/DISCUSSION:

The City has been actively engaged in development of the former Pearce Field airport over the past few years. The project will include a new roadway, developed by the City, that connects Old Highway 53 and Highway 53 from the 18th Avenue intersection. Proper development of this road and connecting it the existing improvements at 18th Avenue required the acquisition of some privately owned land. Earlier this year a transaction was completed near the Highway 53 intersection to accommodate the new roadway. For over a year the City has been working with Amerigas to complete the purchase of property near Old Highway 53 to accommodate the road construction on the western side of the property. Staff have negotiated with Amerigas and reached proposed agreement that would allow the City to purchase the property for the appraised value of \$110,000. This purchase would allow the 18th Avenue road construction to be started later this year.

OPTIONS:

1. Approve the purchase of property located at 6540 Old Highway 53, Clearlake and authorize the City Manager to execute any necessary documents to complete the sale.
2. Provide Direction to Staff.

FISCAL IMPACT:

None \$110,000 plus closing costs. Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: Capital Projects Fund

Comments: Utilize funding appropriated for the airport development project in Fund 240.

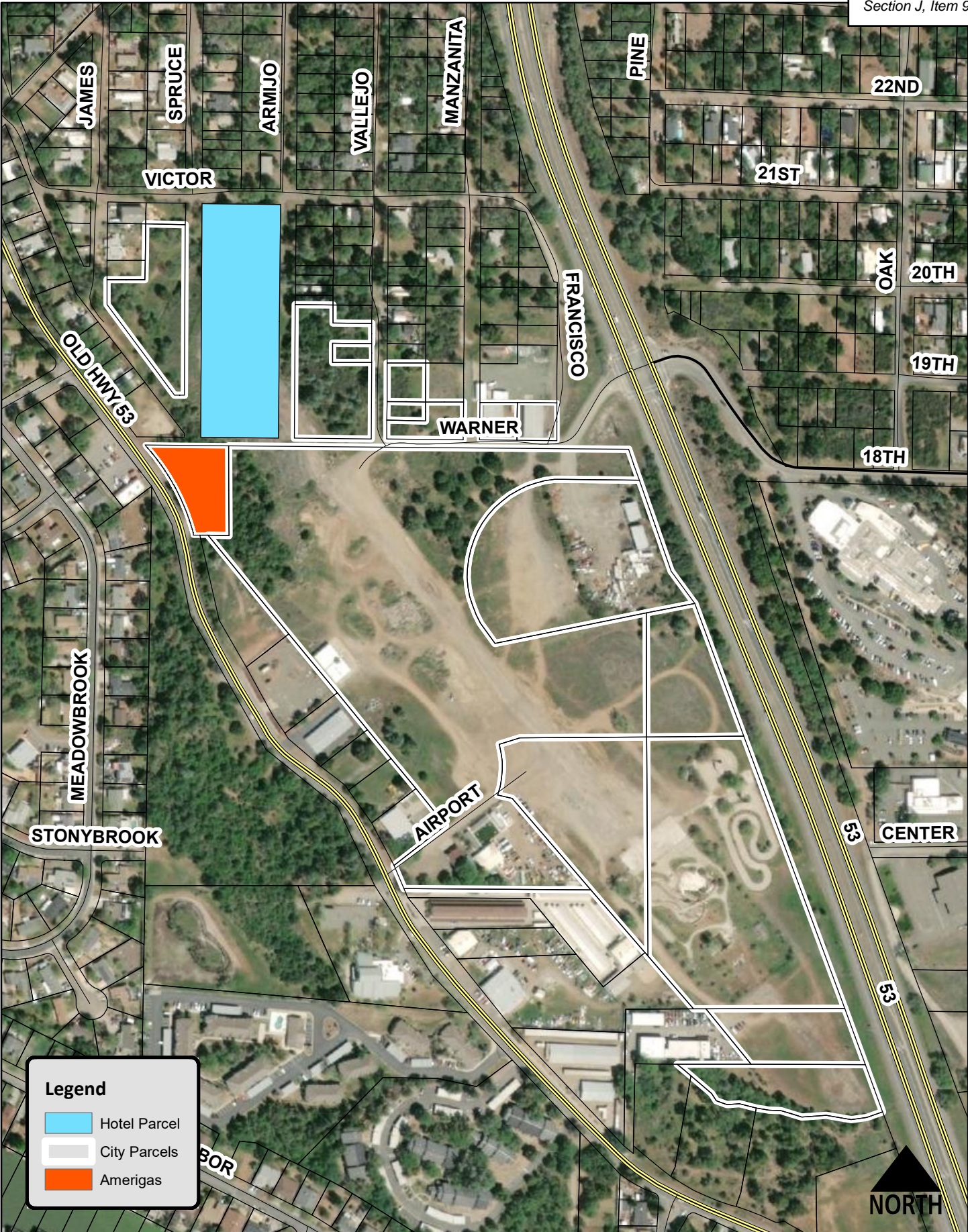
STRATEGIC PLAN IMPACT:

Goal #1: Make Clearlake a Visibly Cleaner City




- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- Attachments:** Map



Legend

-  Hotel Parcel
-  City Parcels
-  Amerigas



**HOTEL
PROPERTY**

VICTOR ST

ARMIDO AVE

VALLEJO AVE

MANZANITA AVE

53

18TH AVE

OLD HWY 53

PROJECT NUMBER 21-719	CITY OF CLEARLAKE 18TH AVE ALIGNMENT 18TH AVENUE ROADWAY DESIGN		CIVIL ENGINEERING PLANNING/PROCUREMENT CONSTRUCTION/ADMINISTRATION www.ceconline.net CALIFORNIA ENGINEERING COMPANY INC 1110 Civic Center Blvd. Suite 404 Yuba City, CA 95993 (530) 761-0962 Office	DATE: 5/31/2022	NO.	DATE
	SHEET 01 OF 01	SCALE: 1"=30'		DESIGNED BY: MSH	CHECKED BY: MSH	DESCRIPTION:

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CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Introduction for first reading Ordinance No. 266-2022 Amending Chapter 2, Section 2-7 of the Clearlake Municipal Code Relating to Traffic Engineer and City Engineer	MEETING DATE: August 18, 2022
SUBMITTED BY: Ryan Jones, City Attorney	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

City Council is being asked to consider introducing and holding a first reading of an ordinance amending the Traffic Engineer section of the City’s municipal code.

BACKGROUND/DISCUSSION:

Staff commonly audits the Clearlake Municipal Code and looks for provisions that are need of updating based on best practices and compliance with the current law. Section 2-7 has not been updated since 2012, and should be modified so as to align with current and best practices in the City. First, the City does not currently employ or contract with a designated “Traffic Engineer.” Instead, the City utilizes the services of a City Engineer, whose duties include the oversight of traffic. In light of the City migrating from a Traffic Engineer to City Engineer model, the proposed ordinance reflects that change.

The ordinance provides that the City Manager shall appoint a City Engineer, who may either serve as an employee of the City or an independent contractor. The duties and qualifications of the City Engineer are outlined in this ordinance and are consistent with industry standards, which includes the City Engineer being a license professional engineer in the State of California, and must have experience in public works.

The City Engineer, pursuant to this ordinance, will provide traffic duties for the City. Traffic duties include the determination of the installation and proper timing and maintenance of traffic control devices and signals, and will investigate the traffic to develop ways to improve traffic conditions. The City Engineer would have the authority to determine the need for road signage in the City, and set parking regulations.

Environmental Considerations: Adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

OPTIONS:

- 1. Introduce the ordinance and hold the first reading, and set for a second reading and adoption at a subsequent Council meeting
- 2. Give direction to staff

FISCAL IMPACT:

None Budgeted Item? Yes No
 Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$
 Affected fund(s): General Fund Measure P Fund Measure V Fund Other:
 Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Introduction and first reading of Ordinance No. 266-2022: AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-7 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC ENGINEER / CITY ENGINEER, read by title only and set second reading and adoption for the August 25, 2022 meeting.

ATTACHMENT:

- 1. Ordinance No. 266-2022

ORDINANCE NO. 266-2022

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-7 OF THE CLEARLAKE MUNICIPAL CODE
RELATED TO TRAFFIC ENGINEER / CITY ENGINEER**

WHEREAS, the Office of the Traffic Engineer is obsolete in that this function is currently served by the City Engineer;

WHEREAS, in order to update the Municipal Code so that it is consistent with current practice, the section related to the Traffic Engineer will be repealed and replaced with a City Engineer section; and

NOW, THEREFORE, the City Council of the City of Clearlake, State of California does ordain as follows:

SECTION 1. FINDINGS.

- A. The above recitals are declared to be true and correct findings of the City Council of the City of Clearlake.

SECTION 2.

Chapter 2, Section 2-7, is hereby repealed as replaced as follows:

Section 2-7 City Engineer

2-7.1

Established; Appointment; Compensation.

The City Engineer shall be appointed by the City Manager, and may be removed by the City Manager. The City Engineer may, in the discretion of the City Manager and with consultation from the City Council, be either a City employee or an independent contractor. The compensation will either be set by contract with the City Engineer is an independent contractor, or by salary schedule if the individual is a City employee.

2-7.2

Duties and Qualifications.

The City Engineer shall be a licensed professional engineer registered in the State of California, and shall be experienced in public works. The City Engineer shall provide professional engineering services defined by law, ordinance, resolution, standards of the engineering profession and guidance of the Council through the City Manager. The City Engineer shall provide engineering services to the City, which may be include duties related to traffic.

2-7.3

Traffic Duties.

It shall be the general duty of the City Engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct investigations of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this City. Whenever, by the provisions of this section, a power is granted to the City Engineer or a duty imposed upon him or her, the power may be exercised or the duty performed by a deputy or by a person authorized in writing by the City Engineer.

2-7.3

Stop Signs, Yield Signs, No Turn Signs.

Whenever the City Engineer shall determine a need for boulevard stop signs, “yield” signs, “no left turn” or “no right turn” signs, or any other traffic control devices which impose a mandatory duty upon motorists, he or she shall prepare a written authorization of such installations and designations.

2-7.4

Caution or Warning Signs.

Whenever the City Engineer shall determine that caution or warning signs or devices should be installed on any City street, he shall cause such installation to be done, provided that there are sufficient funds appropriated and available for the purpose.

2-7.5

Parking Regulations.

Whenever the City Engineer shall determine a need for any parking regulations, including but not limited to, “no parking” zones, time limit parking zones, diagonal parking zones, bus stops, taxi stands, or other special parking restrictions, he shall prepare and present such authorization as required by State law.

2-7.6

Violation and Penalty.

The failure of any person to observe and obey any traffic control device installed pursuant to subsection 2-8.3, shall be cited and punished as a violation of the Vehicle Code of the State of California.

SECTION 2. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other

provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. CEQA. The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the ___ day of ___, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

FINAL PASSAGE AND ADOPTION by the City Council of Clearlake occurred at a meeting thereof held on the ___ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dirk Slooten, Mayor

ATTEST:

Melissa Swanson, City Clerk
City of Clearlake

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Review and Approval of the use and retention of the Development Impact Fees for Fiscal Year 2021-2022	MEETING DATE: August 18, 2022
SUBMITTED BY: Kelcey Young, Director of Finance	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review and approve the use and retention of the Development Impact Fees for Fiscal Year 2021-2022. Additional information is provided in the Development Impact Fee Report, including the proposed plans for the accumulated Traffic Impact fees of \$416,393.76.

BACKGROUND/DISCUSSION:

The City Council adopted Ordinance 247-2020 Amending Chapter 3 of the Clearlake Municipal Code regarding Development Impact Fees on September 17, 2020.

At that time the City created a development impact fee program that would provide revenue to offset the cost from increased demand for City services and facilities. Under AB 1600 (Government Code Section 66000 et seq.) the City can establish fees to pay for these needs as long as there is a study that legally justifies the cost of these fees. The key requirements that determine the structure, scope, and amount of the proposed Fee Program as required by AB1600 are as follows:

- Fees Collected for Capital Facility and Infrastructure Improvements. Development impact fee revenue can be collected and used to cover the cost of capital facilities and infrastructure required to serve new development and growth in the City. However, impact fee revenue cannot be used to cover the operation and maintenance costs of these or any other facilities and infrastructure.
- Fees Cannot Fund Existing Needs. Impact fee revenue cannot be collected or used to cover deficiencies in existing City capital equipment and facilities. The portion of capital costs required to meet the needs of the City’s existing population must be funded through other sources. The costs associated with improvements that serve the needs of both new development and the existing development are split on a “fair share” basis according to the proportion attributable to each. Thus, development impact fee funding will need to be augmented by other revenue sources to meet overall funding requirements.
- Fees Must Be Based on a Rational Nexus. An impact fee must be based on a reasonable nexus, or connection, between new growth and development and the need for a new facility or improvement. As such, an impact fee must be supported by specific findings that explain or demonstrate this nexus. In addition, the impact fee amount must be structured such that the revenue generated does not exceed the cost of providing the facility or improvement for which the fee is imposed.

By the Mitigation Fee Act, the City is required to report on traffic impact fees within 180 days after the fiscal year, and determine where the traffic impact fees should be utilized.

At this time Staff is recommending using the total balance of the Traffic Impact Fees for the Airport Road Extension Project for further continuation of that project. The project budget is \$6,853,953, which means the Traffic Impact Fees would cover 6% of the total project cost. The project is expected to start in the 22/23 Fiscal Year.

FISCAL IMPACT:

None \$416,393.76 Budgeted Item? Yes No

Budget Adjustment Needed? Yes No

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: 240

Comments: The budget appropriation will be brought back to Council at a later date.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to adopt the resolution approving the use and retention of the Development Impact Fees

- Attachments:**
 - 1) Resolution No. 2022-50
 - 2) Development Impact Fee Report

RESOLUTION NO. 2022-50

APPROVAL OF THE FY21-22 DEVELOPMENT IMPACT FEE REPORT

WHEREAS, the City Council approved and adopted the Development Impact fees September 17, 2020; and,

WHEREAS, the City of Clearlake is required to report on the development impact fees and determine the best use for these fees in; and,

WHEREAS, the City Council has already developed a lit of pre-approved projects to utilize Traffic Impact fees; and,

WHEREAS, the Airport Road Extension Project is a key project to increasing economic development for the City of Clearlake; and,

WHEREAS, the City of Clearlake posted the Development Impact Report publicly on August 2, 2022; and,

WHEREAS, the City Council of the City of Clearlake reviewed and approved the Development Impact Fee Report; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clearlake the FY 2022-23 Development Impact Report included herein as “Exhibit A”, is,

PASSED AND ADOPTED by the City Council of the City of Clearlake, County of Lake, State of California, on this 18th day of August 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk

Mayor

August 2, 2022

The Honorable Mayor, Members of the City Council and Residents of the City of Clearlake, CA

Subject: Annual Report of Development Impact Fees

Dear Mayor, Members of the City Council and Residents of the City of Clearlake,

Pursuant to the Mitigation Fee Act (the "Act") (Government Code section 66000 et seq.), and specifically section 66006 of the Act, the following report on the receipt, use and retention of development impact fees for Fiscal Year 2021-2022 is hereby presented to the City Council for review and approval.

Development Impact Fees are charged by local governments to defray all or a portion of the cost of public facilities related to new development being constructed within the City. The requirements for enactment of a development impact fee program are set forth in the Act, which was enacted by the State Legislature as Assembly Bill No. 1600 and is commonly referred to as "AB 1600 requirements".

The imposition of Development Impact Fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

The City of Clearlake further lays out the Development Impact Fees in its Municipal Code, specifically 3-8.1. In the City of Clearlake, Development Impact Fees may be collected for the purpose of mitigating the impacts caused by new development on the City's infrastructure. Fees are used to finance the acquisition, construction, and improvement of public facilities needed as a result of this new development.

The following report outlines the Traffic Impact Fees which are the Development Impact Fees the City of Clearlake is currently collecting. The annual report includes the fees the City collected in Fiscal Year 2021-2022 as well as the financial findings of the current program. These fees are held in Fund 232 and are to be used as funding for the projects outlined in this report.

Respectfully submitted,



Kelcey Young

Director of Finance

CITY OF CLEARLAKE – ANNUAL REPORT OF DEVELOPMENT IMPACT FEES

Traffic Impact Fees:

The City of Clearlake has obtained the following fees from Traffic impact Fees

Previous Balance	FY21-22	Total
\$18,780.66	\$397,613.10	\$416,393.76

Findings: Fees were collected into Fund 232- Traffic Impact Fees, including the existing excess cash, are based on a detailed breakdown of citywide capital improvement projects needed to mitigate the impacts of new development through the year 2040. These projects have been approved by the City Council for construction under this program, as a part of Ordinance No. 247-2020 and the Transportation Impact Fee Study dated September 1, 2020.

The project list includes capital improvement with a total estimated Impact Fee Share of \$5,655,000.

Below is a list of projects approved in 2020 with the Anticipated Project Costs and Impact Fee Share:

Project	Anticipated Project Cost (2020)	Impact Fee Share (2020)
A. Airport Road Extension	\$1,582,000	\$1,200,000
B. SR 53/18th Avenue Intersection Improvements	\$275,000	\$275,000
C. Roundabout at Dam Road/Dam Road Extension	\$4,861,000	\$2,430,000
D. Lakeshore Drive Sidewalk Improvements	\$1,394,000	\$250,000
E. Dam Road Extension Sidewalk Improvements	\$413,000	\$125,000
F. Roundabout at Olympic Drive/Lakeshore Drive	\$1,375,000	\$1,375,000
Total	\$9,900,000	\$5,655,000

Staff recommends using the entirety of accumulated Traffic Impact fees of \$416,393.76 towards the Airport Road Extension project. This amount is substantially under the Impact Fee Share allowable and will make the most impactful contribution to economic development at the current time. The current budget for this project is \$6,853,953. The current Traffic Impact Fees going to this project would make up 6% of the total project cost. The project is expected to start in the 22/23 Fiscal Year.

In 2020 the Traffic Impact fee Study determined that at the current cost rate of projects, to adequately fund the future transportation projects through a Transportation Impact Fee program, approximately \$5.94 million in impact fees will need to be collected by the City. While project costs have increased staff is not requesting an increase in Impact Fee Share at this time.

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Discussion of the 2022 League of California Cities (CalCities) Annual Conference Proposed Bylaws Amendments	MEETING DATE: August 18, 2022
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to discuss the proposed bylaws and give direction to the Conference delegates.

BACKGROUND/DISCUSSION:

At the annual League of California Cities (CalCities) Conference, attendees will hold a business meeting where items are voted on to determine the CalCities’s stance on certain issues in the coming year. This year’s general assembly and business meeting will be held during the annual conference on Friday, September 9th. The City Council appointed Councilmember Cremer as the delegate with Councilmember Claffey and Vice Mayor Perdock as alternates.

This year, the League of California Cities is proposing changes to the organization’s bylaws as outlined in the attached report.

OPTIONS:

1. Discuss the proposed changes and give direction to the Conference delegates on voting for or against the adoption of the changes at the Conference.
2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No
 Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$
 Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: Support of the League resolutions does not commit cities to adopting or implementing any League position in their local communities.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City

- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development
- Attachments:** 1) 2022 Annual Conference Proposed Bylaws Amendments Packet



LEAGUE OF
CALIFORNIA
CITIES

2022 Annual Conference and Expo

PROPOSED BYLAWS AMENDMENTS

*General Assembly
September 9, 2022*

**2021-2022
CAL CITIES OFFICERS**

August 2022

President

Cindy Silva
Mayor Pro Tem,
Walnut Creek

To: Cal Cities General Assembly
From: Cindy Silva, President
Carolyn Coleman, Executive Director and CEO
Re: Proposed Cal Cities Bylaws Amendments

First Vice President

Ali Taj
Council Member,
Artesia

On July 15, 2022, the League of California Cities (Cal Cities) Board of Directors (Board) voted to present proposed bylaws amendments to the General Assembly at the 2022 Cal Cities Annual Conference and Expo. This memorandum outlines the history of the proposed amendments, summarizes the amendments, and provides an explanation of the process for adopting amendments to the bylaws.

Second Vice President

Daniel Parra
Council Member,
Fowler

Background

Immediate Past President

Cheryl Viegas Walker
Council Member,
El Centro

Beginning in 2017, the Board directed Cal Cities to undertake a strategic planning process that resulted in the adoption of the “Powering Up for California Cities Strategic Growth Plan 2018-2021” (Strategic Growth Plan). The Strategic Growth Plan set forth goals to enhance Cal Cities’ governance to: (a) achieve even higher levels of engagement and effectiveness; (b) ensure optimal engagement by members and effectiveness in supporting fulfillment of the Cal Cities’ mission; and (c) ensure the pathway to leadership is transparent and inclusive.

**Executive Director
and CEO**

Carolyn M. Coleman

In furtherance of its governance goals, the Board engaged an association governance consultant (Consultant) to evaluate the Cal Cities governance system and make recommendations for enhancing Cal Cities’ governance. The Consultant gathered and considered input from more than 350 Cal Cities members through advisory groups, roundtable discussions, interviews, and surveys. On July 8, 2021, the Consultant produced a report (Governance Report) detailing 49 recommendations to the Board to deepen the engagement of Cal Cities Member Cities and ensure Cal Cities’ governance is operating at peak performance.

The Governance Report included findings indicating that Cal Cities is a strong organization, with a high level of member engagement, but also highlighted opportunities for Cal Cities to enhance its governance. The opportunities for enhancement included: (a) improving the clarity, ease, and consistency in how the governance system works; (b) clarifying the guidelines for position qualifications and performance expectations; (c) identifying ways to deepen member engagement and enhance the quality of the experience of involvement; and (d) ensuring Cal Cities has an intentional, consistent organizational culture at all levels of the governance system.

The findings and recommendations from the Governance Report were presented to the Board during the July 2021 Board meeting. Following a robust exchange of ideas and input, the Board decided to move forward with many of the recommendations, referred other recommendations to a “to be established” board subcommittee for further study, and deferred consideration of the remaining recommendations.

Following Board approval, in September 2021 during the Cal Cities Annual Conference and Expo, the General Assembly voted to approve the following bylaws amendments:

1. Adjust the composition of the Board to achieve a higher impact and be more representative by adding Director seats to the Board for each of the five Diversity Caucuses, and transitioning members of the National League of Cities Board from Cal Cities Directors to one non-voting advisor to the Cal Cities Board.
2. Recognize the Cal Cities Diversity Caucuses in the Cal Cities bylaws to reflect the full contribution the caucuses make to Cal Cities’ mission and vision.

Those amendments became effective on Nov. 24, 2021.

Among the recommendations the Board decided was a priority to move forward was the establishment of a standing Governance Committee to assist the Board in fulfilling its governance function.

At its February 2022 meeting, the Board voted to approve Board policy establishing the Governance Committee with the task of regularly reviewing the governance structures, policies, and practices of Cal Cities and reporting its findings and recommendations to the Board. The Board also approved a one-year work plan for the Governance Committee that established priority governance issues to focus on in its first year.

Following the Board meeting, President Cindy Silva appointed the following Board members to serve on the Governance Committee:

- Cheryl Viegas Walker, Immediate Past President and Council Member, El Centro, Chair
- Walt Allen, Council Member, Covina
- Jan Arbuckle, Vice Mayor, Grass Valley
- LaTanya Bellow, Deputy City Manager, Berkeley
- Pippin Dew, Council Member, Vallejo
- Lynne Kennedy, Mayor Pro Tem, Rancho Cucamonga
- Karen Goh, Mayor, Bakersfield
- Jim Lewis, City Manager, Pismo Beach
- Lisa Middleton, Mayor, Palm Springs
- John Minto, Mayor, Santee
- David Pollock, Council Member, Moorpark

The Governance Committee met in April 2022, and following engaging and productive discussions, brought forward to the Board at its May 2022 meeting several recommendations to further enhance Cal Cities’ governance. Among the recommendations approved by the Board during that meeting are two that require bylaws amendments:

1. Formalize oversight of the **Resolutions Committee** by establishing the Second Vice President as the chair of the committee, while retaining the President’s authority to appoint the vice chair of the committee.
2. To ensure a more inclusive **Nominating Committee**, add one committee member appointed from among the Caucus Directors and one additional committee member appointed from among the At-Large Directors for a total of 13 committee members.¹

In addition to those recommendations identified by the Governance Committee and approved by the Board, Cal Cities staff identified various non-substantive revisions to the Cal Cities bylaws:

1. Clarify that, unless the Board establishes otherwise, the **Cal Cities President appoints the chair of Board-established committees**.
2. To avoid confusion and clarify organizational responsibilities, remove “Treasurer” from the **title of the Second Vice President**.²
3. To promote consistency, replace the term “Board member(s)” with “**Director(s)**.”³

On July 15, 2022, the Board voted to present these proposed bylaws amendments to the General Assembly at the 2022 Cal Cities Annual Conference and Expo.

While the work to enhance Cal Cities’ governance is a process being implemented in phases over several years, the Board believes these proposed amendments constitute important next steps toward ensuring Cal Cities’ governance is operating at peak performance.

¹ Under the current bylaws, the Nominating Committee is comprised of 11 Directors. Two committee members are appointed from among At-Large Directors and one from a Department. Divisions participate on a rotation, with Directors residing within eight of the Divisions appointed in even-numbered years and Directors from the other eight appointed in odd-numbered years.

² Under the current bylaws, the Second Vice President is referred to as “Second Vice President/Treasurer.” However, in practice the Second Vice President does not serve as treasurer of Cal Cities. Rather, that function is performed by the Chief Financial Officer designated in Article VIII, section 5, subdivision b(2), of the Cal Cities bylaws.

³ The current bylaws primarily refer to members of the Cal Cities Board of Directors as “Directors.” However, there are instances in which they are referred to as “Board members.”

Procedure for Amending the Cal Cities Bylaws

Amendments to the Cal Cities bylaws may be proposed by the Cal Cities Board and may be adopted: (a) by vote of the Cal Cities General Assembly, or (b) by mail ballot to Member Cities.⁴ In this case, the amendments will be considered by the General Assembly. Bylaws amendments need to be approved by 2/3 of those voting,⁵ and the number that constitutes 2/3 of those voting (a) cannot be less than a majority of the voting delegates present if there is a quorum at the time the vote is taken;⁶ or (b) cannot be less than a majority of a quorum if the meeting started with a quorum but a quorum is not present when the vote is taken.⁷

If approved by the General Assembly, the amendments to the bylaws will go into effect after the expiration of a 60-day protest period.⁸ If, within 60 days after the adoption of the amendments, one-third or more of Member Cities submit a written protest against such amendments, the amendments are automatically suspended until the next Annual Conference and Expo, when they may be taken up again for reconsideration and vote.⁹ If the amendments are approved by the General Assembly and no protest is lodged, the effective date of the bylaws amendments will be Nov. 9, 2022.

⁴ Article XVII, Section 1.

⁵ Article XVII, Section 2.

⁶ Cal. Corp. Code 7512, subd. (a).

⁷ Cal. Corp. Code 7512, subd. (d).

⁸ Article XVII, section 6.

⁹ Article XVII, section 7.

**RESOLUTION RELATING TO AMENDMENTS TO THE CAL CITIES BYLAWS
(2/3 vote at General Assembly required to approve)**

Source: League of California Cities Board of Directors

WHEREAS, the League of California Cities (Cal Cities) is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the Cal Cities Board of Directors (Board) periodically reviews the Cal Cities bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership needs and interests; and

WHEREAS, beginning in 2017, the Board directed Cal Cities to undertake a strategic planning process that resulted in the adoption of the “Powering Up for California Cities Strategic Growth Plan 2018-2021” (Strategic Growth Plan); and

WHEREAS, the Strategic Growth Plan set forth goals to enhance Cal Cities’ governance to: (a) achieve even higher levels of engagement and effectiveness; (b) ensure optimal engagement by members and effectiveness in supporting fulfillment of the Cal Cities’ mission; and (c) ensure the pathway to leadership is transparent and inclusive; and

WHEREAS, in furtherance of its governance goals, the Board engaged an expert in association governance who gathered and considered input from more than 350 Cal Cities members through advisory groups, roundtable discussions, interviews, and surveys to evaluate the Cal Cities governance system and make recommendations for enhancing Cal Cities’ governance; and

WHEREAS, in July 2021 the Board decided to move forward with certain recommendations made as a result of that governance evaluation, including a recommendation to establish a standing Governance Committee of the Board to assist the Board in fulfilling its governance function; and

WHEREAS, in February 2022 the Board approved Board policy establishing the Governance Committee and charging it with regularly reviewing the governance structures, policies, and practices of Cal Cities, and reporting its findings and making recommendations to the Board; and

WHEREAS, in 2022 the Governance Committee recommended, and the Board, approved certain changes to the bylaws that: (1) formalize the oversight of the Resolutions Committee; (2) ensure a more inclusive Nominating Committee by adding one committee member appointed from among Caucus Directors and one additional committee member appointed from among At-Large Directors; (3) clarify that, unless the board establishes otherwise, the Cal Cities President appoints the chair of board-established committees; and (4) make various non-substantive revisions; and

WHEREAS, the Cal Cities Board offers the following proposed amendments and additions to the bylaws, as set forth in the attached redlined version of the bylaws specified below, which is hereby incorporated by reference:

1. Amend Article VI, section 3(c) to designate the Second Vice-President as the Resolutions Committee chair, while retaining the President’s authority to appoint the vice chair of the Resolutions Committee;
2. Amend Article VII, section 5(b) to adjust the composition of the Nominating Committee by adding one At-Large Director and one Caucus Director for a total of 13 Nominating Committee members;
3. Amend Article VII, Section 10(d) to provide that, *unless the Board establishes otherwise*, the Cal Cities President appoints the chair of board-established committees;
4. Replace the title “Second Vice-President/Treasurer” with “Second Vice President” in Article VII, sections 2(a), 5(e), and 10(b); and Article VIII, sections 1, 2(c), and 4;
5. Replace the term “board member(s)” with “Director(s)” in Article VII, sections 5(b), 5(e), and 8; Article XII, section 5(c); and Article XV, section 4; and

now therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled during the Annual Conference in Long Beach on September 9, 2022, that the proposed bylaws amendments are hereby approved and Cal Cities shall make the specified amendments to the Cal Cities bylaws set forth in the attached redlined version of the bylaws.

See ATTACHMENT 1 for redline of proposed changes to the bylaws.

ATTACHMENT 1
Redline of Proposed Changes to Bylaws

Bylaws for the League of California Cities

...

Article VI. Resolutions

...

Section 3: Resolutions Committee for Annual Conference Resolutions.

(a) Resolutions Committee Composition. The Cal Cities President establishes a Resolutions Committee sixty days prior to each Annual Conference, which committee shall consist of:

- (i) One elected official from each regional division, appointed by the regional division;
- (ii) One elected official from each policy committee, appointed by the policy committee;
- (iii) One member from each functional department, appointed by the department;
- (iv) One elected official from each caucus, appointed by the caucus; and
- (v) Up to ten additional members (at least five of whom are elected officials) as the Cal Cities President deems necessary to achieve geographic and population balance, as well as recognize the multiplicity of city functions not represented by the other appointments, including, but not limited to, the perspectives of board and commission members as well as professional staff.

(b) Presidential Appointments. In the event a regional division, policy committee, functional department, or caucus does not make its appointment to the Resolutions Committee, the Cal Cities President may make the appointment on the regional division’s, policy committee’s, functional department’s, or caucus’s behalf.

(c) Chair. The Cal Cities ~~President shall also appoint to the Resolutions Committee a committee chair and vice chair~~Second Vice-President shall serve as committee chair. The Cal Cities President shall also appoint to the Resolutions Committee a vice chair.

(d) Minimum Committee Size and Composition. In the event the full committee is not in attendance at the Annual Conference, the Cal Cities President shall appoint a sufficient number of city officials in attendance to achieve a total of thirty. No less than two-thirds of the members of the Resolutions Committee shall be elected officials.

(e) Committee Consideration of Proposed Resolutions. Except for resolutions of courtesy, commendation, appreciation or condolence, no resolution expressing the opinion or policy of Cal Cities on any question may be considered or discussed by Cal Cities' General Assembly, unless it has been first submitted to, and reported on, by the Resolutions Committee.

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Article VII: Board of Directors

...

Section 2: Composition.

The Cal Cities Board is composed of the following:

- (a) A President, First Vice-President and Second Vice-President/~~Treasurer~~, who each serve a term of one year;
- (b) The Immediate Past President who serves for a term of one year, immediately succeeding his or her term as President;
- (c) Twelve Directors-at-Large,
 - (i) Who serve staggered two-year terms, and
 - (ii) At least one of whom is a representative of a small city with a population of 10,000 or less;
- (d) One Director to be elected from each of the regional divisions, functional departments, and caucuses of Cal Cities, each of whom serves for a term of two years; and
- (e) Ten Directors that may be designated by the mayors of each of the ten largest cities in California to serve two-year terms.
- (f) For purposes of this section, the population of each city is the most current population as determined by the California Department of Finance, Demographic Research Unit, or its successor agency or unit. If no successor agency or unit is named, the most current population used to determine these dues shall be used to determine future dues until such time as these bylaws are amended to designate a new source for determining city population.
- (g) Directors hold office until their successors are elected and qualified.

...

Section 5: Nomination Process.

(a) Timing. The Cal Cities President, with the concurrence of the Cal Cities Board, shall establish a nominating committee at the first Board meeting of the calendar year in which the election is to occur.

(b) Composition. The nominating committee shall be comprised of ~~eleven~~ thirteen Board members ~~Directors~~. ~~Three~~ Two nominating committee members shall be At-Large Directors, ~~and one~~ shall represent a functional department, and one shall represent a caucus. Regional divisions shall be represented on the nominating committee on the following rotating basis:

- (i) Even-Numbered Years:** In even-numbered years, the Central Valley, Imperial County, Monterey Bay, North Bay, Orange County, Redwood Empire, Sacramento Valley and San Diego County Regional Divisions shall be represented on the nominating committee.
- (ii) Odd-Numbered Years:** In odd-numbered years, the Channel Counties, Inland Empire, Desert-Mountain, East Bay, Los Angeles County, Peninsula, Riverside County, and South San Joaquin Regional Divisions shall be represented on the nominating committee.

(c) Nominating Committee Chair. The Cal Cities President shall appoint the chair of the nominating committee.

(d) Candidates for Positions Ineligible. Candidates for officer and at-large positions on the Cal Cities Board are not eligible to serve on the nominating committee. In the event a regional division representative on the nominating committee wishes to be a candidate for an officer or at-large position, the Cal Cities President will appoint a substitute nominating committee member from the same regional division, if available. If one is not available, the President shall appoint a substitute from a nearby regional division.

(e) Duties. The duties of the nominating committee are to:

- (i) Member Outreach.** Publicize the qualifications for the offices of Second ~~Vice-Vice~~-President ~~Treasurer~~ and the at-large members of the Cal Cities Board to Cal Cities' Member Cities;
- (ii) At-Large and Second Vice-President Recommendations.** Make recommendations to the Cal Cities Board on the following year's Cal Cities officers and at-large ~~board members~~ Directors; and
- (iii) President and First Vice President Recommendation.** Recommend whether the previous year's First Vice President

becomes President and the previous year's Second Vice-
President/~~Treasurer~~ becomes First Vice President.

- (f) **Notice to Members.** An explanation of the nomination process and relevant deadlines for submitting nominations to the nominating committee shall be publicized in Cal Cities publications and communications throughout the year, along with the identity of nominating committee members once such members are appointed. In addition, the nominating committee shall inform the membership of the opening of the nominations for the following year when it makes its report to the general membership as provided in Article VI, Section 5(g) below.
- (g) **Decision and Report.** The nominating committee's recommendations shall be communicated to the Cal Cities Board not later than 30 days prior to the date of Cal Cities' Annual Conference and again at the Annual Conference. In addition, the nominating committee shall make its report to the membership at the opening general session of the Annual Conference.
- (h) **Election.** The election of Cal Cities Board officers and Directors-at-Large shall occur at a Cal Cities Board meeting at the Annual Conference as provided in Article VII, Section 4(c) and Article VII, section 3.

...

Section 8: Meetings and Meeting Notice.

- (a) **Regularly Scheduled Board Meetings.** The Cal Cities Board shall meet no fewer than four times a year. Notice of regularly scheduled Board meetings shall be mailed to each Director at least 14 days before any such meeting.
- (b) **Emergency Board Meetings.** A good faith effort shall be made to provide notice of any emergency board meetings (for example, by first-class mail, personal or telephone notification, including a voice messaging system or other system or technology designed to record and communicate messages, telegraph, facsimile, electronic mail, or other electronic means).
- (c) **Telephonic or Electronic Participation.** Members of the Cal Cities Board may participate in any meeting through the use of conference telephone or similar communications equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting by this means constitutes presence in person at such meeting.
- (d) **Notice Content.** All meeting notices shall include the meeting date, place, time, and, as applicable, the means by which a Cal Cities ~~Board member~~Director may participate electronically.

...

Section 10: Committees.

(a) General. The Cal Cities Board may establish committees to study city problems, advise on Cal Cities educational efforts, make recommendations with respect to Cal Cities advocacy efforts, or to engage in other appropriate Cal Cities service.

(b) Executive Committee.

- (i) Composition.** The Executive Committee of the Cal Cities Board consists of the following: the Cal Cities President, First Vice-President, Second Vice-President, ~~Treasurer~~, Immediate Past President and Executive Director.

- (ii) Authority.** The Executive Committee has authority to act for the Cal Cities Board between Board meetings, provided that no action of the Executive Committee is binding on the Cal Cities Board unless authorized or approved by the Board.

(c) Standing Policy Committees.

- (i) Charge.** Cal Cities shall have a series of standing policy committees, whose charge shall be to make recommendations to the Cal Cities Board on matters within the committees' jurisdiction, as well as fulfill other duties specified in these bylaws (see, for example, Article VI, section 4(b)).

- (ii) Membership.** Each Cal Cities Policy Committee shall be comprised of the following:
 - Two members appointed by each regional division president;
 - One member appointed by each functional department president;
 - One member appointed by each caucus president;
 - No more than 16 members appointed by the Cal Cities President, to provide population and geographic balance, as well as expertise; and
 - Such representatives of affiliate organizations in the capacity authorized by the Cal Cities Board.

- (iii) Feedback.** Policy committees shall receive information on actions taken on committee recommendations and the reasons for those actions.

(d) Committee Chairs and Vice Chairs. Unless the Cal Cities Board establishes otherwise, ~~the~~ Cal Cities President appoints the chair of all Cal-Cities-wide committees. The term of such appointments coincides with the Cal Cities President’s term. The Cal Cities President may appoint vice chairs for such committees, as the Cal Cities President deems necessary.

...

Article VIII: Officers

Section 1: Identity.

The officers of Cal Cities are a President, a First Vice-President, a Second Vice-President/~~Treasurer~~, an Immediate Past President, and an Executive Director.

Section 2: Duties of Cal Cities Officers.

(a) President. The President presides at all Cal Cities Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the Cal Cities Board.

(b) First Vice-President. The First Vice-President carries on the duties of the President in the President’s temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the Cal Cities Board.

(c) Second Vice-President/~~Treasurer~~. The Second Vice-President/~~Treasurer~~ carries on the duties of the President in the President’s and First Vice-President’s temporary absence or incapacity. The Second Vice-President/~~Treasurer~~ has such other powers and duties as may be prescribed by these bylaws or the Cal Cities Board.

...

Section 4: Vacancies.

A vacancy in the office of President is filled by the Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/~~Treasurer~~, is filled for the un-expired term by appointment by the Cal Cities Board of a member of the Cal Cities Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

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Article XII: Voting

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Section 5: Mail Balloting.

In addition to voting at Cal Cities meetings, Cal Cities may solicit member input by mail ballot.

(a) Mailing.¹⁰ The question(s) to be voted upon, along with explanatory materials and a ballot, shall be mailed by first class mail to each Member City for consideration and action.

(b) Time Frame for Action. Member Cities shall have at least 45 days to cast their vote. Ballots shall be cast by returning the Member City’s ballot to Cal Cities’ principal office in Sacramento.

(c) Ballot Tabulation and Results Announcement. The Cal Cities President will appoint a counting committee of three ~~board members~~Directors to count the votes cast by mail ballot. The counting committee will submit its count to the Cal Cities Board, which shall canvass the vote and announce the results.

(d) Functional Departments, Regional Divisions, and Caucuses. Departments, divisions, and caucuses may also use mail balloting under procedures specified in their respective bylaws.

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Article XV: Prohibited Transactions

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Section 4: Ethical Considerations.

These restrictions, of course, represent the floor, not the ceiling, for ethical conduct as a Cal Cities ~~board member~~Director or policy committee member. If a ~~board member~~Director or policy committee member believes that there are circumstances under which Cal Cities’ members might reasonably question the ~~board member’s~~Director’s or policy committee member’s ability to act solely in the best interests of Cal Cities and its member cities, the prudent course is to abstain. As an example, typically Cal Cities ~~board members~~Directors have abstained from participating in decisions on legislation that would affect organizations for which they work. Another example is legislation that would uniquely benefit a ~~board member’s~~Director’s city. Policy committee members should also consider abstaining in similar circumstances.

¹⁰ The Administrative Services Committee recommends Cal Cities also include notice of the upcoming ballot in a variety of Cal Cities communications to alert Member Cities to make inquiry in the event a city’s ballot is lost in the mail.