



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, February 16, 2023

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/84264379294>

- A. ROLL CALL
- B. BUSINESS
- 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 mswanson@clearlake.ca.us.*
- E. ADOPTION OF THE AGENDA** *(This is the time for agenda modifications.)*
- F. 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.*
- G. PRESENTATIONS**
1. Presentation of February's Adoptable Dogs
 - [2.](#) Presentation of a Proclamation Declaring February 2023 as Black History Month
 3. Presentation of the Police Department Annual Report
- H. 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.*
- [4.](#) Authorization of an Amendment of Design Contract for the Senior Center Project
Recommended Action: Move to amend the contract with California Engineering Company in the amount of \$10,594.61.
 - [5.](#) Minutes of the January 11, 2023 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
 - [6.](#) Warrants
Recommended Action: Receive and file

7. Minutes of the December 1, 2022, December 8, 2022, and January 5, 2023 Meetings
Recommended Action: Receive and file
8. Approval of a Professional Services Contract with SSA Landscape Architects for the Burns Valley Sports Complex Project
Recommended Action: Approve the contract and authorize the City Manager to Sign, and approve up to 10% additional for currently unforeseen project changes.
9. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution
10. Authorization of Job Description for Management Analyst and Placement into Salary Schedule; Resolution No. 2023-11
Recommended Action: Adopt Resolution
11. Adoption of 3rd Amendment to the FY 2022-23 Budget (Resolution 2022-44) for Mid-Year Adjustments; Resolution No. 2023-09
Recommended Action: Adopt resolution

I. BUSINESS

12. Discussion and Consideration of Direct Sale of Tax Defaulted Properties from the County of Lake
Recommended Action: Authorize the City Manager to submit an application for direct sale of various tax defaulted properties for up to \$150,000
13. Consideration of Resolution 2023-10 A Resolution of the City Council of the City of Clearlake Approving, Authorizing and Directing the Execution of a Joint Exercise of Powers Agreement by and Among the City of Clearlake, the City of Lakeport, and the County of Lake to Form the Lake County Recreation Agency.
Recommended Action: Adopt Resolution 2023-10 and Further Appoint Two Members to Serve on the Board.
14. Consideration of Updates to the City Council Norms and Procedures; Resolution No. 2023-13
Recommended Action: Adopt resolution
15. Introduction for First Reading Ordinance No. 268-2023 Amending Chapter X, Section 10-1.12 of the Clearlake Municipal Code Relating to Method of Service for Property Maintenance, Nuisance and Vehicle Abatement
Recommended Action: Hold first reading, read by title only, waive further reading and set second reading and adoption for the March 2, 2023 meeting

J. CITY MANAGER AND COUNCILMEMBER REPORTS

K. FUTURE AGENDA ITEMS

L. CLOSED SESSION

(16) Conference with Real Property Negotiators: Pursuant to Government Code Section 54956.8.
Property Address: 14709 Palmer Avenue, Clearlake; Agency Negotiation: City Manager Alan
Flora; Under Negotiation: Price and terms of payment.

M. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

N. ADJOURNMENT

POSTED: February 13, 2023

BY:



Melissa Swanson, Administrative Services Director/City Clerk



Black History Month

WHEREAS, in February 2023, in the City of Clearlake, California, the Lake County Branch of the National Association for the Advancement of Colored People (NAACP) is officially celebrating Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievements of Black Americans; and

WHEREAS, while the history of Black Americans is also the story of countless nameless heroes brought to our shores who endured lives of bondage and oppression, the deprivation of their civil rights, and ravages of bigotry and racism, it is a history for which most of the chapters have yet to be written as Black Americans contribute to the American promise; and

WHEREAS, for generations, African Americans have strengthened our Nation by urging reforms, overcoming obstacles, and breaking down barriers; and

WHEREAS, visionary leaders like Martin Luther King, Jr., Jimmie Jackson, John Lewis, Medgar Evers, Viola Liuzzo, Elijah Cummings, African American Military Veterans, and the NAACP have been at the forefront of protecting Voting Rights of People of Color in this country, and continue addressing voter suppression, gerrymandering, and urging the passing of the John Lewis Voters Rights Advancement Act and The Freedom to Vote Act will insure all citizens right to Vote are protected under the United States Constitution; and

WHEREAS, The Lake County Branch of the NAACP, is dedicated to the principle of fostering civic, economic, and educational programs and social justice throughout the City of Clearlake and is dedicated to encouraging reflections on the rich history and teaching of African Americans, and bearing witness to the progress, beauty, and achievements they have made throughout our community; and

WHEREAS, it is fitting that we set aside this month as a special time as to acknowledge this important segment of our community; and

NOW, THEREFORE, BE IT PROCLAIMED the City of Clearlake encourages all citizens to join in celebrating the diversity and character of our community and highlighting the importance of sharing our culture, customs and traditions with those around us.

Dated this 16th day of February, 2023

Russell Perdock, Mayor

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Authorization of an Amendment of Design Contract for the Senior Center Project	MEETING DATE: February 16, 2023
SUBMITTED BY: Tina Viramontes, Recreation and Events Coordinator	
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 design contract with California Engineering Company for \$10,594.61.

BACKGROUND/DISCUSSION:

The City awarded a of design contract to California Engineering Company for the Senior Center Project. Additional work was added to the original scope to include ADA parking design and construction administration. CEC submitted a proposal for these services.

The cost for the additional work is \$10,594.61.

OPTIONS:

Move to amend the contract with California Engineering Company in the amount of \$10,594.61.

- 1. Other direction

FISCAL IMPACT:

None \$10,594.61. 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: CV1 Grant

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 California Engineering Company in the amount of \$10,594.61

Attachments:

MINUTES OF PREVIOUS MEETING

January 11, 2023

The regular monthly meeting of the Board of Trustees of the Lake County Vector Control District was called to order at 1:30 P.M. by President Giambruno.

Board Present: Rob Bostock, Curt Giambruno, Ron Nagy, Chuck Leonard, and George Spurr.

Absent: None.

District Personnel: Jamesina J. Scott, Ph.D., Manager and Research Director and Ms. Jacinda Franusich, Office Manager.

Guests: Mr. Zach Pehling, CPA (attending remotely, via Zoom), and Mr. Austris Rungis of Industrial Employers Distributors Association (IEDA, attending the Closed Session remotely via Zoom).

Citizens Input: None.

Agenda Additions and/or Deletions: None.

Presentation of Fiscal Year 2021/2022 Audit Report by Zach Pehling, CPA

After a brief presentation by Mr. Pehling, and some discussion by the Board, Mr. Bostock moved to approve the 2021/2022 Audit Report as presented. Mr. Leonard seconded the motion. Motion carried unanimously.

Mr. Pehling left the meeting at 1:45 P.M.

Convene to Closed Session at 1:45 P.M.

Closed Session

Conference with Labor Negotiators, pursuant to Government Code 54957.6 for the purpose of reviewing its position and instructing the LCVCD's designated representatives: Jamesina J. Scott (District Manager), and Austris Rungis (IEDA).

Convene to Open Session at 2:34 P.M.

Report from Closed Session

No reportable actions were taken.

Mr. Rungis left the meeting at 2:34 P.M.

Approve Minutes of December 14, 2022 Regular Meeting with a Correction to the Check Numbers to Include Checks 21443-21459. Making the Total Expenditures for December 2022 \$122,253.95

Mr. Spurr moved to approve the Board Minutes of December 14, 2022 regular meeting with a correction to the check numbers to include checks 21443-21459 making the total expenditures for December 2022 \$122,253.95. Mr. Leonard seconded the motion. Motion carried unanimously.

Election of Lake County Vector Control District Board of Trustees Officers

After some discussion, Mr. Bostock moved to have Mr. Nagy retain the office Board Secretary, and Mr. Giamb Bruno to retain the office of Board President. Both Mr. Nagy and Mr. Giamb Bruno accepted. Mr. Spurr seconded the motion. Motion carried unanimously.

Research Report

Dr. Scott reported on arbovirus activity. During 2022 West Nile virus (WNV) was detected in seven mosquito samples in Lake County. In addition, three sentinel chickens from the Upper Lake flock, and two dead birds tested positive for WNV.

In the rest of California, three thousand one hundred sixty-five mosquito samples from twenty-five counties tested positive for West Nile virus. In addition, one hundred forty-five sentinel chickens were positive for antibodies to WNV, sixteen equine cases of WNV were reported from ten counties, and one hundred eighty-six dead birds from twenty-three counties were positive for West Nile virus.

Eleven human cases of St. Louis encephalitis virus (SLEV) were reported in residents of six counties, and one hundred fifty-three mosquito samples from ten counties have tested positive for SLEV.

Arbovirus activity information for the rest of the United States has not been updated since the last board meeting.

Dr. Scott reported on mosquito surveillance activity in Lake County. New Jersey light traps collected low numbers of *Culiseta inornata* (large winter mosquito) were collected from the light trap in Upper Lake; low numbers of

Culiseta inornata and a single *Culicoides occidentalis* (biting black gnat) were collected from the light trap set near Borax Lake in Clearlake.

Dr. Scott reported on tick testing. One tick has been submitted for identification and testing since the new surveillance year began on 10/1/2022. The tick was negative for Lyme disease.

Dr. Scott reported on Clear Lake gnat, Chironominae, and Tanypodinae surveillance in Clear Lake. Lake checks were not completed in December due to staff availability and weather.

Operation Report

The rain gauge at the LCVCD office in Lakeport received 6.9 inches of precipitation during December. The level of Clear Lake was at -2.57 feet on the Rumsey Gauge on December 1, and increased to -1.79 feet by December 31.

No service requests were received in December, which is standard for this month.

The District’s conference room was used by the Konocti Christian Academy for meetings during December. They thanked the District for the use of the room.

Dr. Scott attended the Mosquito and Vector Control Association of California Planning Session in Oakland on December 6-7. Dr. Scott serves as co-chair for the Integrated Vector Management Committee, and will continue to serve on the William Reeves New Investigator Committee.

Approve Checks for the Month of January 2023

Mr. Nagy moved to approve Check Nos. 21460-21499 for the month of January 2023 in the amount of \$57,981.88. Mr. Spurr seconded the motion. Motion carried unanimously.

Other Business

Consideration of Ballot for Independent Special District Alternate Representative on Lake County Local Agency Formation Commission (LAFCO)

After some discussion, President Giambruno voted Mr. Jim Freeman to represent Independent Special Districts on the Lake County Local Agency Formation Commission.

Consideration of changing the date of the March 8, 2023 Board of Trustees regular meeting to March 15, 2023

Dr. Scott requested that the board change the date of its regular meeting in March to allow her to attend the Association of Governmental Risk Pools conference and training. Mr. Bostock moved to change the date of the March 8, 2023 Board of Trustees Regular Meeting to March 15, 2023. Mr. Spurr seconded the motion. Motion carried unanimously.

Discussion of AB 1234 Ethics Training Options for 2023

Dr. Scott mentioned that Ethics Training needs to be completed in 2022. Training options were discussed and it was decided that the Board, District Manager, and District Office Manager would watch a training webinar as a group prior to a future board meeting.

Announcement of the Next Board Meeting

The next regular meeting of the Board of Trustees of the Lake County Vector Control District will be at 1:30 P.M. on Wednesday, February 8, 2023 in the LCVCD Board Room, 410 Esplanade, Lakeport, CA 95453.

Mr. Nagy moved to adjourn the meeting. Mr. Bostock seconded the motion. There being no other business the meeting was adjourned by President Giambruno at 3:00 P.M.

Respectfully submitted,

Ronald Nagy
Secretary



Clearlake, CA

Section H, Item 6.

Check Register

Packet: APPKT01921 - BASIC PAYMENT AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
VEN01057	BASIC PACIFIC	01/31/2023	Regular	0.00	570.00	14157

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	570.00
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
	1	1	0.00	570.00

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2023	570.00
			<hr/>
			570.00



Clearlake, CA

Check Register

Packet: APPKT01928 - 2/3/23 AP CHECK RUN

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
002237	COUNTY OF LAKE	02/03/2023	Regular	0.00	2,548.00	14186
002073	JAN BREJSKA	02/03/2023	Regular	0.00	95.00	14187

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	2	2	0.00	2,643.00
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
	2	2	0.00	2,643.00

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	2/2023	2,643.00
			<hr/>
			2,643.00



Clearlake, CA

Section H, Item 6.

Check Register

Packet: APPKT01946 - 2/9/23 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
VEN01085	ACC BUSINESS	02/09/2023	Regular	0.00	608.66	14188
VEN01379	ACCO ENGINEERED SYSTEMS, INC	02/09/2023	Regular	0.00	1,618.53	14189
001897	AIRMEDCARE NETWORK	02/09/2023	Regular	0.00	3,099.00	14190
000085	ARAMARK UNIFORM SERVICES	02/09/2023	Regular	0.00	49.31	14191
VEN01178	CALIFORNIA INTERGOVERNMENTAL R	02/09/2023	Regular	0.00	52,030.34	14192
000024	CLEARLAKE POLICE ASSOCIATION	02/09/2023	Regular	0.00	1,500.00	14193
VEN01219	CORDICO INC.	02/09/2023	Regular	0.00	10,000.00	14194
000841	COUNTY OF LAKE REGISTRAR OF VOTI	02/09/2023	Regular	0.00	9,268.47	14195
000073	EASTLAKE SANITARY LANDFILL	02/09/2023	Regular	0.00	162.86	14196
001199	EUREKA OXYGEN CO	02/09/2023	Regular	0.00	43.58	14197
000120	FED EX	02/09/2023	Regular	0.00	295.14	14198
VEN01120	FLOCK GROUP INC.	02/09/2023	Regular	0.00	50,480.00	14199
000121	HIGHLANDS WATER COMPANY	02/09/2023	Regular	0.00	1,490.91	14200
001949	ICE WATER DISTRIBUTORS INC	02/09/2023	Regular	0.00	65.50	14201
001995	LANGUAGE TESTING INTERNATIONAL	02/09/2023	Regular	0.00	73.00	14202
002176	MANAGEMENT CONNECTIONS	02/09/2023	Regular	0.00	2,303.00	14203
VEN01380	MARK ROBERTS	02/09/2023	Regular	0.00	266.00	14204
000026	NATIONWIDE RETIREMENT SOLUTION	02/09/2023	Regular	0.00	1,283.04	14205
000009	OPERATING ENGINEERS LOCAL 3	02/09/2023	Regular	0.00	728.00	14206
000027	OPERATING ENGINEERS PUBLIC EMP	02/09/2023	Regular	0.00	74,744.00	14207
000387	PACE SUPPLY CORP	02/09/2023	Regular	0.00	399.29	14208
001843	PG&E CFM	02/09/2023	Regular	0.00	1,147.69	14209
002061	PLEXUS GLOBAL LLC	02/09/2023	Regular	0.00	80.00	14210
002031	REDWOOD COAST PETROLEUM & NOF	02/09/2023	Regular	0.00	8.73	14211
VEN01223	STEVEN DIAZ	02/09/2023	Regular	0.00	760.00	14212
000708	VALIC LOCKBOX	02/09/2023	Regular	0.00	395.00	14213
000375	VULCAN MATERIALS CO	02/09/2023	Regular	0.00	1,983.47	14214
VEN01221	WINE COUNTRY VENTURES, INC	02/09/2023	Regular	0.00	1,190.00	14215

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	44	28	0.00	216,073.52
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
	44	28	0.00	216,073.52

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	2/2023	216,073.52
			<u>216,073.52</u>



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, December 01, 2022

Closed Session 5:00 PM

Regular Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor Dirk Slooten

Vice Mayor Russ Perdock

Council Member David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

B. CLOSED SESSION

- (1) Public Employee Appointment Pursuant to Government Code Section 54957
Title: Police Chief

C. PLEDGE OF ALLEGIANCE

D. INVOCATION/MOMENT OF SILENCE

E. ADOPTION OF THE AGENDA

City Manager Flora removed the Proclamation for Judge Freeborn and Item #25 from the agenda.

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

F. PRESENTATIONS

2. Presentation of a Proclamation in Remembrance of Retired Judge Richard Freeborn

This item was removed from the agenda.

3. Presentation to City Employees and Volunteers in Recognition of Their Service

4. Presentation of Recognition to Public Works Employees

G. PUBLIC COMMENT

There was no public comment.

H. CONSENT AGENDA

Motion made by Vice Mayor Perdock, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

5. Adoption of the 2022 California Building Standard Codes (CBSC), the 2021 Uniform Swimming Pool, Spa/Hot Tub Codes, the 2021 Uniform Solar, Hydronics & Geothermal Codes, the 2021 International Building Codes (IBC); the 2021 International Residential Codes (IRC) and the 2021 International Fire Codes (IFC); Resolution No. 2022-69; Ordinance No. 267-2023
Recommended Action: Adopt Resolution 2022-69; hold first reading of Ordinance No. 267-2023 and set second reading and adoption for the January 5, 2023 meeting.
6. Authorization of Maintenance Worker III Position
Recommended Action: Move to approve the reorganization of a Maintenance Worker II position to a Maintenance Worker III.
7. Consider renaming Communications Officer job to Communications and Records Supervisor and adopting changes to the job description
Recommended Action: Adopt Resolution No 2022-67
8. Authorization for Purchase of K-Rails for the Public Works Yard
Recommended Action: Move to approve the purchase with Eiffel Trading in the amount of \$33,930.
9. Award of Contract for Electrical Services related to the Public Works Yard Project
Recommended Action: Move to approve the contract with DC Electric in the amount of \$59,715.00 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.
10. Consider Adoption of 2nd Amendment to the FY 2022-23 Budget (Resolution 2022-43)
Adjusting Appropriations and Transfers
Recommended Action: Adopt Resolution No. 2022-69
11. Consideration of Acceptance of the Property Located at 3332 6th Street Clearlake CA 95422
Recommended Action: Authorize City Manager to sign the Certificate of Acceptance.
12. Authorization of an Amendment of Contract with the Koi Nation for Tribal Monitoring Contract on the Austin Park Splash Pad Project
Recommended Action: Move to amend the contract with the Koi Nation in the amount of \$5,000.

13. Approve Amendment to Regional Government Services Authority Consultant Contract
Recommended Action: Authorize the City Manager to Execute the Amendment
14. Minutes of the November Meeting
Recommended Action: Receive and file
15. Minutes of the October 12, 2022 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
16. Warrants
Recommended Action: Receive and file
17. Appointment of City Treasurer for the Unexpired Term Ending November 2026
Recommended Action: Appoint City Manager as Acting City Treasurer
18. Adoption of the 2022 Conflict of Interest Code; Resolution No. 2022-71
Recommended Action: Adopt resolution
19. Annual Calendar of Meetings for 2023
Recommended Action: Approve proposed calendar
20. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution
21. Memo Regarding Holiday Closure of City Hall Administration Offices

I. PUBLIC HEARING

22. Confirm assessment(s) in the total amount of \$29,383.90 for City funded abatements, in accordance with Clearlake Municipal Code Chapter 10

Code Enforcement Supervisor Lambert gave the staff report.

Mayor Slooten opened the Public Hearing at 7:15 p.m. There was no public comment and the Public Hearing was closed.

Motion made by Council Member Cremer, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

J. BUSINESS

23. Discussion and Direction Regarding Legal Non-conforming Status of Residences in the Sulphur Fire Area
Recommended Action: Provide Direction to Staff Allowing the Community Development Director to review projects within the Sulphur Fire area for legal non-conforming status and

approve permits consistent with previous development if they do not hinder the general health and welfare of the community.

City Manager Flora gave the staff report.

It was the consensus of the Council to allow the Community Development Director to review projects within the Sulphur Fire area for legal non-conforming status and approve permits consistent with previous development for a twelve month period.

- 24. Consider Approving Resolution 2022-68 Which Extends the Term of the Existing Commercial Cannabis Development Agreements and Temporarily Reduces the Production Fee
Recommended Action: Adopt Resolution 2022-68

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Overton.
Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 25. Consideration of Resolution of Intent to Amend the Clearlake Sphere of Influence, Amend the Clearlake General Plan, Adopt Pre-Zoning Designations, Prepare an Environmental Analysis (CEQA Initial Study), and Initiate Lake LAFCO proceedings for the parcels located at 2050 and 2122 Ogulin Canyon Road, Assessor Parcel Numbers (APNs) 010-053-010-000 and 010-053-020-000; Resolution No. 2022-70
Recommended Action: Adopt Resolution

This item was deleted from the agenda.

K. CITY MANAGER AND COUNCILMEMBER REPORTS

L. FUTURE AGENDA ITEMS

M. CLOSED SESSION

- (26) Conference with Real Property Negotiators: Pursuant to Government Code Section 54956.8.
Property Address: 6885 Old Highway 53, Clearlake; Agency Negotiation: City Manager Alan Flora; Under Negotiation: Price and terms of payment.

N. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action taken in closed session.

O. ADJOURNMENT

The meeting adjourned at 8:33 p.m.

BY:



Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL SPECIAL MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, December 08, 2022

Special Meeting 5:30 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor Dirk Slooten

Vice Mayor Russ Perdock

Council Member David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

B. CLOSED SESSION

- (1) Conference with Labor Negotiators Pursuant to Government Code Section 54957.6: Agency Designated Representatives: City Manager Alan Flora and Administrative Services Director Melissa Swanson; Employee Organization: Clearlake Police Officer Association

C. PLEDGE OF ALLEGIANCE

D. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action taken in closed session.

E. PRESENTATIONS

2. Presentation to Mayor Dirk Slooten

F. BUSINESS

3. Authorization of an Amendment to the Clearlake Police Officers Association (CPOA) Memorandum of Understanding to Modify the Salary
Recommended Action: Approve amendment and authorize the City Manager to sign

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member

Cremer, Council Member Overton

4. Approve the Cannabis Equity Program and Authorize the City Manager to Implement the Program

Recommended Action: Adopt Resolution 2022-74

City Manager Flora gave the staff report.

Motion made by Council Member Claffey, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

5. Consideration of Resolution No. 2022-73 Related to Providing Grant Funds to Chelsea Investment for Affordable Housing

Recommended Action: Adopt resolution

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

6. Consideration of Acceptance of the November 2022 Election Results; Resolution No. 2022-75
Recommended Action: Adopt resolution and authorize City Clerk to deliver the Oath of Office to newly elected Council Members

Administrative Services Director/City Clerk Swanson gave the staff report.

Motion made by Council Member Claffey, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

Administrative Services Director/City Clerk Swanson gave the oath of office to Mayor Slooten and Council Member Cremer.

7. Appointment of the 2023 Mayor/Vice Mayor

Council Member Overton moved and Council Member Cremer seconded to nominate Vice Mayor Perdock as Mayor for 2023. The motion passed with a unanimous roll call vote.

Mayor Slooten moved and Council Member Cremer seconded to nominate Council Member Claffey as Vice Mayor for 2023. The motion passed with a a unanimous roll call vote.

G. ADJOURNMENT

The meeting adjourned at 7:25 p.m.

BY:

A handwritten signature in blue ink that reads "Melissa Swanson". The signature is written in a cursive style with a large initial "M".

Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Thursday, January 05, 2023

Regular Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor Russ Perdock

Vice Mayor David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

Council Member Dirk Slooten

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

Motion made by Council Member Slooten, Seconded by Council Member Cremer.

Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

E. PRESENTATIONS

1. Presentation of a Proclamation in Remembrance of Retired Judge Richard Freeborn
2. Presentation to City Employees and Volunteers in Recognition of Their Service
3. Presentation of a Proclamation Declaring January 2023 as Human Trafficking Awareness Month
4. Update on Recreation and Events

F. PUBLIC COMMENT

Thomas DeWalt spoke about the hard work of the Public Works crew and commended them on the work they did during the recent storm.

G. CONSENT AGENDA

Council Member Slooten removed Item #6 for separate action and discussion.

Motion made by Council Member Slooten, Seconded by Council Member Overton.
Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

5. Warrants

Recommended Action: Receive and file

6. Authorization of Agreement with American Ramp Company for Design Services for the Austin Skate Park Project

Recommended Action: Move to approve the contract with American Ramp Company in the amount of \$43,500

City Manager Flora gave the staff report.

Motion made by Council Member Slooten, Seconded by Council Member Cremer.
Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

7. Amendment to the Management Benefit Plan Section 6-2.5 Executive Leave Account to Establish Consistency to Executive Leave Banks for Management Employees; Resolution No. 2023-04

Recommended Action: Adopt resolution

H. PUBLIC HEARING

8. Consideration of the second reading for the acceptance and implementation of the 2022 California Building Standard Codes (CBSC), and adopting by reference the 2021 Uniform Swimming Pool, Spa/Hot Tub Codes; 2021 Uniform Solar, Hydronics & Geothermal Codes; 2021 International Building Codes (IBC); 2021 International Residential Codes (IRC) and the 2021 International Fire Codes (IFC).
Recommended Action: Adopt Resolution CC 2022-69, A Resolution of the City Council of the City of Clearlake approving the acceptance and implementation as described in Ordinance No. 267-2023.

City Manager Flora gave the staff report.

Mayor Perdock opened the Public Hearing at 7:10 p.m. There was no public comment and the Public Hearing was closed.

Motion made by Council Member Slooten, Seconded by Council Member Overton.
Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

9. Consideration of Resolution 2023-03 Authorizing the Extension of the Temporary Closure of Certain Roads, to Reduce Illegal Dumping and to Protect the Environment, and the Public Health and Welfare
Recommended Action: Adopt Resolution 2023-03

Public Works Director Leyba gave the staff report.

Mayor Perdock opened the Public Hearing at 7: 25 p.m. There was no public comment and the Public Hearing was closed.

Motion made by Council Member Cremer, Seconded by Vice Mayor Claffey.

Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

I. BUSINESS

10. Consideration of Employment Services Agreement with Timothy Hobbs as Police Chief
Recommended Action: Approve Employment Services Agreement for Police Chief with Timothy Hobbs

City Manager Flora gave the staff report.

Motion made by Council Member Slooten, Seconded by Council Member Overton.

Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

11. 2023 Mayor's Appointments
Recommended Action: By motion, ratify the 2023 Mayor's Appointments

Mayor Perdock announced his 2023 appointments.

Motion made by Council Member Cremer, Seconded by Vice Mayor Claffey.

Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

12. Consideration of Appointing Councilmembers as Representatives to the CalCities Redwood Empire Division, Resolution No. 2023-01: A Resolution of the City Council of the City of Clearlake Appointing Representatives to Represent and Vote on Behalf of the City at the CalCities, Redwood Empire Division Business Meetings and Represent the City and Vote at the Division Legislative Committee Meetings
Recommended Action: Ratify Mayor Perdock's appointments and adopt resolution

Mayor Perdock nominated Council Member Overton as Primary appointee and Vice Mayor Claffey as Alternate appointee.

Motion made by Council Member Overton, Seconded by Council Member Slooten.
Voting Yea: Mayor Perdock, Vice Mayor Claffey, Council Member Cremer, Council Member Overton, Council Member Slooten

J. CITY MANAGER AND COUNCILMEMBER REPORTS

13. Appointments to the Measure V Oversight Committee by Council Members Cremer and Slooten

Council Member Cremer announced his appointee is Sheryl Almon. Council Member Slooten announced his appointee is Bruno Sabatier.

K. FUTURE AGENDA ITEMS

L. CLOSED SESSION

(14) Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b): One potential case

(15) Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Name of Case: City of Clearlake v. Testate & Intestate Successors of Bailey Lumbers Co., et al., Case No. CV421697, Lake County Superior Court

M. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action taken in closed session.

N. ADJOURNMENT

The meeting adjourned at 8:12 p.m.

BY:



Melissa Swanson, Administrative Services Director/City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Approval of a Professional Services Contract with SSA Landscape Architects for the Burns Valley Sports Complex Project	MEETING DATE: Feb. 16, 2023
SUBMITTED BY: Alan Flora, City 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 a design contract with SSA for the completion of construction documents for the Burns Valley Sports Complex.

BACKGROUND/DISCUSSION:

The City of Clearlake has been working on the Burns Valley Sports Complex for over two years. In 2022 the City hired SSA Landscape Architects to complete a conceptual design of the project. This conceptual design has been coordinated with the environmental review process, in order to mitigate any potential impacts. With the environmental process nearly complete, staff would like to proceed with the final design work. The proposed schedule would complete design later this year with construction to being late in 2023 or early 2024. The total fee with all subconsultants would be \$826,383.

OPTIONS:

1. Approve the contract and Authorize the City Manager to Sign, and approve up to 10% additional for currently unforeseen project changes.
2. Other direction

FISCAL IMPACT:

None \$826,383 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: 240-4225-850-887
 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

Attachments:

1. SSA Scope of Work
2. BV Project Timeline



EXHIBIT A – SCOPE OF WORK

City of Clearlake
BURNS VALLEY SPORTS COMPLEX
January 31, 2023

A. PROJECT UNDERSTANDING

This scope of work is based on the schematic design prepared by SSA Landscape Architects, Inc. (hereinafter referred to as SSA) and based on the RFP prepared by the City of Clearlake (hereinafter referred to as the CLIENT) for the **Burns Valley Development Sports Complex**.

The scope of this project includes design development, construction documents, specifications, and estimate (PS&E); and bid and construction phase services for the development of the Burns Valley Development Sports Complex.

We understand that this site is located within a sensitive habitat and will work closely with the project environmental consultants on the project to ensure our impact is as minimal as possible and within what is allowed by the various permitting agencies.

SSA will serve as the lead design consultant for the project and associated improvements and will prepare documents for the project based on input and direction from the City. SSA will utilize subconsultants to complete Structural and Electrical design and review of applicable elements as part of this proposal. The City will provide Civil and Geotechnical design services and SSA will provide limited coordination with City contracted consultants through all stages of the project. The City will provide environmental clearances as required and submit for project permits.

B. SCOPE OF WORK

Note: This project scope of work begins with Phase 2; Phase 1 was completed under a separate contract.

PHASE TWO – DESIGN DEVELOPMENT 60% SUBMITTAL

- A. Design Meeting – Kickoff meeting for design team and City staff to review City’s comments and direction and to review all project parameters with design team.
- B. Site Visit – Visit site to conduct site analysis and review schematic design on site with City staff.
- C. Review Background Information – review all relevant project information including environmental and cultural mitigation measures.
- D. Design Development – SSA to prepare 60% level Construction Documents based on the approved schematic design approved by the CLIENT. Material selections, site furnishings, turf options and a plant palette will be included for City review and comment.
 - 1. Demolition Plan
 - 2. Site Plan
 - 3. Materials & Finishes Plan

4. Elevations and Sections
 5. Playground Plan
 6. Layout Plan
 7. Enlargements
 8. Construction Details
 9. Irrigation Plan and Details
 10. Planting Plan and Details
 11. Electrical Plans (prepared by others)
 12. Structural Plans (prepared by others)
- E. Site Visit – Visit site to confirm 60% drawings with City staff.
- F. Technical Specifications – Prepare draft Technical Specifications including sections for landscape architectural components.
- G. Cost Estimate – Update the previous cost estimate, providing more detail regarding landscape architectural components.
- H. In-House QA/QC – SSA team will conduct an in-house plan check with an Associate Principal not involved with the preparation of the submittal to identify necessary conflicts, clarifications, modifications, and additional detailing that may be needed.
- I. Submittal Preparation – prepare 60% submittal for City review and comments.
- J. City Review Meetings – allow for (3) review meetings during this phase.
- K. Project Administration - Coordinate with consultants hired directly by the CLIENT throughout this phase of work.

Design Development Phase Deliverables:

1. 60% Construction Document Plans
2. Technical Specifications
3. Cost Estimate Update

PHASE THREE – CONSTRUCTION DOCUMENTS 90% SUBMITTAL

- A. Design Meeting – Review City’s comments from 60% submittal before preparation of 90% Construction documents with City Staff and City hired Civil and Geotechnical Engineers.
- B. Project Research – Provide limited coordination of environmental and cultural mitigation measures.
- A. Construction Documentation – SSA to prepare 90% level Construction Documents based on the 60% Design Development Documents approved by the CLIENT. Final material selections, construction details, irrigation system layout and planting selections and quantities will be documented.
1. Demolition Plan
 2. Site Plan
 3. Materials & Finishes Plan
 4. Elevations and Sections
 5. Playground Plan
 6. Layout Plan
 7. Enlargements
 8. Construction Details
 9. Irrigation Plan and Details

10. Planting Plan and Details
 11. Electrical Plans (prepared by others)
 12. Structural Plans (prepared by others)
- B. Technical Specifications – Prepare Technical Specifications including sections for landscape architectural components.
 - C. Cost Estimate – Update the previous cost estimate, providing more detail regarding landscape architectural components.
 - D. In-House QA/QC – SSA team will conduct an in-house plan check with an Associate Principal not involved with the preparation of the submittal to identify necessary conflicts, clarifications, modifications and additional detailing that may be needed.
 - E. Submittal Preparation – prepare 90% submittal for City review and comments.
 - F. City Review Meetings – allow for (2) review meetings during this phase.
 - G. Project Administration - Coordinate with consultants hired directly by the CLIENT throughout this phase of work.

Construction Documents – 90% Phase Deliverables:

1. 90% Construction Documents
2. Technical Specifications
3. Cost Estimate Update

PHASE FOUR – CONSTRUCTION DOCUMENTS – 100% SUBMITTAL

- A. Design Meeting – Review City’s comments from 90% submittal before preparation of 100% Construction documents with City Staff and City hired Civil and Geotechnical Engineers.
- B. Project Research – coordinate on environmental and cultural mitigation measures.
- A. Construction Documentation/Bid Set – SSA to prepare 100% level Construction Documents based on the Schematic Design approved by the CLIENT. This set of documents will be used for Contractor Bidding.
 1. Demolition Plan
 2. Site Plan
 3. Materials & Finishes Plan
 4. Elevations and Sections
 5. Playground Plan
 6. Layout Plan
 7. Enlargements
 8. Construction Details
 9. Irrigation Plan and Details
 10. Planting Plan and Details
 11. Electrical Plans (prepared by others)
 12. Structural Plans (prepared by others)
- B. Technical Specifications – Prepare Final Technical Specifications including sections for landscape architectural components.
- C. Cost Estimate – Update the previous cost estimate, providing more detail regarding landscape architectural components.

- D. In-House QA/QC – SSA team will conduct an in-house plan check with an Associate Principal not involved with the preparation of the submittal to identify necessary conflicts, clarifications, modifications and additional detailing that may be needed.
- H. Submittal Preparation – prepare 100% submittal for City review and comments.
- I. City Review Meetings – allow for (2) review meetings during this phase.
- J. Project Administration - Coordinate with consultants hired directly by the CLIENT throughout this phase of work.

Construction Documents –100% Phase Deliverables:

- 1. 100% Construction Documents
- 2. Technical Specifications
- 3. Cost Estimate Update

PHASE FIVE – BID PHASE SUPPORT

- A. Pre-Bid Meeting – Attend a pre-bid meeting to review the project with potential bidders at the site.
- B. RFI Response – Respond to RFI’s from bidders.
- C. Addenda Response – Prepare addenda providing clarification to bidder’s RFI’s and/or change orders.

PHASE SIX – CONSTRUCTION SUPPORT

- A. Pre-Construction Meeting – Attend (1) one pre-construction conference conducted by the City.
- B. RFI Response – Provide plan clarification and responses to RFI’s throughout the construction period as requested by the CLIENT.
- C. Submittal Review – Review submittals, shop drawings, and provide written approval, rejection, or correction directives. Review proposed substitutions for conformance to drawings and technical specifications, if any.
- D. Change Orders – Assist the City with review of Change Orders and make recommendations as necessary.
- E. Site Meetings – Attend Site Meetings as requested by the CLIENT, up to four (4).
- F. Punchwalk – Perform one pre-final acceptance site visit and provide written report of punchlist items.
- G. Record Drawings – Prepare AutoCAD as-built drawings from contractor provided marked up plans. SSA does not warrant the accuracy of information provided by the contractor.
- H. Grant Support – Support CLIENT with all required reports and documentation as outlined in the (Prop 68) Grant Administration Guide and consistent with the approved Project Grant Timeline.
- I. Project Administration - Coordinate and meetings.

ADDITIONAL SERVICES

SSA may provide additional services, as requested in advance by CLIENT. Additional services will be negotiated separately based on the billing rates contained in the attached Exhibit B “SSA Rate Schedule”. Additional services may include, but are not limited to:

- 1. Plan sheets or design work not specifically listed herein.
- 2. Engineering and technical expert services, including Geotechnical, Architect, Arborist, Cultural Assessments, and/or Biologist not listed in the above scope as well as coordination with said consultants.
- 3. Design of program elements not specifically included in the Master Plan.

4. Value engineering or phasing plans beyond what is provided herein.
5. Attendance at any meetings not listed above.
6. Coordination with utility companies
7. Permit fees and/or coordination
8. Environmental clearance documents
9. Additive or deductive alternates beyond what is provided for in the Scope of Work.
10. Any other service not described within this Scope of Work.

FEE PROPOSAL

The fees for the above Scope of Work phases are as follows:

Phase Two – 60% Design Development	\$140,026.00
Phase Three – 90% Construction Documents	\$98,716.00
Phase Four – 100% Construction Documents	\$78,750.00
Phase Five – Bid Phase Support	\$21,488.00
Phase Six –Construction Support	\$90,794.00
REIMBURSABLE EXPENSES/SUBCONSULTANTS	
Civil Engineering Services	\$214,621.00
Electrical Engineering Services	\$97,702.00
Structural Engineering Services Allowance	\$75,020.00
<u>Estimated Reimbursable Expenses</u>	<u>\$6,600.00</u>
Total Proposed Fees	\$823,251.00

These services are proposed to be provided on an hourly, not-to-exceed basis. Fees will be billed monthly based on the actual percentage of completion in each phase.

SERVICES TO BE PROVIDED BY THE CLIENT

1. All Project related drawings, topographic surveys, and reports, including, but not limited to, those requested in this Scope of Work.
2. CLIENT review, comment and directives as requested by SSA.
3. Procurement of any subconsultant that may be identified as necessary during the Project.
4. Submittal to any necessary agencies for review and approval, including to the CLIENT.

REIMBURSABLE EXPENSES

Included in the FEE PROPOSAL is an allowance for expenses such as mileage/travel, plotting, printing and reproduction, shipping, and postage. Billings for reimbursable expenses will be submitted on or around the 25th of each month based on the actual cost for the previous month, per the attached “SSA Rate Schedule”.

Detailed Breakdown of Landscape Architectural Services

for

Burns Valley Sports Complex

for

City of Clearlake

Project No. 22017.00

Date: 01/10/2023

BASIC SERVICES	Principal	Associate Principal	Senior Project Manager	Project Manager II	Project Manager I	Landscape Architect II/Job Captain	Landscape Architect I	Landscape Designer III/AutoCad Tech	Landscape Designer I /AutoCAD Tech	Admin Assistant
Phase Two: Design Development - 60% Submittal										
a. Design team meeting to review City's comments and direction	2	4			4	8			4	
b. Site Analysis - coord with schematic design / walk wth City staff		16				16				
c. Environ. and cultural research and coordination		8				8				
d. Design Development	24	72			80	120			160	
1. Demolition Plan										
2. Site Plan										
3. Material & Finishes Plan										
4. Elevations and Sections										
5. Playground Plan										
6. Layout Plan										
7. Enlargements										
8. Construction Details										
9. Irrigation Plan and Details										
10. Planting Plan and Details										
e. Site Visit with City Staff to Confirm 60% drawings in the field		12				12			12	
f. Technical Specifications	2	24			4	10				6
g. Cost Estimate	2	8				16			12	
h. In-house QA/QC review	8	8				8			12	
i. Submittal preparation and coordination	4	8				8			8	
j. Review meeting with City (3) - allow for 2 hours each		8				8				
k. Project Administration	8	24				8				
Phase Two Total	50	192	0	0	88	222	0	0	208	6
Phase Three: Construction Documents - 90%										
a. Design team meeting to review City's comments and direction	2	4			4	8			4	
b. Environ. and cultural research and coordination		4				4				
c. Construction Documentation	12	54			48	140			88	
1. Demolition Plan										
2. Site Plan										
3. Material & Finishes Plan										
4. Elevations and Sections										
5. Playground Plan										

\$140,026

BASIC SERVICES	Principal	Associate Principal	Senior Project Manager	Project Manager II	Project Manager I	Landscape Architect II/Job Captian	Landscape Architect I	Landscape Designer II/AutoCad Tech	Landscape Designer I /AutoCAD Tech	Admin Assistant
6. Layout Plan										
7. Enlargements										
8. Construction Details										
9. Irrigation Plan and Details										
10. Planting Plan and Details										
d. Technical Specifications		12				12				8
e. Cost Estimate	2	8				12			12	
f. In-house QA/QC review		8				8			12	
g. Submittal preparation and coordination	4	6			4	8			8	
h. Review meeting with City (2)		4				4				
i. Project Administration	8	24				8			4	
Phase Three Total	28	124	0	0	56	204	0	0	128	8
Phase Four: Construction Documents - 100%										
a. Design team meeting to review City's comments and direction	2	4			4	8			4	
b. Environ. and cultural research and coordination		4				4				
c. Construction Documentation/Bid Set	8	40			24	64			56	
1. Demolition Plan										
2. Site Plan										
3. Material & Finishes Plan										
4. Elevations and Sections										
5. Playground Plan										
6. Layout Plan										
7. Enlargements										
8. Construction Details										
9. Irrigation Plan and Details										
10. Planting Plan and Details										
d. Technical Specifications		12				12			8	
e. Cost Estimate	4	8				12			8	
f. In-house QA/QC review	8	8				12			10	
g. Submittal preparation and coordination		16			4	12			8	
h. Review meeting with City (2)		4				4				
i. Project Administration	8	24				16				
Phase Four Total	30	120	0	0	32	144	0	0	94	0
Phase Five: Bid Phase Support										
a. Attend pre-bid meeting		12								
b. Respond to RFI's	4	24				16			12	
c. Addenda response	4	24				16			12	
Phase Five Total	8	60	0	0	0	32	0	0	24	0
Phase Six: Construction Support										
a. Attend Pre-construction meeting		10				10				

\$98,716

\$78,284

\$24,620

BASIC SERVICES	Principal	Associate Principal	Senior Project Manager	Project Manager II	Project Manager I	Landscape Architect II/Job Captian	Landscape Architect I	Landscape Designer II/AutoCad Tech	Landscape Designer I /AutoCAD Tech	Admin Assistant	
b. Respond to RFI's	8	32				40					
c. Submittal review		48				40					
d. Change order review		12									
e. Site meetings (up to 4)	16	48				32					
f. Punchwalk	4	10				10				8	
g. Record Drawings		6				24			24		
h. Grant Support		4				6					
i. Project Administration	8	32				24					
Phase Six Total	36	202	0	0	0	186	0	0	24	8	\$90,794
Project Totals for In-house Staff											
Hours:	152	698	0	0	176	788	0	0	478	22	
Rate:	\$248	\$233	\$225	\$209	\$185	\$164	\$156	\$149	\$142	\$111	
Extension:	\$37,696	\$162,634	\$0	\$0	\$32,560	\$129,232	\$0	\$0	\$67,876	\$2,442	
										432440	\$432,440
Reimbursable Expenses											
Estimated Reimbursable Expenses											
SSA reimbursables	\$6,000										\$6,600
Aurum Electrical Consultants	\$88,820										\$97,702
Hewitt Consulting Group	\$68,200										\$75,020
California Engineering Company, Inc.	\$195,110										\$214,621
	\$358,130						Multiplier	1.10			\$393,943
Total Project Phase Services Fees											\$826,383

The above breakdown represents our best estimate at this time and may change subject to future developments during the project. It is possible that some of the estimated manpower requirements for specific task items may increase, while others may not require the entire anticipated effort. This provides us a greater degree of confidence in the overall project estimate, rather than in any given task.



STAFF REPORT	
SUBJECT: Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361	
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 authorize the City Clerk to implement and utilize teleconference accessibility to conduct public meetings pursuant to Assembly Bill 361 (Stats. 2021, ch. 165).

BACKGROUND/DISCUSSION:

On Friday, September 17, 2021, the Governor signed AB 361. Because the bill contained urgency findings, the law is now in effect. AB 361 allows local agencies to continue to conduct remote (“Zoom”) meetings during a declared state of emergency, provided local agencies comply with specified requirements. Absent this legislation, local agencies would have had to return to traditional meetings beginning on October 1, 2021.

Starting October 1, and running through the end of 2023, to participate in remote meetings, public agencies must comply with the requirements of new subsection (e) of Government Code section 54953.

The Council passed Resolution No. 2021-48 on October 7, 2021, which made the necessary findings for all subordinate legislative bodies of the City, such as the Planning Commission, so these bodies can also continue to meet remotely.

Subsequent Remote Meetings

Any time after the first remote meeting of the legislative body, it can meet remotely if both of the following apply:

1. State/local emergency/social distancing. Either:
 - a. “a state of emergency remains active” or
 - b. “state or local officials have imposed or recommended measures to promote social distancing” and
2. 30 days. Within the last 30 days (which vote may occur at that meeting) the legislative body has made the following findings by majority vote “(A) The legislative body has reconsidered the circumstances of the state of emergency. (B) Any of the following circumstances exist (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.”

OPTIONS:

1. Move to adopt the attached resolution to allow ongoing teleconferencing of public meetings
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:

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 ACTIONS:

1. Adopt Resolution making the necessary findings to continue to hold remote meetings as required by AB 361.

- Attachments:** 1) Resolution No. 2023-12

RESOLUTION NO. 2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS
DURING THE STATE OF EMERGENCY

WHEREAS, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency stemming from the COVID-19 pandemic (“Emergency”); and

WHEREAS, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

WHEREAS, AB 361 added subsection (e) to Government Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

WHEREAS, as of September 19, 2021, the COVID-19 pandemic has killed more than 67,612 Californians; and

WHEREAS, social distancing measures decrease the chance of spread of COVID-19; and

WHEREAS, this legislative body previously adopted a resolution to authorize this legislative body and all other subordinate legislative bodies of the City to conduct remote “telephonic” meetings; and

WHEREAS, Government Code 54953(e)(3) authorizes legislative bodies of the City to continue to conduct remote “telephonic” meetings provided that the City has timely made the findings specified therein.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Clearlake as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency, continues to directly impact the ability of the members of this legislative body and all subordinate legislative bodies of the City to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

PASSED, APPROVED AND ADOPTED this 16th day of February, 2023 by the following roll call vote:

AYES:

NOES:

ABSENT:

Mayor

ATTEST:

City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Authorization of Job Description for Management Analyst and Placement into Salary Schedule; Resolution No. 2023-11	MEETING DATE: February 16, 2023
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 adopt the updated job description for the Management Analyst I/II/III, set the salary range for Management Analyst I, and authorize the position for the 2022-23 Fiscal Year budget.

BACKGROUND/DISCUSSION:

In continuing the ongoing assessment of organizational efficiencies, staff has determined the need for a focus on grants oversight in the Finance Department. The position of Management Analyst I/II/III was adopted in 2000 with an emphasis on human resources and budgeting. The current need for this position would exclude human resources and include grants oversight.

As your Council is aware, over the past several years, the City has increasingly managed heavy grant funding. Grant funding requires hours of devoted staff time to track and manage proper expenditures. To this end, the Management Analyst position would prepare, process, and maintain financial records for grants and provide administrative support to the Finance Department for budgeting, cost analyses, and other complex fiscal projects. This position would also be responsible for oversight of the Low to Moderate Housing programs, Loan Committee meetings and reporting thereof. As such, a portion of the salary would be funded through the Low Mod Housing Fund.

At this time, staff will be filling the Management Analyst I position and is recommending placement within the Salary Schedule at Range 34, \$4,053.25 - \$4,926.75 per month.

The Management Analyst I/II positions would be included in the Clearlake Municipal Employees Association.

OPTIONS:

1. Move to adopt Resolution No. 2023-11
2. Other direction

FISCAL IMPACT:

CITY OF CLEARLAKE
MANAGEMENT ANALYST I

DEFINITION

Under general supervision, to perform a wide variety of responsible and semi-complex administrative and analytical duties in support to management staff and ~~the City Council~~ the Finance Department; to assist in the development and administration of the City budget and preparation and processing of grant applications and maintenance of grant accounts receivable, reimbursements and other financial records and provides information to grant participants, consultants, and contractors to implement and carry out grant programs, projects and activities~~personnel system~~; and to assist in planning, developing, and organizing assigned projects and programs.

SUPERVISION EXERCISED

May exercise direct supervision over clerical staff and other personnel as assigned.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Implement policies and procedures relating to the administrative activities of the assigned department; provide administrative assistance in the implementation of policies relating to City operations and Department functions. Administer grants as assigned, prepare grant applications, provide assistance in assessing and monitoring work load, administrative support systems, and internal reporting relationships; and identify opportunities for improvement.

Assist in the preparation and monitoring of assigned budgets; compile annual budget requests; recommend expenditure requests for designated accounts; monitor approved budget accounts. Participate in the development and administration of the City budget; forecast of funds needed for staffing, equipment, materials, and supplies; approve expenditures; assist in implementing budgetary adjustments as necessary, inform the City Manager of the financial condition and needs of the City.

Provide professional administrative and analytical assistance regarding fiscal aspects of City government programs, operations and proposals.

Collect, compile and analyze information from various sources on a variety of specialized topics related to programs in assigned area; write reports which present and interpret data, identify alternatives and make and justify recommendations; prepare cost analyses.

Assist in long-range planning and policy development; collect and compile material for review and analysis; provide recommendations for changes in policy or procedures;

coordinate consultation, information exchange, and necessary clearances and or approvals.

Negotiate and prepare various agreements.

Ensures proper development and maintenance of detailed fiscal and program records for grants; discusses grant requirements and progress with funding agencies; monitor grants to ensure and determine on-going compliance of grants; performs special projects and financial support work related to grants.

Reconcile grants monthly, review cost information, verify grant related invoices, reimbursement requests, contracts, pay estimates, payroll data, purchase orders, check requests and receiving documents; verify coding accuracy, correct project numbers, contract numbers, appropriate authorizations and signatures in accordance with grant and City compliance requirements.

Coordinate scheduling and conduction of Loan Committee meetings, prepare and maintain agendas and minutes of meetings, maintain loan files, develop and maintain loan tracking system to ensure timely review, analysis and collection of grant related loans.

~~Coordinate and assist in the administration of the City’s Personnel System as directed; coordinate and/or assist in the recruitment of personnel; participate in the development and administration of Memorandums of Understanding as directed. Coordinate activities among City departments and outside agencies and organizations; prepare and present staff reports and other related correspondence. Train, motivate and evaluate City personnel; provide or coordinate staff training; work with employees to correct deficiencies.~~

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

~~Screen calls, visitors and mail; r~~Respond to sensitive requests for information and assistance; interpret policies, rules and regulations in response to inquiries and complaints; resolve concerns and complaints; refer inquiries as appropriate; ~~provide liaison to the media; prepare press releases.~~

~~Select, train, motivate and evaluate assigned personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.~~

Direct, coordinate and review the work plan for assigned staff, meet with staff to identify and resolve problems; assign work activities and projects; monitor work flow, review and evaluate work products, methods and procedures; may provide replacement to assigned staff as necessary.

Advise and assist department management and City personnel regarding anticipated projects and other proposals.

OTHER JOB RELATED DUTIES

Perform related duties and responsibilities as required.

JOB RELATED AND ESSENTIAL QUALIFICATIONS

Knowledge of:

Principles and practices of fiscal, statistical and administrative data collection and report preparation.

Principles and practices of governmental operations.

Principles and practices of budget administration.

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer software and hardware.

Principles and procedures of record keeping

~~Principles and techniques used in public relations.~~

Principles of business letter writing.

Pertinent Federal, State, and local laws, codes, and regulations.

~~Principles of supervision, training and performance evaluation.~~

Skill to:

Operate modern office equipment including computer equipment.

Ability to:

Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.

Interpret and apply City administrative and departmental policies and procedures.

Perform responsible and difficult administrative work involving the use of independent judgement and personal initiative.

Analyze situations carefully and adopt effective courses of action.

~~Perform personnel activities with adherence to confidentiality.~~

Prepare clear and concise financial and administrative reports.

Independently prepare correspondence and memoranda.

Organize and direct the work of assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year increasingly responsible administrative and analytical support experience preferably within a local government environment. •

Training:

Equivalent to the completion of the twelfth grade supplemented by college level course work in public administration, business administration, or a related field.

Special Requirements:

Essential duties require the following physical abilities and work environment:

Ability to work in a standard office environment with some ability to travel to different sites.

Effective Date: November 2000
Resolution 00-96

CITY OF CLEARLAKE
MANAGEMENT ANALYST II

DEFINITION

Under general supervision, to perform a wide variety of responsible and semi-complex administrative and analytical duties in support to management staff and the Finance Department; to assist in the development and administration of the City budget and preparation and processing of grant applications and maintenance of grant accounts receivable, reimbursements and other financial records and provides information to grant participants, consultants, and contractors to implement and carry out grant programs, projects and activities; and to assist in planning, developing, and organizing assigned projects and programs.

~~Under direction, to perform a wide variety of responsible and semi-complex administrative and analytical duties in support to management staff and the City Council; to assist in the development and administration of the City budget and personnel system; and to assist in planning, developing, and organizing assigned projects and programs.~~

SUPERVISION EXERCISED

Exercises direct supervision over clerical staff and other personnel as assigned.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Implement policies and procedures relating to the administrative activities of the assigned department; provide administrative assistance in the implementation of policies relating to City operations and Department functions. Provide assistance in assessing and monitoring work load, administrative support systems, and internal reporting relationships; and identify opportunities for improvement.

Assist in the preparation and monitoring of assigned budgets; compile annual budget requests; recommend expenditure requests for designated accounts; monitor approved budget accounts. Participate in the development and administration of the City budget; forecast of funds needed for staffing, equipment, materials, and supplies; approve expenditures; assist in implementing budgetary adjustments as necessary, inform the City Manager of the financial condition and needs of the City.

Provide professional administrative and analytical assistance regarding fiscal aspects of City government programs, operations and proposals.

Collect, compile and analyze information from various sources on a variety of specialized topics related to programs in assigned area; write reports which present and interpret data, identify alternatives and make and justify recommendations; prepare cost analyses.

Assist in long-range planning and policy development; collect and compile material for review and analysis; provide recommendations for changes in policy or procedures; coordinate consultation, information exchange, and necessary clearances and or approvals.

Negotiate and prepare various agreements.

Ensures proper development and maintenance of detailed fiscal and program records for grants; discusses grant requirements and progress with funding agencies; monitor grants to ensure and determine on-going compliance of grants; performs special projects and financial support work related to grants.

Reconcile grants monthly, review cost information, verify grant related invoices, reimbursement requests, contracts, pay estimates, payroll data, purchase orders, check requests and receiving documents; verify coding accuracy, correct project numbers, contract numbers, appropriate authorizations and signatures in accordance with grant and City compliance requirements.

Monitors and administers contracts and agreements; coordinates with grant participants, consultants, and contractors to carry out grant activities.

Coordinate scheduling and conduction of Loan Committee meetings, prepare and maintain agendas and minutes of meetings, maintain loan files, develop and maintain loan tracking system to ensure timely review, analysis and collection of grant related loans.

~~Coordinate and assist in the administration of the City’s Personnel System as directed; coordinate and/or assist in the recruitment of personnel; participate in the development and administration of Memorandums of Understanding as directed. Coordinate activities among City departments and outside agencies and organizations; prepare and present staff reports and other related correspondence. Train, motivate and evaluate City personnel; provide or coordinate staff training; work with employees to correct deficiencies.~~

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

~~Screen calls, visitors and mail;~~ **Respond** to sensitive requests for information and assistance; interpret policies, rules and regulations in response to inquiries and complaints; resolve concerns and complaints; refer inquiries as appropriate; provide liaison to the media; prepare press releases.

~~Select, train, motivate and evaluate assigned personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.~~

Direct, coordinate and review the work plan for assigned staff, meet with staff to identify and resolve problems; assign work activities and projects; monitor work flow, review and evaluate work products, methods and procedures; may provide replacement to assigned staff as necessary.

Advise and assist department management and City personnel regarding anticipated projects and other proposals.

OTHER JOB RELATED DUTIES

Perform related duties and responsibilities as required.

JOB RELATED AND ESSENTIAL QUALIFICATIONS

Knowledge of:

Principles and practices of fiscal, statistical and administrative data collection and report preparation.

Principles and practices of governmental operations.

Principles and practices of budget administration.

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer software and hardware.

Principles and procedures of record keeping

~~Principles and techniques used in public relations.~~

Principles of business letter writing.

Pertinent Federal, State, and local laws, codes, and regulations.

~~Principles of supervision, training and performance evaluation.~~

Skill to:

Operate modern office equipment including computer equipment.

Ability to:

Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.

Interpret and apply City administrative and departmental policies and procedures.

Perform responsible and difficult administrative work involving the use of independent judgement and personal initiative.

Analyze situations carefully and adopt effective courses of action.

Perform personnel activities with adherence to confidentiality.

Prepare clear and concise financial and administrative reports.

Independently prepare correspondence and memoranda.

Organize and direct the work of assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years increasingly responsible administrative and analytical support experience preferably within a local government environment.

Training:

Equivalent to the completion of the twelfth grade supplemented by college level course work in public administration, business administration, or a related field.

Special Requirements:

Essential duties require the following physical abilities and work environment:

Ability to work in a standard office environment with some ability to travel to different sites.

Effective Date: November 2000

Resolution 00-96

CITY OF CLEARLAKE
MANAGEMENT ANALYST III

DEFINITION

Under direction, to perform a wide variety of responsible and semi-complex administrative and analytical duties in support to management staff and the Finance Department; to assist in the development and administration of the City budget and preparation and processing of grant applications and maintenance of grant accounts receivable, reimbursements and other financial records and provides information to grant participants, consultants, and contractors to implement and carry out grant programs, projects and activities; and to assist in planning, developing, and organizing assigned projects and programs.

~~Under direction, to perform a wide variety of responsible and complex administrative and analytical duties in support to management staff and the City Council; to oversee the development and administration of the City budget and personnel system; and to assist in planning, developing, and organizing assigned projects and programs.~~

SUPERVISION EXERCISED

Exercises direct supervision over clerical staff and other personnel as assigned.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Implement policies and procedures relating to the administrative activities of the assigned department; provide administrative assistance in the implementation of policies relating to City operations and Department functions. Assess and monitor work load, administrative support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.

Assist in the preparation and monitoring of assigned budgets; compile annual budget requests; recommend expenditure requests for designated accounts; monitor approved budget accounts. Participate in the development and administration of the City budget; direct the forecast of funds needed for staffing, equipment, materials, and supplies; approve expenditures; implement budgetary adjustments as necessary, inform the City Manager of the financial condition and needs of the City.

Provide professional administrative and analytical assistance regarding fiscal aspects of City government programs, operations and proposals.

Collect, compile and analyze information from various sources on a variety of specialized topics related to programs in assigned area; write reports which present and interpret data, identify alternatives and make and justify recommendations; prepare cost analyses.

Assist in long-range planning and policy development; collect and compile material for review and analysis; provide recommendations for changes in policy or procedures; coordinate consultation, information exchange, and necessary clearances and or approvals.

Negotiate and prepare various agreements.

Ensures proper development and maintenance of detailed fiscal and program records for grants; discusses grant requirements and progress with funding agencies; monitor grants to ensure and determine on-going compliance of grants; performs special projects and financial support work related to grants.

Reconcile grants monthly, review cost information, verify grant related invoices, reimbursement requests, contracts, pay estimates, payroll data, purchase orders, check requests and receiving documents; verify coding accuracy, correct project numbers, contract numbers, appropriate authorizations and signatures in accordance with grant and City compliance requirements.

Monitors and administers contracts and agreements; coordinates with grant participants, consultants, and contractors to carry out grant activities.

Assists in developing various grant programs and projects.

Develop and maintain grant tracking system and data to ensure compliance with deadlines for expenditure of grant funds, reporting and completion of grant activities, projects and programs.

Coordinate scheduling and conduction of Loan Committee meetings, prepare and maintain agendas and minutes of meetings, maintain loan files, develop and maintain loan tracking system to ensure timely review, analysis and collection of grant related loans.

~~Coordinate and assist in the administration of the City's Personnel System as directed; coordinate and/or assist in the recruitment of personnel; participate in the development and administration of Memorandums of Understanding as directed. Coordinate activities among City departments and outside agencies and organizations; prepare and present staff reports and other related correspondence. Train, motivate and evaluate City personnel; provide or coordinate staff training; work with employees to correct deficiencies.~~

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

~~Screen calls, visitors and mail;~~ Respond to sensitive requests for information and assistance; interpret policies, rules and regulations in response to inquiries and complaints; resolve concerns and complaints; refer inquiries as appropriate; provide liaison to the media; prepare press releases.

~~Select, train, motivate and evaluate assigned personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.~~

Direct, coordinate and review the work plan for assigned staff, meet with staff to identify and resolve problems; assign work activities and projects; monitor work flow, review and evaluate work products, methods and procedures; may provide replacement to assigned staff as necessary.

Advise and assist department management and City personnel regarding anticipated projects and other proposals.

OTHER JOB RELATED DUTIES

Perform related duties ~~an~~and responsibilities as required.

JOB RELATED AND ESSENTIAL QUALIFICATIONS

Knowledge of:

Principles and practices of fiscal, statistical and administrative data collection and report preparation.

Principles and practices of governmental operations.

Principles and practices of budget administration.

City of Clearlake
Management Analyst III

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer software and hardware.

Principles and procedures of record keeping

~~Principles and techniques used in public relations.~~

Principles of business letter writing.

Pertinent Federal, State, and local laws, codes, and regulations.

~~Principles of supervision, training and performance evaluation.~~

Skill to:

Operate modern office equipment including computer equipment.

Ability to:

Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.

Interpret and apply City administrative and departmental policies and procedures.

Perform responsible and difficult administrative work involving the use of independent judgement and personal initiative.

Analyze situations carefully and adopt effective courses of action.

Perform personnel activities with adherence to confidentiality.

Prepare clear and concise financial and administrative reports.

Independently prepare correspondence and memoranda.

Organize and direct the work of assigned staff.

Communicate clearly ~~and concisely~~ and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years increasingly responsible administrative and analytical support experience preferably within a local government environment.

Training:

Equivalent to the completion of the twelfth grade supplemented by college level course work in public administration, business administration, or a related field.

Special Requirements:

Essential duties require the following physical abilities and work environment:

Ability to work in a standard office environment with some ability to travel to different sites.

Effective Date: November 2000
Resolution 00-96

RESOLUTION NO. 2023-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
APPROVING JOB DESCRIPTION FOR THE MANAGEMENT ANALYST
I/II/III AND SALARY LEVEL FOR THE MANAGEMENT ANALYST I
POSITION**

WHEREAS, the City has a need for Management Analyst I/II/III positions; and

WHEREAS, the Council has considered job descriptions and the salary range for these positions at a duly noticed public meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake that the job description in Exhibit A attached hereto are hereby approved and the annual salary range for Management Analyst I is hereby set as follows:

Management Analyst I: Range 34, \$48,639.03 - \$59,121.05

PASSED AND ADOPTED on February 16, 2023 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Adoption of 3rd Amendment to the FY 2022-23 Budget (Resolution 2022-44) for Mid-Year Adjustments; Resolution No. 2023-09	MEETING DATE: February 16, 2023
SUBMITTED BY: Kathy Wells, Finance Director	
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 adopt Resolution 2023-09 Amending the FY 2022-23 Budget to include Mid-Year Adjustments.

BACKGROUND/DISCUSSION: Staff has completed a mid-year review of the FY 2022-23 budget.

Overall, revenues are in line to meet expectations. Staff is recommending conservative increases to revenues where appropriate. There is also revenue recognition for a one time true-up of \$138,919, for COPS program funding from Lake County, that was not disbursed to the city in prior years.

Based on a review of the revenue vs. expenses and in consultation with department heads, below is a list of significant mid-year appropriation adjustments proposed for consideration by the City Council:

Department	Description	Amount
Community Development	Consultant Services – increased plan review costs for multi-family housing projects, to be funded with housing funds. Additional expenses to be covered with general fund revenue increases.	\$72,500
City Engineer	Consultant Services – misc project expenses	\$18,000
Finance	Consultant Services – For RGS support of finance director and completion of FYE 21 and FYE 22 audits	50,000
Police - General Fund	Increased expenses for equipment and vehicle leases, and officer recruitment - funds transferred out from SLESF	\$50,000
Police - General Fund Code Enforcemnet	Appropriate funds from newly recognized abatement revenue	\$80,000
Measure V Loan Fund	Appropriate funds - design services for CL Park Rehab	\$300,000

OPTIONS:

- 1. Move to adopt Resolution No. 2023-09
- 2. Provide direction to staff.

FISCAL IMPACT:

None See attached Budgeted Item? Yes No

Budget Adjustment Needed? Yes No

Affected fund(s): General Fund Measure P Fund Measure V Loan Fund Other: PD & SLESF Fund, Gas Tax Fund, Capital Projects Fund, Low & Moderate Housing Fund

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 Adopt Resolution 2023-09 Amending the 2022-23 Budget to include various Mid-Year Adjustments.

- Attachments:** 1) Resolution 2023-09: Resolution Amending the FY 2022-23 Adopted Budget to include various Mid-Year Adjustments.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE ADOPTING THE 3rd AMENDMENT TO THE FY 2022-23 BUDGET (RESOLUTION NO. 2022-44) MAKING MID-YEAR ADJUSTMENTS

WHEREAS, the City Council desires to adjust the FY 2022-23 budget based on a mid-year review of actual vs. budgeted expenditures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake:

Section 1. The FY 2022-23 Budget, adopted via Resolution 2022-44, is amended as follows:

Appropriation Adjustments							
Fund	Fund Name	Department	Account	Description	Approved Budget as of 12/31/22	Adjustment	FY 22-23 Amended Budget
100	General	Police Dept	100-2000-800-884	Equipment/Vehicle Lease	192,000	40,000	232,000
100	General	Police Dept	100-2000-700-455	Recruitment	20,000	10,000	30,000
100	General	Police Dept	100-2000-500-106	Overtime	238,415	4,922	243,337
100	General	Police Dept	100-2000-600-340	Vehicle Fuel	120,000	2,020	122,020
100	General	Public Works - City Eng	100-3025-750-560	Consultant Services	72,000	18,000	90,000
100	General	Public Works - Parks	100-3030-600-235	Parks & Rec - Supplies	16,000	7,500	23,500
100	General	Finance	100-1300-500-101	Salaries (FT)	169,350	15,000	184,350
100	General	Finance	100-1300-600-532	Maintenance Contracts	35,420	13,700	49,120
100	General	Finance	100-1300-750-560	Consultant Services	25,000	50,000	75,000
100	General	Finance	100-1300-800-681	Equipment & Software	35,500	6,000	41,500
100	General	Finance	100-1300-700-453	Travel & Training	3,000	3,000	6,000
100	General	Community Dev	100-1400-500-109	Health & Life Insurance	11,855	24,000	35,855
100	General	Community Dev	100-1400-600-333	Advertising	3,000	1,500	4,500
100	General	Community Dev	100-1400-700-452	Travel & Training	3,000	4,000	7,000
100	General	Community Dev	100-1400-750-560	Consultant Services	87,566	43,000	130,566
100	General	Recreation & Events	100-1500-960-238	Special Supplies	33,500	8,000	41,500
100	General	Non Departmental	100-0000-970-999	Transfers Out - CIP Fund	7,603,086	10,000	7,613,086
100	General	Code Enforcment - GF	100-2010-750-570	Abatements	100,600	80,000	180,600
100	General	Public Works	100-3015-650-342	Building Maint - Power	16,000	13,000	29,000
100	General	Public Works	100-3010-650-342	Svc & Utilities - Power	2,082	15,850	17,932
130	Measure P	Police Department	130-2020-500-106	Overtime	108,000	19,572	127,572
135	PD & SLESF	Police Department	135-2025-970-999	Transfers Out to Other Funds	65,000	50,000	115,000
200	Gas Tax	Public Works	200-3040-600-227	Maintenance-Right of Way	20,000	7,000	27,000
221	Measure V Loan Fund	Public Works	221-4208-750-537	CL Park Rehab - Design Svcs	144,000	300,000	444,000
240	Capital Projects	Public Works	240-4217-850-887	Youth Center Remodel	100,000	10,000	110,000
243	Low & Mod Housing	City Manager	243-1120-970-999	Transfer Out	-	42,000	42,000

Revenue Adjustment							
Fund	Fund Name	Department	Account	Description	FY 22-23 Adopted	Adjustment	FY 22-23 Amended Budget
100	General Fund	Various	100-450-900	Transfer In	344,925	92,000	436,925
100	General Fund	Police Department	100-409-440	Lakeport PD Contract Svc	-	6,942	6,942
100	General Fund	Misc Income	100-425-800	Donations	-	10,050	10,050
100	General Fund	Franchise Fees	100-403-230	Franchise Fees - Waste	500,000	50,000	550,000
100	General Fund	Misc Income	100-405-805	Penalties & Delinquencies	20,000	15,000	35,000
100	General Fund	Misc Income	100-405-895	Misc Income	19,000	81,000	100,000
100	General Fund	Police Services	100-409-857	Post Reimbursements	7,000	18,000	25,000
100	General Fund	Grants & Contributions	100-410-875	Other Grants	-	4,500	4,500
100	General Fund	Interest Income	100-420-710	Interest Income	18,000	12,000	30,000
100	General Fund	Administrative Citations	100-415-625	Citation Revenue	296,000	80,000	376,000
130	Measure P	Police Department	130-409-440	Lakeport PD Contract Svc	-	19,572	19,572
135	PD & SLESF Grants	Police Department	135-410-835	SLESF Grant	100,000	138,919	238,919
240	Capital Projects	Transfer In	240-450-900	Youth Center Remodel	-	10,000	10,000

PASSED AND ADOPTED by the City Council of the City of Clearlake, County of Lake, State of California, on this 16th day of February, 2023, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST: _____
City Clerk

_____ Mayor

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Discussion and Consideration of Direct Sale of Tax Defaulted Properties from the County of Lake	MEETING DATE: Feb. 16, 2023
SUBMITTED BY: Alan 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/BOARD:

The City Council is being asked to consider the purchase of tax defaulted properties within the City of Clearlake through a direct or agreement sale with the County of Lake.

BACKGROUND/DISCUSSION:

The City of Clearlake has been trying to work with the County Tax Collector in order to resolve the longstanding issues with tax defaulted properties with the City. Fortunately, with a new Tax Collector in office, we have made much progress towards some solutions. Staff have entered into discussions about doing a direct sale agreement with the County on select properties. State law allows taxing agencies to negotiate directly with the County on defaulted properties outside the traditional auction process. Staff have identified a few properties that could in the City's best interest to purchase and would like authorization to do so.

OPTIONS:

1. Authorize the City Manager to submit an application for direct sale of various tax defaulted properties for up to \$150,000.
2. Other direction

FISCAL IMPACT:

None up to \$150,000 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: 240 – Capital Projects & 243 - Low & Moderate Housing

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

Attachments:



STAFF REPORT	
SUBJECT: Consideration of Resolution 2023-10, a Resolution of the City Council of the City of Clearlake Approving, Authorizing and Directing the Execution of a Joint Powers Agreement by and Among the City of Clearlake, the City of Lakeport, and the County of Lake to Form the Lake County Recreation Agency.	MEETING DATE: Feb. 16, 2023
SUBMITTED BY: Alan 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/BOARD:

The City Council is being asked to consider the entering into a Joint Powers Agreement (JPA) with the City of Lakeport and County of Lake to establish a countywide recreation agency.

BACKGROUND/DISCUSSION:

In 2019 a group of interested parties began meeting regularly to discuss the possibilities of improving recreational opportunities in Lakeport. Through the challenges posed by COVID 19, the group continued to meet virtually, and the interest expanded to include interested parties county-wide. This group came together organically and was not officially created by any elected body and has become known as the Lake County Recreation Task Force (LCRTF).

In October 2020, the City of Lakeport assisted the LCRTF in issuing a Request for Proposal (RFP) from qualified consulting firms to conduct and prepare a needs assessment and feasibility study so the LCRTF could determine whether to proceed with planning, funding and creating an indoor/outdoor multi-generational Recreation Center or Centers.

The LCRTF worked with Studio W architects and their subconsultants for the better part of 18 months to complete two phases of a feasibility study that were previously presented to elected bodies in the county and the public. The feasibility work included public input, site selection, development scope, conceptual design, programmatic options, capital and operating cost estimates, management structures and partnership opportunities.

On October 19, 2022, representatives from the City of Lakeport, City of Clearlake and the County of Lake met to receive a presentation from Jones Hall (Bond Counsel) and NHA (Municipal Advisor) on a plan to move the concept forward. At that meeting a consensus was had to hire Jones Hall to assist the jurisdictions with the formation of a Joint Powers Authority (JPA) through a joint power’s agreement as well as support for soliciting polling and public research firms to conduct preliminary polling that will guide the next steps. FM3 was selected by a proposal review committee. The City of Lakeport has contracted Jones Hall and FM3 with cost sharing agreements with the City of Clearlake and the County of Lake.

To develop recreation and aquatics centers in our community will require capital and operational financing. LCRTF members have discussed a variety of ways to start to build the capital and operating financing stacks to ensure the completion and successful operation of facilities into the future. Member and partner contributions, state and federal requests, grants, donations, and joint use agreements are a few funding mechanisms necessary to the success of this project.

It is likely that even after a successful campaign to generate funding from the previously mentioned sources a funding gap will exist. An effective method to complete the capital and operational financing stacks would be for the JPA, using the member power, form a Community Facility District (CFD) and place a ballot measure for voter approval of a special tax that could pay for debt service on authorized bonds and operation costs associated with new recreation and aquatics facilities.

DISCUSSION:

The City of Lakeport, the City of Clearlake, and the County of Lake have been discussing the feasibility of placing a revenue measure on the March 2024 ballot to finance recreational facilities. The first step in the process is the formation of a “joint exercise of powers authority” (“JPA” or “Authority”) under California Government Code section 6500, et seq. to manage the process on behalf of the three agencies. The Authority would be a legally distinct and separate entity, with a separate 7-member board of directors that would be responsible for undertaking polling regarding the viability of a local tax measure passing within the jurisdictions of Lakeport, Clearlake, and Lake County; the type of tax measure to place before the voters; the recreational facilities to be acquired and maintained; and related matters.

Each of the City of Lakeport, the City of Clearlake, and the County of Lake would appoint 2 members to the 7-member Board of the JPA, and the final member of the Board would be a member of the public appointed by the other Board members.

The purpose of the Authority is to issue bonds or incur other obligations to finance and refinance capital improvement projects or working capital needed for recreational facilities located anywhere in the County of Lake and operating and maintaining said recreational facilities. The foregoing purpose is intended to be accomplished by placing a revenue measure before the voters in Lakeport, Clearlake, and the unincorporated County at the earliest feasible opportunity. The Authority may also enter into contracts with its members, other local agencies (such as school districts), and private parties to carry out its purposes.

Pursuant to California Government Code section 6508.1, the debts, liabilities and obligations of the Authority shall not constitute debts, liabilities or obligations of any of the Members.

Creating the Authority requires the adoption of the attached resolution by the City Council of each City and the Board of Supervisors of the County.

OPTIONS:

- 1. Adopt Resolution 2023-10 and Further Appoint Two Members to Serve on the Board.
- 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:

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. Resolution 2023-10
2. Lake County Recreation Agency JPA

RESOLUTION NO. 2023-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE APPROVING, AUTHORIZING AND DIRECTING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND AMONG THE CITY OF CLEARLAKE, THE CITY OF LAKEPORT, AND THE COUNTY OF LAKE TO FORM THE LAKE COUNTY RECREATION AGENCY

WHEREAS, under the Joint Exercise of Powers Act, comprising Articles 1 through 4 of Chapter 5 of Division 7 of Title 1 (commencing with section 6500) of the California Government Code (the “JPA Act”), local agencies in the State may enter into a joint exercise of powers agreement pursuant to which such agencies may jointly exercise any power common to them and to exercise additional powers granted under the JPA Act; and

WHEREAS, City of Clearlake, the City of Lakeport, and the County of Lake desire to create and establish the Lake County Recreation Agency (the “Authority”) pursuant to the JPA Act; and

WHEREAS, there has been presented to this meeting a proposed form of Joint Exercise of Powers Agreement (the “Agreement”), by and among the City of Clearlake, the City of Lakeport, and the County of Lake, which creates and establishes the Authority; and

WHEREAS, under California law and the Agreement, the Authority will be a public entity separate and apart from the parties to the Agreement and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of any of its members, or any representative of any member serving on the governing body of the Authority or as an officer of the Authority;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake as follows:

Section 1. Approval of Agreement. The City Council hereby approves the Agreement in substantially the form on file with the City Clerk, together with any changes therein or additions thereto approved by the City Manager, Finance Director or any of their designees (each, an “Authorized Officer”). The Mayor and the Authorized Officers are hereby authorized and directed for and in the name and on behalf of the City to execute the final form of the Agreement, and the City Clerk is hereby authorized and directed to attest to the final form of the Agreement. Execution of the Agreement by the Mayor or an Authorized Officer shall be conclusive evidence of the approval of any changes therein or additions thereto.

Section 2. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED and ADOPTED this ___ day of _____, 2023 by the following roll call vote:

AYES:
NOES:
ABSENT:

Russell Perdock , Mayor

ATTEST:

Melissa Swanson, City Clerk

JOINT EXERCISE OF POWERS AGREEMENT

by and among

CITY OF CLEARLAKE,

CITY OF LAKEPORT,

and

COUNTY OF LAKE

creating the

LAKE COUNTY RECREATION AGENCY

Dated as of March 1, 2023

TABLE OF CONTENTS

Section 1. Definitions1
Section 2. Purpose2
Section 3. Term2
Section 4. The Authority2
Section 5. Powers.....5
Section 6. Termination of Powers5
Section 7. Fiscal Year5
Section 8. Disposition of Assets5
Section 9. Contributions and Advances6
Section 10. Obligations.....6
Section 11. Agreement not Exclusive6
Section 12. Accounts and Reports.....7
Section 14. Conflict of Interest Code.....7
Section 15. Bylaws7
Section 16. Breach7
Section 17. Withdrawals and Additions of Members8
Section 18. Effectiveness8
Section 19. Severability8
Section 20. Successors; Assignment.....8
Section 21. Amendment of Agreement8
Section 22. Form of Approvals.....8
Section 23. Waiver of Personal Liability9
Section 24. Notices.....9
Section 25. Section Headings.....9
Section 26. Miscellaneous9

JOINT EXERCISE OF POWERS AGREEMENT

THIS AGREEMENT, dated as of March 1, 2023, initially by and among the CITY OF CLEARLAKE, a general law city and municipal corporation organized and existing under and by virtue of the laws of the State of California (“Clearlake”), the CITY OF LAKEPORT, a general law city and municipal corporation organized and existing under and by virtue of the laws of the State of California (“Lakeport”), and the COUNTY OF LAKE, a general law county organized and existing under and by virtue of the laws of the State of California (the “County” and together with Clearlake and Lakeport, the initial “Members”).

DECLARATION OF PURPOSE

A. The Joint Exercise of Powers Act, being Articles 1 through 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code, Section 6500 et seq. (the “Act”) authorizes the Members to create a joint exercise of powers authority which has the power to exercise any powers common to the Members and to exercise additional powers granted to it under the Act. This Agreement creates such an agency, which shall be known as the “Lake County Recreation Agency,” for the purposes, and to exercise the powers, described herein.

B. The Members are authorized by the California Government Code and other laws of the State to buy, sell, lease and use property, and to incur indebtedness, for public purposes.

C. The Marks-Roos Local Bond Pooling Act of 1985, being Article 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code, Section 6584 et seq. (the “Mark-Roos Act”) authorizes and empowers the Authority to issue bonds and to purchase bonds issued by, or to make loans to, local agencies such as the Members for financing public capital improvements, working capital, liability and other insurance needs or other projects whenever there are significant public benefits. The Marks-Roos Act further authorizes and empowers the Authority to sell bonds so issued or purchased to public or private purchasers at public or negotiated sale.

TERMS OF AGREEMENT

Section 1. Definitions. Unless the context otherwise requires, the terms defined in this Section 1 shall for all purposes of this Agreement have the meanings herein specified.

“*Act*” means the Joint Exercise of Powers Act, being Articles 1 through 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code (Section 6500 et seq.), as amended.

“*Agreement*” means this Joint Exercise of Powers Agreement, as it may be amended from time to time, creating the Authority.

“*Authority*” means the Lake County Recreation Agency.

“*Board*” means the Board of Directors of the Authority.

“*Brown Act*” means the Ralph M. Brown Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the California Government Code), or any successor legislation hereafter enacted.

“*Indenture*” means each indenture, trust agreement, fiscal agent agreement, lease, sublease, loan agreement, or other instrument pursuant to which Obligations are issued or incurred.

“*Mark-Roos Act*” means the Marks-Roos Local Bond Pooling Act of 1985, being Article 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code (Section 6584 et seq.), as amended.

“*Member*” or “*Members*” means the members of the Authority from time to time as may be modified in accordance with this Agreement, initially consisting of Clearlake, Lakeport and the County.

“*Obligations*” means bonds, notes, obligations, agreements and evidence of indebtedness of the Authority authorized and issued pursuant to the Act.

“*State*” means the State of California.

Section 2. Purpose. The purpose of the Authority is to issue bonds or incur other Obligations to finance and refinance capital improvement projects or working capital needed for recreational facilities located anywhere in the County, and operating and maintaining said recreational facilities. The foregoing purpose is intended to be accomplished by placing a revenue measure before the voters in Clearlake, Lakeport and the unincorporated County at the earliest feasible opportunity. The Authority may also enter into contracts with its Members, other local agencies (such as school districts), and private parties to carry out its purposes.

Section 3. Term. This Agreement shall become effective as of the date hereof and shall continue in full force and effect until terminated by the Members; *provided, however*, that in no event shall this Agreement terminate while any Obligations of the Authority remain outstanding under the terms of any Indenture or other instrument pursuant to which such Obligations are issued or incurred.

Section 4. The Authority.

(a) Creation of the Authority. There is hereby created pursuant to the Act an authority and public entity to be known as the “Lake County Recreation Agency.” As provided in the Act, the Authority shall be a public entity separate from the Members. The debts, liabilities and obligations of the Authority shall not constitute debts, liabilities or obligations of the Members.

Within 30 days after the effective date of this Agreement or any amendment hereto, the Authority will cause a notice of this Agreement or amendment to be prepared and filed with the office of the Secretary of State in the manner set forth in sections 6503.5 of the Act. Such notice shall also be filed with the office of the Controller of the State, and with the Lake County Local Agency Formation Commission (LAFCO) pursuant to sections 6503.6 and 6503.8 of the Act.

In addition, as required by Section 53051 of the California Government Code, within 70 days after the effective date of this Agreement, the Authority shall file with the Secretary of State on a form prescribed by the Secretary of State and also with the county clerk of the County, a statement of the following facts: (1) the full, legal name of the Authority, (2) the official mailing address of the Board, (3) the name and residence or business address of each member of the Board, and (4) the name, title, and residence or business address of the Chair and Secretary of the Authority, and within 10 days after any change in the facts required to be stated pursuant to

the foregoing, an amended statement containing such information shall be filed with the Secretary of State on a form prescribed by the Secretary of State and also with the county clerk of the County.

(b) Board of Directors. The Authority shall be administered by the Board, which shall consist of seven members, determined as follows: (i) two persons appointed by each Member, both of whom shall be members of the legislative body of the applicable Member, and (ii) one person, who shall be a resident of the County, appointed by the other Board members. Each Member shall also appoint an alternate (who shall be a member of the legislative body of the applicable Member), and such alternate shall attend the Board meetings as a Board member in case of an absence of one of the two persons appointed by the applicable Member to the Board.

With respect to the six persons appointed by the Members to the Board, each such person shall serve on the Board until his or her resignation, or a replacement is selected by the Member that appointed him/her; *provided, however*, that the term of any such Board member shall automatically terminate upon the withdrawal of the Member that appointed such person. With respect to the member of the public appointed to the Board, such person shall serve until his or her resignation or a replacement is selected by the Board.

Members of the Board shall not receive any compensation for serving as such, but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a member, if the Board determines that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

(c) Meetings of the Board.

(1) Time and Place. The Board shall hold at least one regular meeting each calendar year, with the date, hour and place of regular meetings to be fixed in the Authority's bylaws or by resolution of the Board. The Board may also hold special meetings. If the Secretary does not post an agenda for a regular meeting pursuant to the Brown Act, then such failure to post shall be deemed to be a determination by the Chair that no items required discussion and, therefore, that the regular meeting has been cancelled, except as otherwise provided in the Brown Act.

(2) Brown Act Compliance. All regular and special meetings of the Board shall be called, noticed, held and conducted subject to the provisions of the Brown Act.

(3) Minutes. The Secretary of the Authority shall cause minutes of all meetings of the Board to be kept and shall, as soon as practicable after each meeting, cause a copy of the minutes to be forwarded to each member of the Board.

(4) Quorum. A majority of the members of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board unless a quorum is present (according to State law) and there is an affirmative vote by a majority of the members of the Board, except that less than a quorum may adjourn the meeting from time to time.

(d) Officers; Duties; Bonds.

(1) The officers of the Authority shall be the Chair, Vice Chair, Secretary and Treasurer. The Chair and Vice Chair shall be members of the Board, and the Secretary

may be a member of the Board. The officers shall perform the duties normal to their respective offices and such other duties as may be prescribed by the Authority's bylaws. In addition, the officers shall have such additional powers and duties as may be determined by the Board from time to time by resolution. Unless otherwise specified in the Bylaws, each officer shall be appointed by vote of the Board.

(2) Pursuant to Section 6505.6 of the Act, the Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond in the amount of \$25,000 as required by section 6505.1 of the Act; *provided, however*, that such bond shall not be required if the Authority does not possess or own property or funds with an aggregate value of greater than \$500 (excluding amounts held by a trustee or other fiduciary in connection with any Bonds). The cost of the bond, if necessary, shall be paid by the Authority.

(3) So long as required by section 6505 and section 6505.5 of the Act, the Treasurer of the Authority shall prepare or cause to be prepared: (a) a special audit as required pursuant to section 6505 of the Act every year during the term of this Agreement; and (b) a report in writing on the first day of July, October, January and April of each year to the Board and the Members which report shall describe the amount of money held by the Treasurer of the Authority for the Board, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Obligations to the extent that such trustee or other fiduciary provides regular reports covering such amounts).

(4) The services of the officers shall be without compensation by the Authority.

(5) The Board shall have the power to appoint such other officers and employees, including an Executive Director, as it may deem necessary and to retain legal counsel, consultants and accountants, which officers, employees, legal counsel, consultants and/or accountants may also work for any Member.

(6) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation and other benefits which apply to the activities of officers, agents or employees of the Members when performing their respective functions within the territorial limits of their respective Member, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement.

(7) None of the officers, agents or employees, if any, directly employed by the Authority shall be deemed, by reason of their employment by the Authority, to be employed by any Member or, by reason of their employment by the Authority, to be subject to any of the requirements of any Member.

(8) The Members hereby confirm their intent and agree that, as provided in Section 4(a) hereof and in the Act, the debts, liabilities and obligations of the Authority shall not constitute debts, liabilities or obligations of the Members, notwithstanding that any officers, employees or others may serve any Member and the Authority at the same time.

(9) The Authority shall cause all records regarding the Authority's formation, existence, operations, any Obligations issued or incurred by the Authority, obligations incurred by it and proceedings pertaining to its termination to be retained for at least six years following termination of the Authority or final payment of any Obligations issued or incurred by the Authority, whichever is later.

(10) In accordance with Section 6506 of the Act, one or more of the Members may agree to provide all or a portion of the services to the other members in the manner provided in the Agreement, and the members may provide for the mutual exchange of services without payment of any consideration other than such services.

Section 5. Powers. The Authority shall have any and all powers which are common powers of the Members, and the powers separately conferred by law upon the Authority. All such powers, whether common to the Parties or separately conferred by law upon the Authority, are hereby expressly specified as powers of the Authority except any such powers which are specifically prohibited to the Authority by applicable law. Except as otherwise set forth herein as permitted by law, the Authority's exercise of its powers is subject to the restrictions upon the manner of exercising the powers of the County.

The Authority is hereby authorized, in its own name, to do all acts necessary or convenient for the exercise of its powers, including, but not limited to, any or all of the following: to sue and be sued; to make and enter into contracts; to employ agents, consultants, attorneys, accountants, and employees; to acquire, hold or dispose of property, whether real or personal, tangible or intangible, wherever located; to levy taxes, assessments and fees, including but not limited to transactions and use taxes under the Transactions and Use Tax Law (Revenue and Taxation Code Section 7251 et seq.) and special taxes under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.); to issue bonds or otherwise incur debts, liabilities or Obligations to the extent authorized by the Act or any other applicable provision of law and to pledge any property or revenues or the rights thereto as security for such Obligations. In addition, the Authority shall have such additional powers conferred under the Act or under applicable law, insofar as such additional powers may be necessary or desirable to accomplish the purposes set forth in this Agreement.

Notwithstanding anything to the contrary in this Agreement, the Authority shall not have the power or the authority to enter into any retirement contract with any public retirement system (as defined in Section 6508.1(b) of the California Government Code) without the prior written consent of the Members. The provision in this paragraph is intended to benefit the Members and to be a confirming irrevocable obligation of the Authority which may be enforced by the Members, individually or collectively.

Section 6. Termination of Powers. The Authority shall continue to exercise the powers herein conferred upon it until the termination of this Agreement in accordance with Section 3 hereof.

Section 7. Fiscal Year. Unless and until changed by the Authority's bylaws or resolution of the Board, the fiscal year of the Authority shall be the period from July 1 of each year to and including the following June 30, except for the first fiscal year which shall be the period from the date of this Agreement to June 30, 2023.

Section 8. Disposition of Assets. Upon termination of this Agreement pursuant to Section 3 hereof, any surplus money in possession of the Authority or on deposit in any fund or account

of the Authority shall be returned in proportion to any contributions made as required by section 6512 of the Act. The Board is vested with all powers of the Authority for the purpose of concluding and dissolving the business affairs of the Authority. After rescission or termination of this Agreement pursuant to Section 3 hereof, all property of the Authority, both real and personal, shall be distributed to the Members in proportion to contributions made by the Members, except to the extent otherwise agreed by the Members.

Section 9. Contributions and Advances. Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution. Any such advance made in respect of a revenue-producing facility shall be made subject to repayment, and shall be repaid, in the manner agreed upon by the Members, and the Authority at the time of make such advance as provided by Section 6512.1 of the Act. It is mutually understood and agreed that no Member has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any Member may do so. The Members may allow the use of personnel, equipment or property in lieu of other contributions or advances to the Authority.

Section 10. Obligations.

(a) Authority to Issue or Incur Obligations. When authorized by the Act or other applicable provisions of law and by resolution of the Board, the Authority may issue or incur Obligations for the purpose of raising funds for the exercise of any of its powers or to otherwise carry out its purposes under this Agreement. Said Obligations shall have such terms and conditions as may be authorized by the Board.

(b) Limited Obligations. The Obligations, including the principal and any purchase price thereof, and the interest and premium, if any, thereon, shall be special obligations of the Authority payable solely from, and secured solely by, the revenues, funds and other assets pledged therefor under the applicable Indenture(s) and shall not constitute a charge against the general credit of the Authority or any Member. The Obligations shall not be secured by a legal or equitable pledge of, or lien or charge upon or security interest in, any property of the Authority or any of its income or receipts except the property, income and receipts pledged therefor under the applicable Indenture(s). The Obligations shall not constitute a debt, liability or obligation of the State or any public agency thereof, including any Member, other than the special obligation of the Authority as described above.

No covenant or agreement contained in any Obligation or Indenture shall be deemed to be a covenant or agreement of any director, officer, agent or employee of the Authority or any Member, in his or her individual capacity and no director or officer of the Authority executing a Obligation shall be liable personally on such Obligation or be subject to any personal liability or accountability by reason of the issuance of such Obligation.

Section 11. Agreement not Exclusive. This Agreement shall not be exclusive and shall not be deemed to amend or alter the terms of other agreements between or among the Members, except as the terms of this Agreement shall conflict therewith, in which case the terms of this Agreement shall prevail.

Section 12. Accounts and Reports. The following provisions shall apply to the Authority and the Members, except to the extent otherwise prescribed in the Authority's bylaws:

(a) Books and Records. All funds of the Authority shall be strictly accounted for in books of account and financial records maintained by the Authority, including a report of all receipts and disbursements. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles and by each Indenture for outstanding Obligations (to the extent such duties are not assigned to a trustee or fiscal agent for owners of Obligations). The books and records of the Authority shall be open to inspection at all reasonable times by the Members and their representatives.

(b) Indentures. The Authority shall require that each Indenture provide that the trustee appointed thereunder shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of such Indenture. Said trustee may be given such duties in said Indenture as may be desirable to carry out the requirements of this Section 12.

(c) Audits. The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority in compliance with the requirements of the Act. Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section 12, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

(d) Audit Reports. The Treasurer of the Authority, as soon as practicable after the close of each Fiscal Year but in any event within the time necessary to comply with the requirements of the Act shall file a report of the audit performed pursuant to this Section 12 as required by the Act and shall send a copy of such report to public entities and persons in accordance with the requirements of the Act.

Section 13. Funds. Subject to the provisions of each Indenture for outstanding Obligations providing for a trustee or fiscal agent to receive, have custody of and disburse funds which constitute Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to accounting procedures approved by the Board and shall make the disbursements required by this Agreement or otherwise necessary to carry out the provisions and purposes of this Agreement.

Section 14. Conflict of Interest Code. The Authority shall, by resolution, adopt a Conflict of Interest Code to the extent required by law. Such Conflict of Interest Code may be the conflict of interest code of the County or any other Member.

Section 15. Bylaws. The Board shall adopt bylaws for the Authority, not inconsistent with any provisions of this Agreement, which bylaws shall include provisions regarding the following: (a) conduct of Board meetings, (b) appointment and scope of authority of officers of the Authority, and (c) provisions regarding annual budgets and audits, insurance, and inspections.

Section 16. Breach. If default shall be made by any Member in any covenant contained in this Agreement, such default shall not excuse any other Member from fulfilling its obligations under this Agreement. The Members hereby declare that this Agreement is entered into for the benefit of the Authority created hereby and the Members hereby grant to the Authority the right to enforce by whatever lawful means the Authority deems appropriate all of the obligations of the

Members hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

Section 17. Withdrawals and Additions of Members.

(a) Withdrawals. Any Member may withdraw from the Authority by filing with the Board not less than 6 months prior to the effective withdrawal date specified therein a certified copy of a resolution of the governing body of the Member expressing its desire to so withdraw, whereupon the withdrawing Member shall no longer be considered a Member for any reason or purpose under the Agreement and its rights and obligations under the Agreement shall terminate, so long as such withdrawal does not affect the existence of the Authority. Subject to the foregoing, the withdrawal of a single Member shall not affect the existence of the Authority nor the effectiveness of any Obligations.

(b) Additional Members. Any public agency (as defined in Section 6500 of the Act) may request to be added as a party to this Agreement, and become a Member, by filing with the Board a certified copy of a resolution of the governing body of such public agency whereby it agrees to the provisions of this Agreement, and requests to become a Member. The Board may accept or reject any such proposal in its sole discretion, and if accepted, such public agency shall become a Member when its admission is approved by a vote of a majority of the members of the Board, and subject to any conditions set forth therein. Upon satisfaction of the foregoing provisions, such public agency shall be a Member for all purposes of the Agreement. Unless otherwise approved by the governing body of each then-current Member, the effectiveness of such membership shall not constitute an amendment or modification of the Agreement.

Section 18. Effectiveness. This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each Member, when each such Member has executed a counterpart of this Agreement.

Section 19. Severability. Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

Section 20. Successors; Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties. Except to the extent expressly provided herein, neither party may assign any right or obligation hereunder without the consent of the other.

Section 21. Amendment of Agreement. This Agreement may be amended by supplemental agreement executed by the Members at any time; *provided, however,* that this Agreement may be terminated only in accordance with Section 3 hereof; *provided, further, however,* that such supplemental agreement shall be subject to any restrictions contained in any Obligations or documents related to any Obligations to which the Authority is a party.

Section 22. Form of Approvals. Whenever an approval is required in this Agreement, unless the context specifies otherwise, it shall be given, in the case of a Member(s), by resolution duly adopted by the governing body of the applicable Member(s), and, in the case of the Authority, by resolution duly adopted by the Board. Whenever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

Section 23. Waiver of Personal Liability. No Member, officer, employee, attorney, agent, city councilmember, or member of the County board of supervisors shall be individually or personally liable for any claims, losses, damages, costs, injury and liability of any kind, nature or description arising from the actions of the Authority or the actions undertaken pursuant to this Agreement, and the Authority shall defend such Members, officers, employees, attorneys, agents, city councilmembers, and members of the County board of supervisors against any such claims, losses, damages, costs, injury and liability to the fullest extent permitted by the law. Without limiting the generality of the foregoing, no Member, officer, employee, attorney, agent, city councilmember, or member of the County board of supervisors shall be personally liable on any Obligations or be subject to any personal liability or accountability by reason of the issuance of Obligations pursuant to the Act and this Agreement. To the full extent permitted by law, the Board shall provide for indemnification by the Authority of any person who is or was a member of the Board, or an officer, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a member of the Board, or an officer, employee or other agent of the Authority, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in the course and scope of his or her office, employment or agency. In the case of a criminal proceeding, the Board may provide for indemnification and defense of a member of the Board, or an officer, employee or other agent of the Authority to the extent permitted by law. The Authority shall acquire such insurance coverage as the Board deems is necessary and appropriate to protect the interests of the Authority and the Members.

Section 24. Notices. Notices to any Member hereunder shall be considered delivered if sent first-class postage prepaid mail or delivered by hand, to the following respective addresses, which address may be updated in writing by the applicable Member in writing to the other Members and the Authority:

City of Clearlake 14050 Olympic Drive Clearlake, CA 95422 Attn: City Manager	City of Lakeport 225 Park Street Lakeport, CA 95453 Attn: City Manager	County of Lake 255 N Forbes Street Lakeport, CA 95453 Attn: County Administrative Officer
---	---	--

Section 25. Section Headings. All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

Section 26. Miscellaneous.

(a) Counterparts. This Agreement may be executed in several counterparts, including via PDF or other electronic signature application, each of which counterpart shall be an original and all of which shall constitute but one and the same instrument.

(b) Official Actions. Where reference is made to duties to be performed for the Authority by a public official or employee, such duties may be performed by that person’s duly authorized deputy or assistant.

(c) Interpretation. This Agreement is made in the State, under the Constitution and laws of the State and is to be construed as a contract made and to be performed in the State. This Agreement is the complete and exclusive statement of the agreement among the parties with respect to the subject matter hereof, which supersedes and merges all prior proposals,

understandings, and other agreements, whether oral, written, or implied in conduct, between the parties relating to the subject matter of this Agreement.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers or officials thereunto duly authorized.

CITY OF CLEARLAKE

By _____
Mayor

Attest:

City Clerk

CITY OF LAKEPORT

By _____
Mayor

Attest:

City Clerk

COUNTY OF LAKE

By _____
Chair of the Board of Supervisors

Attest:

Clerk of the Board of Supervisors

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Updates to the City Council Norms and Procedures; Resolution No. 2023-13	MEETING DATE: January 19, 2023
SUBMITTED BY: Administrative Services Director/City Clerk Melissa Swanson	
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 authorize updates to the Norms and Procedures manual related to changes in the Brown Act effective February 18th, 2023.

BACKGROUND/DISCUSSION:

Prior to the pandemic, all public meetings were held in-person and the City broadcasted Council meetings and Planning Commission meetings on TV8. On March 17, 2020, Governor Gavin Newsom issued Executive Order No. N-29-20, which suspended portions of the Ralph M. Brown Act (California Government Code Sections 54950-54963) that limit the use of teleconferencing for public meetings; the Order was scheduled to sunset when the COVID-19 Pandemic ended. The Ralph M. Brown Act places strict requirements on local legislative bodies regarding the posting, access, and physical location of voting members during public meetings.

Beginning with the March 19, 2020 Council meeting, the Council has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials (Councilmembers and board or commission members) to participate remotely. This teleconferencing technology allows the public to watch public meetings via YouTube and to provide public comment over Zoom. The City will continue to broadcast City Council meetings and Planning Commission meetings on television over TV8, YouTube, and Zoom for the foreseeable future to encourage transparency and community engagement.

On October 17, 2021, Governor Newsom announced that the COVID-19 state of emergency would end on February 18, 2023, which will remove the conditions needed to implement AB 361. This would require legislative body members to attend meetings in person unless they follow California Brown Act noticing requirements for legislative body member teleconference participation or follow new emergency provisions for teleconferenced participation contained in AB 2449 (2022) through January 1, 2026.

The Brown Act prescribes the following requirements for a legislative body member to participate in a meeting using teleconference technology:

- Legislative body may use teleconferencing for all purposes during any meeting
- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction.
- The agency may make additional teleconference locations available for the public.
- The meeting notice and agenda must specifically identify the teleconference location, including a full address and room number, as applicable.
- The agenda must be posted at each teleconference location 72 hours before a regular meeting, even if a hotel room or residence.
- The public must have access to each teleconference location and have technology, such as a speakerphone, to enable the public to participate.
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
- The legislative body must vote by roll call.

AB 2449 allows a non-majority number of legislative body members to utilize teleconferencing without publicly noticing their location and making the location accessible to the public in certain circumstances:

- Just Cause: childcare needs, a contagious illness, physical or mental disability not otherwise accommodated by the ADA, travel while on official business of the legislative body or another state or local agency; or
- Emergency Circumstances: a physical or family emergency that prevents a member from attending in person.

Remote participation under AB 2449 would be contingent on request to and action by the legislative body. A member must request that the legislative body approve remote participation due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting.

The member must make a separate request for each meeting in which they seek to participate remotely. The member shall publicly disclose at the meeting, before the legislative body takes any action, whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with such individuals.

A member may participate solely through teleconference for no more than three consecutive months or 20 percent of the regular meetings of the legislative body within a calendar year or no more than two meetings if the legislative body meets fewer than ten times per calendar year.

Staff recommends continuing use of teleconference technology for all legislative body meetings to broadcast all City Council and board / commission / committee meetings, allow remote public participation in meetings and allow staff and consultants to participate in meetings via teleconference. A disruption in the teleconference technology would not stop the meeting unless a member of the

legislative body participates remotely. Based on this recommendation, staff has updated the and Procedures to reflect the changes in the Brown Act.

OPTIONS:

- 1. Move to adopt Resolution No. 2023-13.
- 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:

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 Resolution No. 2023-13.

- Attachments:**
 - 1) Redlined Norms and Procedures
 - 2) Resolution No. 2023-13



CITY OF CLEARLAKE

**CITY COUNCIL NORMS AND
PROCEDURES**

**COUNCIL NORMS AND PROCEDURES
TABLE OF CONTENTS**

SECTION 1: GENERAL

- 1.1 Purpose
- 1.2 Values
- 1.3 Overview of Council Responsibilities
- 1.4 Overview of City Manager Responsibilities
- 1.4 Review
- 1.5 Ralph M. Brown Act

SECTION 2: MAYOR AND VICE MAYOR SELECTION PROCESS

- 2.1 Reorganization
- 2.2 Appointment of Vacancy

SECTION 3: ADMINISTRATIVE MATTERS

- 3.1 Attendance
- 3.2 Correspondence
- 3.3 Regional Boards
- 3.4 Distribution of Information
- 3.5 Reimbursement
- 3.6 Ethics Training
- 3.7 City Mission and City Seal
- 3.8 Use of City Email and Social Media

SECTION 4: COUNCIL RELATIONSHIP WITH STAFF

- 4.1 City Manager
- 4.2 Agenda Item Questions
- 4.3 Interaction of City Council with Staff
- 4.4 Individual Council Member's Requests

SECTION 5: PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

- 5.1 Definitions
- 5.2 Recruitment Process
- 5.3 Requirement for Appointment
- 5.4 Council Notification
- 5.5 Incumbents
- 5.6 Application
- 5.7 Appointment Procedure for Planning Commission Members
- 5.8 Appointment Procedure for Board and Committee Members Appointed by the Full Council
- 5.9 Attendance
- 5.10 Norms and Procedures and Conflicts of Interest
- 5.11 Conflicts with Federal, State or Local Law

SECTION 6: MEETINGS

- 6.1 Open to Public

6.2 Broadcasting of City Council Meetings

6.3 Teleconferencing

6.43 Regular Meetings

6.54 Cancelling Meetings

6.65 Special Meetings

6.76 Closed Sessions

6.87 Quorum

6.98 Minutes

6.109 Adjourned Meetings

SECTION 7: POSTING NOTICE AND AGENDA

7.1 Posting of Notice and Agenda

7.2 Location of Posting

SECTION 8: AGENDA CONTENTS

8.1 Mayor's Responsibility

8.2 Description of Matters

8.3 Availability to the Public

8.4 Limitation to Act Only on Items on the Agenda

8.5 "Timing" of Agenda

8.6 Order of Agenda

8.7 Change in Order of Business

8.8 Agenda Request Policy

SECTION 9: PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

9.1 Role of Mayor

9.2 Rules of Order

9.3 Appeal Procedures

9.4 Applicants

9.5 Staff and Consultant Reports

9.6 Public Comment

9.7 Motions

9.8 Reconsideration

9.9 Discussion

9.10 Council Member Respect

9.11 Council and Staff Reports and Directions on Future Agenda Items

SECTION 10: CLOSED SESSIONS

10.1 Purpose

10.2 Rule of Confidentiality

10.3 Breach of Rule of Confidentiality

10.4 Agenda

10.5 Permissible Topics

10.6 Rules of Decorum

10.7 Conduct of Meeting

10.8 Public Disclosure After Final Action

SECTION 11: DECORUM

- 11.1 Council Members**
- 11.2 City Employees**
- 11.3 Public**
- 11.4 Noise in the Chambers**
- 11.5 Removal**
- 11.6 Dangerous Instruments**
- 11.7 Prosecution**

SECTION 12: ENFORCEMENT OF DECORUM

SECTION 13: VIOLATIONS OF PROCEDURES

APPENDIX A: ROSENBERG’S RULES OF ORDER (SIMPLE PARLIAMENTARY PROCEDURES FOR THE 21st CENTURY)

CITY OF CLEARLAKE

CITY COUNCIL NORMS AND PROCEDURES

SECTION 1. GENERAL

1.1 Purpose. The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Clearlake.

1.2 Values. Respect for each Council Member’s interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Council Members shall respect each other’s right to disagree. All Council Members shall practice a high degree of decorum and courtesy. When addressing the public in any way, all Council Members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council Member or the City.

1.3 Overview of Council responsibilities. The City of Clearlake is a General Law city of the State of California operating under the Council/Manager Plan and the City Manager’s duties shall define how the City Council and City Manager interact and perform their respective duties and responsibilities. The City Council has the following duties and responsibilities:

(a) Appointment of the City Manager and City Attorney. The City Council shall appoint the City Manager and the City Attorney. There should be an annual review for the City Manager and the City Attorney.

(b) Establishment of boards and appointment of members. The Council may appoint establish Boards, Commissions, and Committees, and by majority vote make appointments of members of all Boards, Commissions, and Committees.

(c) Legislative decisions. The Council is the legislative body; its members are the community’s decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services. It focuses on the community’s goals, major projects and such long term considerations as community growth, financing and strategic planning. The City Council hires a professional City Manager to carry out administrative responsibilities and supervises the City Manager’s performance.

1.4 Overview of City Manager responsibilities. The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City’s projects, programs, and public services on behalf of the City Council. The City Manager has the following among his or her duties:

(a) Preparation of a Recommended Budget.

(b) Recruitment, Hiring, and Supervision of Personnel, Contractors, and Consultants.

(c) Implementation of the Council’s policies and programs and public services in an effective and efficient manner, providing professional advice on policy matters, intergovernmental affairs, economic development and environmental issues.

The City Manager follows the direction of the entire City Council and not individual members of the Council or the public, and serves at the sole discretion of the Council.

1.5 Review. The City Council shall conduct a review of this document biennially, or whenever a new Council Member has been seated or Council deems necessary, to assist Council Members in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.

1.6 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

2.1 Reorganization. In December of each year, the City Council shall select and appoint a Mayor and Vice Mayor by majority vote of the Council from among its members. Selection and appointment shall be at the first meeting of a new term following each General Municipal Election or at the first meeting in December during non-election years. The term of the Office of the Mayor and Vice Mayor shall be for a 12-month period commencing on January 1st of each year, unless otherwise provided for by majority vote of the Council. The Mayor remains as one member of the City Council and has no rights or authority different from any other member of the Council.

2.2 Appointment of Vacancy. In the event of a vacancy of office or the death or resignation of any Council Member, the Council shall appoint a new Council Member within sixty (60) days after a vacancy or death or resignation becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

SECTION 3. ADMINISTRATIVE MATTERS

3.1 Attendance. City Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Manager or the City Clerk, and, if possible, the Mayor as a courtesy, if they will be absent from a meeting.

3.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Council Members/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there

is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (e.g., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Council Members should be respectful and professional.

3.3 Regional Boards. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Clearlake is appropriate on some boards; this is generally the case when other local governments have their own representation. The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Clearlake. If an issue should arise that is specific to Clearlake and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with a majority of the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council during properly posted Council meetings.

Council Members shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Council Member is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

3.4 Distribution of Information. It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Council Member shall also be distributed to all Council Members.

3.5 Reimbursement. Every effort shall be made to limit the need to reimburse Council Members for expenses. City Council Members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council Member. The reimbursement of expenses is limited in the following manner: Members shall be reimbursed at rates established by the Internal Revenue Service unless discounted or group rates are offered by the conference or activity sponsor. Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting, before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the legislative body.

3.6 Ethics Training. Any member of the City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in

general ethics principles and ethics laws relevant to his/her public service every two years, as mandated by AB 1234. New members must receive this training within their first year of service and file a certificate of completion with the City Clerk. Members shall attend training sessions that are offered locally in the immediate vicinity of Lake County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions. The City will use an ethics training course that has been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep ethics training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

3.7 City Mission and City Seal. The Mission of the City of Clearlake is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Clearlake. No change to the City Mission and/or City Seal shall be made without Council approval. Individual council members shall be careful in use of the City Seal so as not to create an appearance that the council member is acting on behalf of or with official endorsement of the City of Clearlake.

3.8 Use of City Email and Social Media. Except for emergencies, public officials who are not City employees (“public officials”) conducting City business should not create any “public record” (as that term is defined in California Government Code § 6253(e)) by using any email account that is not a City email account, or by using any non-City-controlled social media account. Instead, public officials should use a City email or City-controlled social media account.

In an emergency, a public official may send an email on a non-City email account, but only if a copy of any public record that is created as a result is contemporaneously copied to the City email account of that same public official, or a hard copy is provided to the City for retention in City records.

Practically speaking, this means that public officials should rarely, if ever, use a personal email account to conduct City business, and should never use personal social media accounts to conduct City business. Nothing in this policy is intended to limit a public official’s use of private email and social media accounts for non-City business such as personal communications and campaign related activities. Nor is this policy intended to require public officials to provide privileged communications or documents to the City, or to waive any applicable privileges which may apply to documents purely because they have been turned over to the City in compliance with his policy.

For purposes of this policy “City-controlled social media account” is an account on a social media platform (e.g. Facebook, Instagram, Twitter) that is created and used by the City (e.g. the City’s official Facebook page, if any).

3.9 Use of City Electronic Devices. In general, when creating or modifying public records in the conduct of City business on an electronic device that can create and modify public records (e.g. computers, mobile phones, tablets), public officials should only use City-issued devices. There are two exceptions:

Exception: Using City Accounts. Public officials may use non-City electronic devices when accessing an official City account (e.g. City email address, City-controlled social media account).

Exception: Contemporaneous Copying. If, in a given situation, using a City electronic device is clearly impractical or if a public official has not been issued or does not have in the public official's possession a City electronic device, a public official may use a non-City device, but only if a copy of each affected public record is contemporaneously copied to a City account of that same public official, or to the related City-controlled social media account, or a hard copy is provided to the City for retention in City records.

Texting Only on City Devices. Except for emergencies or when communicating with the City Attorney's Office, public officials conducting City business shall not send or receive texts on any device other than a City owned device. In an emergency, a public official may use a non-City device to text, but only if a copy of any public record that is created as a result is contemporaneously copied to a City account of that same public official, or a hard copy is provided to the City for retention in City records. Practically speaking, this means that public officials should rarely, if ever, use a non-City owned device to text in the conduct of City business.

Provide Copies to City. If a public official has possession of a public record that is not in the possession of the City, the public official shall promptly provide a copy of the record to the City, and take reasonable precautions to prevent this from occurring again. For example, if a public official receives an email regarding City business on a non-City email account, and the email was not sent to or from a City email account (i.e. the City doesn't already have a copy), the public official shall promptly forward a copy of the email to the public official's City email account, or provide a hard copy to the City for retention in City records, and should request that the sender send future correspondence to a City controlled email account.

SECTION 4. COUNCIL RELATIONSHIP WITH STAFF

4.1 City Manager. City Council Members are always free to go to the City Manager to discuss City business. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Council Members. The City Manager may delegate this responsibility to Department Heads.

4.2 Agenda Item Questions. If a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Council Members from asking questions during a Council meeting.

4.3 Interaction of City Council with Staff. The Council shall treat staff with respect and shall not abuse staff, nor embarrass staff in public. The City Council Members are to work through the City Manager or City Attorney on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of issues, laws and City Council’s policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts. Council Members may ask Department Heads for information. This informal system of direct communication is not to be abused. City Council Members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy.

4.4 Individual Council Member’s Requests. Council Members shall make their requests for information to the City Manager or City Clerk and not directly to individual members of staff. The use of City staff, including the City Manager, to respond to an individual Council Member’s request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Council Member may make his/her request orally or in writing to the City Manager or City Clerk. The City Manager shall provide an estimate of the cost and how the request affects the Council’s Goals and Objectives. This request will then be considered by the City Council at the next possible City Council meeting. Irrespective of the amount of staff time required to respond to each Council Member’s request, individual Council Member’s requests should be limited to three to five requests per week.

SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

5.1 Definitions.

- (a) **Task Force:** A temporary grouping of individuals and resources for the accomplishment of a specific objective.
- (b) **Committee:** A group of people officially delegated to perform a function, such as investigating, considering reporting, or acting on a matter.
- (c) **Ad Hoc:** Committees established for a specific purpose. Formed for or concerned with one specific purpose (e.g. ad hoc compensation committee); for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than carefully planned in advance.
- (d) **Commission:** A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty; the rank and powers so conferred.
- (e) **Board:** A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly – in having greater autonomy and authority.

5.2 Recruitment Process.

On or before December 31st of each year, the City Clerk shall prepare and post a list of all Council-appointed board, commission and committee terms that expire during the next calendar year in compliance with the Maddy Act (Government Code Section 54972).

The City Clerk shall annually advertise in a newspaper and on the City’s website for applicants wishing to be considered for appointment to boards, commissions and committees.

Although there may be multiple applicants, Council Members are not required to choose from the pool of applicants and may nominate their own appointee, provided the appointee qualifies.

All persons seeking appointment to a City board, commission or committee shall complete and submit an application form to the City Clerk as set forth in Section 5.6. Applications shall be kept on file for two years in the City Clerk’s office and vacancies may be considered from applications on file, as well as new applications.

Appointments made by individual Council Members are official only after the Council Member has submitted a completed application and appointment form to the City Clerk, the City Clerk has determined that the individual is eligible to serve and the City Clerk has provided proper notification to the appointed board, commission or committee member, and chair of the board, commission or committee. Council Members may announce an appointment at a City Council meeting; however, such an announcement is not required for the appointment to become effective. The City Clerk shall notify the full City Council of any appointments made by individual Council Members.

If an unscheduled board or commission vacancy occurs during the term of the appointing Council Member and the Council Member so requests, the following steps should be taken to publicize vacancies on boards, commissions and committees:

1. Public announcement of the vacancy at a Council meeting.
2. A newspaper advertisement announcing the vacancy.
3. A recruitment period of at least ten (10) days.
4. A vacancy notice posted at City Hall, Redbud Library, and on the City’s website for at least 20 days.
5. Announcements in the local media, such as press releases, online news outlets and free weekly sales papers.
6. Distribution to appropriate professional and community organizations and all groups that have requested notification.

5.3 Requirement for Appointment.

All persons appointed to City boards, commissions and committees shall be residents of the City of Clearlake at the time of their appointment and shall remain so throughout their term of appointment. Should any person so appointed move from the City during their term of office,

such office shall be forfeited. The Council shall, upon forfeiture, make a new appointment to fill the unexpired term.

All persons appointed to City boards, commissions and committees shall complete and submit an application form to the City Clerk as set forth in Section 5.6.

Except as provided by state or local statute, the appointee shall not be a current City employee or currently appointed to another City board, committee or commission.

5.4 Council Notification. By September 1 of each year, the City Clerk will notify the Council of expiring terms for members of those City boards, commissions, and committees appointed by the full Council.

5.5 Incumbents.

At the end of the first term, the incumbent board, commission or committee member may, at the discretion of the Council or appointing Council Member, be reappointed for an additional term without the need to apply or interview for re-appointment. In lieu of an application, the board, commission or committee member shall submit to the City Clerk a letter of interest in re-appointment 30 days prior to the expiration of the member's first term.

Any incumbent interested in re-appointment who has served two or more terms must apply for re-appointment as set forth in Section 5.6.

5.6 Application. Except as set forth in Section 5.5, all persons considered for appointment or re-appointment shall complete an application form. This application form must be received by the City Clerk by the required deadline.

5.7 Appointment Procedure for Planning Commission Members. This portion of the policy sets forth the procedure for appointments of Planning Commission Members.

Applications shall be taken for Planning Commission as set forth in 5.2 through 5.6.

If fewer than ten applications are received, applicants will be interviewed by the full Council at an open meeting. Each applicant will be asked the same questions, with varying related follow up questions allowed.

If more than ten applications are received, the Mayor will appoint an ad hoc committee to meet with the applicants prior to appointment and recommend a number of applicants as determined by the Mayor for interview by the Council.

Following the interview, Council deliberation, and public comment, the Mayor shall call for a motion and a second for each separate vacant seat. Motions shall be as according to the Council Norms and Procedures.

All newly appointed and re-appointed Planning Commission Members shall take and subscribe to the Constitutional oath of office prior to or during the Member's first Planning Commission meeting.

An orientation and training program will be made to all new Planning Commission Members in March of each odd-numbered year. All board, commission and committee members are strongly encouraged to attend.

5.8 Appointment Procedure for Board and Committee Members Appointed by the Full Council. This portion of the policy sets forth the procedure for appointments made by the full Council for boards and committees appointed by the full Council.

Subject to review of the Council, the Mayor may establish a procedure for review of applications and selection of applicants for interview, for those board and committee members appointed by the full Council. Such selection and interview may be conducted by an ad hoc committee of the Council or full Council.

If an unscheduled board or committee vacancy occurs prior to the expiration of the member's term, the vacancy shall be noticed in compliance with the Maddy Act (Government Code Section 54974).

All persons appointed by the full Council to boards and committees serve at the pleasure of the Council and shall serve for the term indicated or until a successor has been appointed.

Members of boards and committees appointed by the full Council shall be interviewed at a duly noticed open Council meeting and shall be selected by motion and majority vote of the Council.

5.9 Attendance.

Board, commission and committee members are expected to regularly attend and participate on their respective boards, committees and commissions.

A board, commission or committee member whose attendance is less than seventy five (75%) of the required meetings over a period of a year may be subject to removal by the Council Member who appointed the person or the full Council if appointed by the Council.

The Council may grant an approved leave of absence for a board, commission or committee member for such reasons as the Council determines appropriate. During the approved leave of absence, the Council Member who appointed the person, or full Council, depending on how the person was appointed, may appoint a temporary person to fill the position.

5.10 Norms and Procedures and Conflicts of Interest.

Board, committee and commission members shall be expected to adhere to the Council Norms and Procedures.

Board, committee and commission members shall comply with all state and local laws with respect to ethics and conflicts of interests to the extent that such laws apply to their position, including state and local requirements to timely file Statements of Economic Disclosure if the member is designated as a filer by state law or by the City’s Conflict of Interest Code.

Members of City boards, commissions or committees may not use their board, commission or committee position title for political endorsements.

5.11 Conflicts with Federal, State or Local Law. In case of a conflict between this section of the Norms and Procedure policy with federal, state or local law, such federal, state or local law shall be the controlling factor.

SECTION 6. MEETINGS

6.1 Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.

6.2 Broadcasting of City Council Meetings. All regular Council meetings shall be scheduled in the Council Chambers to allow for web streaming and simulcast on the City’s Public Education Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor.

Formatted: Font: Calibri

6.3 Teleconferencing. Teleconferencing into a City Council meeting allows City Council Members to join a City Council meeting while out of the area or ill. The Brown Act allows for teleconferencing subject to the traditional requirements of posting and public access. However, during the Covid-19 State of Emergency, those traditional requirements were waived by AB 361, signed by the Governor on September 17, 2021.

Formatted: Font: (Default) +Body (Calibri), Bold

Formatted: Font: Bold

Formatted: Justified

With the end of the Covid-19 State of Emergency, AB 2449 waives the requirement to post and allow public access to the remote teleconference location in certain circumstances. Commencing February 18, 2023, and while AB 2449 is in effect, the following criteria must be satisfied in order for members of the City Council to teleconference into a meeting:

1. At least a quorum of the Council Members must participate from a singular physical location, such as the Council Chambers, and the location must be (a) clearly identified on the agenda, (b) open and accessible to the public, and (c) within the boundaries of the agency’s territorial jurisdiction.
2. The City must provide at least one of the following methods to allow the public to hear, observe and participate remotely: (a) two-way audiovisual platform, such as Zoom, or (b) two-way telephonic service and a live webcasting of the meeting.
3. The agenda must identify and include an opportunity for the public to participate in the meeting via a call-in option, an internet-based option, and in-person at the in-person location of the meeting; and
4. Public comment cannot be required in advance of the meeting and must be allowed in real time.

In addition to the requirements above, the City Council Member teleconferencing must qualify under one of the following:

- 1 The City Council Member must declare during roll call of the need to participate remotely for "just cause" as defined below, with a general description of the circumstances relating to their need to appear remotely. The City Council Member may also request the City Council allow them to participate in the meeting remotely due to "emergency circumstances" and ask the City Council to take action to approve the request. In this case, the City Council must request a general description of the circumstances relating to the need to appear remotely at the meeting.
- 2 "Just cause" is defined as one of the following:
 - a. A childcare or caregiving need of a child, parent, grandparent, sibling, spouse, or domestic partner that requires remote participation;
 - b. A contagious illness that prevents the City Council Member from attending in person;
 - c. A need related to a physical or mental disability as defined by law; or
 - d. Travel while on official business of the City Council or another public agency.
 - e. "Emergency circumstance" is defined as a physical or family medical emergency that prevents the City Council Member from attending in person.
- 3 Just cause may not be utilized by a City Council Member more than twice per calendar year, for longer than three consecutive months, or more than 20% of the regular meetings.
- 4 The City Council Member teleconferencing under AB 2449 must participate in the meeting using both audio and video and must identify any individual over the age of 18 present in the room with the City Council Member and generally describe the person's relationship to the City Council Member.

Formatted: Justified, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Justified

The City Council may not take any action during any disruption to the broadcast or any disruption to the public's ability to publicly comment via call-in or internet-based service provider.

Formatted: Font: (Default) +Body (Calibri)

6.34 Regular Meetings. At the first regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 6.5, if necessary.

The City Council shall convene its regular City Council meetings at 6:00 p.m. on the first and third Thursday of each month. The City Council may, as the Council deems necessary, cancel regular meetings provided that the City Council shall hold a regular meeting at least once each month pursuant to Government Code Section 56803. The regular 6:00 p.m. starting time of a council meeting can be varied by the City Manager with the concurrence of the Mayor to commence earlier or later (but in no event past 7:00 p.m.) depending upon the volume or nature of business for the council to consider at any given meeting, provided the City Clerk gives appropriate prior written notice of the adjusted starting time to the press and public.

Regular Meetings shall be terminated at 10:00 P.M.; however, the Mayor may, by majority vote of the Council, extend the meeting past 10:00 P.M. whenever the Council deems such extension necessary.

6.54 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed their unavailability to attend a meeting. The City Council may, as the Council deems necessary, cancel no more than four (4) Regular Meetings per calendar year, by majority vote, provided, however, that the City Council shall hold a Regular Meeting at least once each month pursuant to Government Code Section 36805.

6.65 Special Meetings. A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Council Members the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

6.76 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or any three Council Members may call closed session meetings at any time.

6.87 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than three Council Members appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Council Member in the absence of the Mayor and Vice Mayor, or in the absence of all Council Members, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

6.98 Minutes. The City Clerk shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Council Member.

6.109 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special, or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 7. POSTING NOTICE AND AGENDA

7.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to law.

7.2 Location of Posting. The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

SECTION 8. AGENDA CONTENTS

8.1 Mayor’s Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The Mayor, in consultation with the City Manager and his/her designee, and the City Clerk shall organize the agenda.

8.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. As stated in Section 4.2, if a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed.

8.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.

8.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

(a) Upon a majority determination that an “emergency situation” (as defined by State Law) exists; or

(b) Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

8.5 "Timing" of Agenda. Staff and/or the Mayor may "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.

8.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Roll Call, Pledge of Allegiance, Invocation/Moment of Silence, Adoption of the Agenda, Closed Session Announcement (if needed), Presentations, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Business Items, City Manager and City Council Reports, Future Agenda Items, and Adjournment.

8.7 Change in Order of Business. The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. Council Members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

8.8 Agenda Request Policy. The City Council adopted the Agenda Request Policy on August 14, 2008 which establishes a procedure for submittal of various items for the City Council agenda. Requests for placement of items on the agenda can be submitted to the City Clerk using the Agenda Request Form available by request. Also, any member of the Council may request that an item be placed on a future agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items." Additionally, the City Manager may place items on the agenda.

SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

9.1 Role of Mayor. The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council Members and among Council, staff and public. The Mayor shall intervene when a Council Member, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.

9.2 Communication with Council Members. Council Members shall request the floor from the Mayor before speaking. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.

- 9.3** Communication with members of the public addressing the Council on agendized items
1. The Mayor shall open the floor for public comment as appropriate.
 2. Council Members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
 3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.
 4. Members of the public shall direct their questions and comments to the Council.

9.2 Rules of Order. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

- (a) A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agendized item so that a motion can more easily be made that takes into account what appears to be the majority position.

(b) All motions require a second.

(c) A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.

(d) A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council Members present.

9.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

9.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Council Members. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

9.5 Staff and Consultant Reports. In general, staff and consultant reports should be clear, brief and concise. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

9.6 Public Comment.

Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. Speakers are not allowed to delegate their time to another speaker. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.

After the speaker has completed their remarks, the Mayor may direct the City Manager or City Attorney to briefly address the issues brought forth by the speaker. Council Members shall be respectful of the speakers and shall not enter into a debate with any member of the public nor discuss amongst themselves.

All Council Members shall listen to all public discussion as part of the Council’s community responsibility. Individual Council Members should remain open-minded to informational comments made by the public.

The Mayor has the right to ask a member of the public to step down if over the allotted time or if the speaker’s comments are not within the city’s jurisdiction.

9.7 Motions. It will be the practice of the City Council for the Mayor to provide Council Members an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Council Member may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Council Member recognized by the Mayor. Customarily, the Mayor will take the floor after all other Council Members have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Council Member may request the Mayor or moving party divide the motion into separate motions to provide Council Members an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council, who may legally participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

9.8 Reconsideration. Requests for reconsideration.

- 1. Request by a member of the public.

Notwithstanding *Rosenberg’s Rules of Order*, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

- 2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

- 3. The member of the public or City Council Member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting).

A motion to reconsider an action taken by the City Council may be made only by a Council Member who voted on the prevailing side, but may be seconded by any Council Member and is debatable. The motion must be approved by a majority of the entire City Council.

Reconsideration at a subsequent meeting.

If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the *Council Norms* Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item). At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

Effect of approval of motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

9.9 Discussion.

The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council Members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council Members should disclose any ex parte communication prior to discussion on an item. Ex parte communications are those made in private between an interested party and an official in a decision-making process.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should make their comments clear, brief and concise.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council Member has already spoken, other Council Members wishing to speak shall then be recognized. No Council Member shall be allowed to speak a second time until after all other Council Members have had an opportunity to speak.

All discussion must be relevant to the issue before the City Council. A Council Member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council Members shall avoid repetition and strive to move the discussion along.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Council Member who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

Arguments, for or against a measure, should be stated as concisely as possible. It is the responsibility of each Council Member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council Members to speak or give their viewpoints if another Council Member has already addressed their concerns. Although issues with potential to be litigated or otherwise appealed should have comments by each Council Member on the record.

The Mayor has the responsibility of controlling and expediting the discussion. A Council Member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

9.10 Council Member Respect. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

9.11 Council and Staff Reports and Directions on Future Agenda Items. Council and staff reports at the end of Council meetings shall be limited to announcing Mayor-appointed Regional Board activities on which Council Members serve, City and City-sponsored activities and items which directly affect the City. Community groups may announce their activities during Public Comments at the beginning of Council meetings. Council Members should refrain from making

personal comments, stating personal activities, or items that do not impact their role as a Council Member.

SECTION 10. CLOSED SESSIONS

10.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City’s position, and could cost the taxpayers of Clearlake financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the Mayor shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City’s position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager, except where authorized by a majority of the City Council.

10.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City’s position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council’s ability to communicate openly in closed sessions, thereby impairing the Council’s ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

10.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.

10.4 Agenda. The City Council agenda will contain a brief general description of the items to be discussed at the closed session, as required by law.

10.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

10.6 Rules of Decorum.

The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and safe to express their points of view. All Council Members have the right to insist upon strict adherence to this rule.

Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council Members.

The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

10.7 Conduct of Meeting.

(a) The Mayor will call the closed session to order promptly at its scheduled time.

(b) The Mayor will keep discussion focused on the permissible topics.

(c) The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.

(d) If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council Member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

10.8 Public Disclosure After Final Action.

The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:

- * Real Estate negotiations: After the agreement is final and accepted by the other party;
- * Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;
- * Settlement: After final settlement of litigation or claims;
- * Employees: Action taken to appoint or dismiss a Council-appointed employee;

* Labor relations: After the Memorandum of Understanding is final and has been accepted by both parties.

The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 11. DECORUM

11.1 Council Members. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. The City Manager or his/her designee shall act as the sergeant-at-arms.

11.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.

11.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. These Norms and Procedures shall apply to all City Council Meetings.

11.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

11.5 Removal. Any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers by the sergeant-at-arms and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

11.6 Dangerous Instruments. No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

11.7 Prosecution. Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

SECTION 12. ENFORCEMENT OF DECORUM

In extreme cases, such as when a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals as provided for in this Policy, the Mayor/Presiding Officer may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this Section. Nothing in this Section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

SECTION 13. VIOLATIONS OF PROCEDURES

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

- APPROVED: November 12, 2015.
- Amended: March 10, 2016
- Amended: June 22, 2017
- Amended: April 12, 2018
- Amended: December 12, 2019

RESOLUTION NO. 2023-13

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CLEARLAKE, AMENDING RULES GOVERNING
THE NORMS AND PROCEDURES FOR CITY COUNCIL MEMBERS
AND CITY COUNCIL, COMMISSION, COMMITTEE, AND BOARD MEETINGS**

WHEREAS, Section 2-1.1(b) of the Clearlake Municipal Code provides that the City Council shall adopt by Resolution rules governing the procedures of meetings; and

WHEREAS, in 2015, the City Council adopted Resolution 2015-39, establishing Norms and Procedures for City Council, commission, committee and board meetings; and

WHEREAS, the City Council wishes to update the Norms and Procedures to reflect the latest Brown Act update for 2023; and

WHEREAS, Council did receive and consider public input in connection with this issue.

NOW, THEREFORE, BE IT RESOLVED THAT the updated City Council Norms and Procedures, attached to this Resolution as Exhibit A and incorporated by that reference, be adopted and enforced effective upon adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clearlake at a regular meeting held this 16th day of February 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

Attest:

City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Introduction for first reading Ordinance No. 268-2023 Amending Chapter X, Section 10-1.12 of the Clearlake Municipal Code Relating to Method of Service for Property Maintenance, Nuisance and Vehicle Abatement	MEETING DATE: February 16, 2023
SUBMITTED BY: Alan Flora, City Manager, Tim Hobbs, Chief of Police, and 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 Method of Service section of the City’s Municipal Code as it relates to Property Maintenance, Nuisance and Vehicle Abatement.

BACKGROUND/DISCUSSION:

Staff commonly audits the Clearlake Municipal Code and looks for provisions that are in need of updating based on best practices and compliance with the current law. Section 10-1.12 has not been updated since 2012, and should be modified so as to align with current and best practices in the City, and to be consistent with other section of the municipal code.

In conjunction with the Clearlake Police Department, staff reviewed the administrative citation appeal process and related municipal code sections and discovered some inconsistencies in 10-1.12 (Method of Service) as compared to the City’s more recently adopted Method of Service for administrative citations in 1-9 of the Municipal Code. The language in Section 10-1.12 provides for additional noticing that is not consistent with best practices and is not practical. For example, the Code currently provides that all notices are sent via certified mail. Staff recommends the City only send final abatement notices via certified mail. Such action will not impede due process and still provides the person receiving the notices with adequate and appropriate notice of the proposed actions. Moreover, the attached revisions sync with the provisions outlined in Section 1-9 of the Clearlake Municipal Code.

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. 268-2023: AN ORDINANCE AMENDING CHAPTER X, SECTION 10-1.12 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO METHOD OF SERVICE for Property Maintenance, Nuisance and Vehicle Abatement, read by title only and set second reading and adoption for the March 2, 2023 meeting.

ATTACHMENT:

- 1. Ordinance No. 268-2023

10-1.12 Method of Service.

a. All notices, ~~citations~~ and orders provided for in this Chapter shall be served upon the violator or property owners by an officer or employee of the city using one of the following methods:

1. ~~Personal Service. The Code Enforcement Officer may p~~Personally serve the notice, ~~citation~~ or order on the person responsible for the violation. The notice, ~~citation~~ or order shall be deemed given on the date of personal service.

2. ~~Mail. The Code Enforcement Officer may m~~Mail the notice, ~~citation~~ or order by certified first class mail. Service shall be deemed effective on the date of mailing.

(a) If the notice or order is being mailed to the property owner, the notice or order shall be sent, return receipt requested, to the person responsible for the violation at the last known business or residential address for such party as shown on the county’s last property tax assessment roll or to or to any other address known for the owner. The notice, citation or order shall be deemed given on the fifth day following the date of deposit in the mail as provided above.

(b) If the violator is the tenant or other possessor of property, the notice or order shall be mailed to the property address or any other address known for the party,

~~3. If the violator is someone other than the person who owns, occupies, leases, rents or is in charge of the property where the violation occurred, the Code Enforcement Officer shall, in addition to serving the violator with the notice, citation or order, mail a copy of the notice, citation or order to the property owner of the property where the violation occurred at the address shown on the County’s last property tax assessment roll or to any other address known for the owner, including a business address, and either leave a copy of the notice, citation or order with a responsible person over the age of eighteen (18) at the property where the violation occurred, or conspicuously post a copy of the notice, citation or order at the property where the violation occurred. The notice, citation or order shall be deemed given on the fifth day following the date of deposit in the mail as provided above.~~

~~34. Posting. If the City is unable to serve the violator or the person who owns, occupies, leases, rents or is in charge of the property where the violation occurred, after having attempted to use one of the methods of service set forth in subsection (d+ d+.d+)([a-z]), 1-a, 3 above, the P-Code Enforcement Officer may post a copy of the notice, citation or order in a conspicuous place on the property where the violation occurred. The City shall additionally mail a copy of the notice or order by first class mail to the property owner pursuant to paragraph 2 above. The notice, citation or order shall be deemed given on the date it is posted on the property.~~

b. The failure of any person to receive actual notice required under this Chapter shall not affect the validity of any proceedings taken under this Chapter.

c. Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by the affidavit or declaration of any person over the age of eighteen (18) years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

ORDINANCE NO. ____-2023

AN ORDINANCE AMENDING CHAPTER X, SECTION 10-1.12 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO METHOD OF SERVICE FOR PROPERTY MAINTENANCE, NUISANCE AND VEHICLE ABATEMENT

WHEREAS, the City strives to continually update its municipal code in order to align with best practices and to be internally consistent;

WHEREAS, staff determined there were procedural inconsistencies with the City’s Method Service as outlined in Sections 1-9 and 10-1.12, primarily related to servicing notices via certified mail. The modification would provide that only the final abatement notice is sent certified mail; 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 10-1.12.

Chapter X, Section 10-1.12, is hereby repealed as replaced as follows:

Section 10-1.12 – Method of Service

- a. All notices and orders provided for in this Chapter shall be served upon the violator or property owners by an officer or employee of the city using one of the following methods:
 - 1. *Personal Service.* Personally serve the notice or order on the person responsible for the violation. The notice or order shall be deemed given on the date of personal service.
 - 2. *Mail.* Mail the notice or order by first class mail. Service shall be deemed effective on the date of mailing.
 - (a) If the notice or order is being mailed to the property owner, the notice or order shall be sent to the last known business or residential address for such party as shown on the county’s last property tax assessment roll or to or to any other address known for the owner. The notice or order shall be deemed given on the date of deposit in the mail.
 - (b) If the violator is the tenant or other possessor of property, the notice or order shall be mailed to the property address or any other address known for the party,
 - 3. *Posting.* Post a copy of the notice or order in a conspicuous place on the property where the violation occurred. The City shall additionally mail a copy of the notice or order by first class mail to the property owner pursuant to paragraph 2 above. The notice or order shall be deemed given on the date it is posted on the property.
- b. The failure of any person to receive actual notice required under this Chapter shall not affect the validity of any proceedings taken under this Chapter.

c. Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by the affidavit or declaration of any person over the age of eighteen (18) years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

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 ___, 2023, 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 _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Russell Perdock, Mayor

ATTEST:

Melissa Swanson, City Clerk
City of Clearlake