



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, February 06, 2025

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 will not be allowed to provide verbal comment during the meeting if attending via Zoom. The public can submit comments in writing for City Council consideration by commenting via the Q&A function in the Zoom platform or by sending comments to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your comments, you must submit your written emailed comments prior to 4:00 p.m. on the day of the meeting.

AMENDED 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.*

Pursuant to Senate Bill 1100 and the City Council Norms and Procedures, 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 or the Zoom by the sergeant-at-arms or the City Clerk 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.

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:

Join from PC, Mac, iPad, or Android:

<https://clearlakeca.zoom.us/j/88339904760?pwd=7l18kRUDEgqF6HfELkov7XdxW16Yhy.1>

Passcode:356647

Phone one-tap:

+16694449171,,88339904760# US

+12532050468,,88339904760# US

Join via audio:

+1 669 444 9171 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

Webinar ID: 883 3990 4760

International numbers available: <https://clearlakeca.zoom.us/j/kekEXPdSjB>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. 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.*

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

E. PRESENTATIONS

1. Presentation of a Proclamation Declaring February 2025 as Black History Month

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. 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.*

2. Minutes

Recommended Action: Receive and file

3. Warrants

Recommended Action: Receive and file

4. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for the Boyles Fire

Recommended Action: Continue declaration of emergency

5. Approval of the Allocation and Execution of CDBG-DR Grant Agreement for 2017/18 Disasters and Any Amendments Thereof; Resolution No. 2025-03

Recommended Action: Adopt resolution

6. Closeout of 20-CDBG-CV1-00184 Senior Community Center Kitchen Remodel

Recommended Action: Authorize the City Manager to complete and submit the closeout package

7. Approve Amendment #1 to Consultant Services Agreement with Government Finance Services LLC for a new total of \$60,000

Recommended Action: Approve amendment

H. BUSINESS

8. Consideration of Award of Contract for the 2025 City Wide Striping Project

Recommended Action: Authorize City Manager to enter into a contract with Chrisp Company for the 2025 City Wide Striping Project in the amount of \$437,625.50 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments

9. Consideration of Award of Contract for the Senior Center Landscape Irrigation Project

Recommended Action: Authorize City Manager to enter into a contract for the Senior Center Landscape Irrigation Project and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments

10. Consideration of Award of Contract to Alvarez Performance LLC for Abandoned Vehicle Abatement Program Towing, Storing, Dismantling, and Disposal Services

Recommended Action: Award contract

11. Consideration of Authorization of the City Manager to Execute a Contract with Case Excavating in the Amount of \$229,400.00 for the Demolition and Abatement of Properties Located at 16140 Dam Road, 16272 32nd Avenue, 16116 33rd Avenue, 13790 Sonoma Avenue, 3273 11th Street, 6347 Armijo Avenue, 14045 Hale Street, 14053 Hale Street, 14236 Hale Street, 3014 5th

Street, 13535 Santa Clara Avenue, 5740 Hale Avenue, 16026 25th Avenue, 3971 Pine Avenue
and 3783 Cedar Avenue
Recommended Action: Authorize the City Manager to execute contract

12. Review of City Council Norms and Procedures
No Recommended Action by Council

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. ADJOURNMENT

POSTED: February 3, 2025

BY:



Melissa Swanson, Administrative Services Director/City Clerk



Black History Month February 2025

WHEREAS, the Lake County Branch of the National Association for the Advancement of Colored People (NAACP) will celebrate a combination of Black History Month and Martin Luther King’s Birthday, as we reflect on the proud legacy of courage and dedication from visionary leaders like Martin Luther King, Jr., Roy Wilkins, Rosa Parks, and Julian Bond; local community leaders like Randle Cole, Lynette Kirkwood, Helen Owen, Kenneth Parlet, and James Wiley Black; and

WHEREAS, the NAACP has been at the forefront of protecting our fragile Democracy, which is under assault, voting rights of people of color in this country, and continuing to address the Americans with Disabilities Act, workplace prejudice and hostility, military veteran homeless housing, voter suppression, gerrymandering, and urging the passing of the John Lewis Voting Rights Advancement Act, and the Freedom to Vote Act, which will ensure all citizens’ civil and voting rights are protected under the United States Constitution; and

WHEREAS, the NAACP history is one of dedication and struggle to maintain equality and justice for all citizens of the United States; and

WHEREAS, the local branch, like other NAACP branches throughout the state and country, diligently works on social programs aimed toward the elimination of banning books, the rewriting of our vast contributions to this great nation, eliminating racial hatred, bigotry, and poverty; and

WHEREAS, the Lake County Branch of the NAACP is led by Rick Mayo, President and 1982 founder of the Lake County Branch.

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 6th day of February, 2025

Russ Cremer, Mayor



CITY COUNCIL SPECIAL MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, December 05, 2024

Special Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor David Claffey

Vice Mayor Joyce Overton

Council Member Russ Cremer

Council Member Russ Perdock

Council Member Dirk Slooten

B. PLEDGE OF ALLEGIANCE

C. BUSINESS

1. Discussion and Consideration of Resolution 2024-60 A Resolution Acknowledging the Project Completion of the Lakeshore/San Joaquin Road Improvement Project and Authorizing Closeout of the Community Development Contract 2017-DR-INF-17001-1
Recommended Action: Adopt Resolution

City Manager Flora gave the staff report.

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

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

2. Discussion and Consideration of Resolution 2024-61 A Resolution Approving an Application for Funding Under the 2024 CDBG NOFA
Recommended Action: Adopt Resolution

City Manager Flora gave the staff report.

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

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

3. Consideration of Rejection of the Towing, Storing, Dismantling, and Disposal Services for the Abandoned Vehicle Abatement Program
Recommended Action: Reject all bids

Lieutenant Peterson gave the staff report.

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

D. ADJOURNMENT

The meeting was adjourned at 5:42 p.m.



Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, December 05, 2024

Regular Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor David Claffey

Vice Mayor Joyce Overton

Council Member Russ Cremer

Council Member Russ Perdock

Council Member Dirk Slooten

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

City Manager Flora asked to delete Item #17, Award of contract for Abandoned Vehicle Abatement Program towing, storing, dismantling and disposal services.

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

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

E. PRESENTATIONS

1. Presentation of December's Adoptable Dogs

F. PUBLIC COMMENT

Stephanie Codling thanked the Council for supporting the Highlands Senior Service Center and presented a plaque to the Mayor.

G. CONSENT AGENDA

Tina Wallis spoke on Items 3 & 4.

Kirsten Krievey spoke on Item 3 for Konocti Water District.

Chief Sapeta spoke on Item 4 on behalf of the Lake County Fire Protection District.

Margaret Garcia spoke on Item 3.

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

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

2. Second Reading and Adoption of Ordinance No. 276-2024, An Amendment to Chapter 3, Section 5 of the Clearlake Municipal Code Regarding Fire Mitigation Fees
Recommended Action: Hold a second reading, read by title only, and adopt Ordinance No. 276-2024
3. Second Reading and Adoption of Ordinance No. 275-2024, An Ordinance Adding Chapter 13-3 to the Clearlake Municipal Code Establishing Fire Hydrant Inspection and Testing Requirements.
Recommended Action: Hold a second reading, read it by title only, waive further reading, and adopt
4. Second Reading of Ordinance No. 277-2024, An Ordinance of the City of Clearlake Amending Chapter VIII, Section 8.5 to Add Subsection 8.5-7 to Establish Standards for Utility Construction and Maintenance in the Public Right-of-Way and Standards for Relocation of Underground Utilities
Recommended Action: Hold second reading, read by title only, waive further reading, and adopt Ordinance
5. Authorization of an Amendment of Contract for the Clean CA Austin Park Shade Structure Project
Recommended Action: Move to amend the contract with Park Planet in the amount of \$19,333.
6. Authorization of an Amendment of Contract with California Engineering Company for the Burns Valley/Arrowhead Project
Recommended Action: Move to amend the contract with California Engineering Company in the amount of \$ 189,569.11
7. End Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms
Recommended Action: Discontinue declaration of emergency
8. Minutes
Recommended Action: Receive and file
9. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for the Boyles Fire
Recommended Action: Continue declaration of emergency

- 10. Adoption of the 2024 Conflict of Interest Code; Resolution No. 2024-58
Recommended Action: Adopt resolution
- 11. Annual Calendar of Meetings for 2025
Recommended Action: Review and approve
- 12. 2024 Mayor's Appointments List
Recommended Action: No action necessary. List provided for information only.

H. PUBLIC HEARING

- 13. Discussion and Consideration of Various Zoning Ordinance Text Amendments
Recommended Action: Hold first reading of Ordinance 271-2024, Read by Title Only, Waive Further Reading and Adoption at the next City Council Meeting.

Senior Planner Roberts gave the staff report. Vice Mayor Slooten noted there was a correction needed as follows:

Section 18-19.090: change "five (5) acres plus" to "forty (40) acres plus" requiring an administrative use permit.

Mayor Claffey opened the Public Hearing at 6:27 p.m.

Margaret Garcia asked questions of staff.

There being no further comment, Mayor Claffey closed the Public Hearing at 6:31 p.m.

Motion made by Council Member Cremer, Seconded by Council Member Slooten, with the included correction to the language mentioned above.

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

- 14. Consideration of Development Agreement, DA 2024-01 for an an existing approved Commercial Cannabis Operation located at 14915 and 14935 Olympic Drive, Units C/D/E/F.
Recommended Action: Hold first reading of Ordinance 273-2024, Read by Title Only, Waive Further Reading and Adoption at the next City Council Meeting.

City Manager Flora gave the staff report.

Mayor Claffey opened the Public Hearing at 6:37 p.m.

Margaret Garcia asked questions about the business.

Mayor Claffey closed the Public Hearing at 6:39 p.m.

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

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

Perdock, Council Member Slooten

15. Consideration of Development Agreement, DA 2024-02 for an an existing approved Commercial Cannabis Operation located at 14915 and 14935 Olympic Drive, units A/B2. Recommended Action: Hold first reading of Ordinance 274-2024, Read by Title Only, Waive further Reading and Adoption at the next City Council Meeting.

City Manager Flora gave the staff report.

Mayor Claffey opened the Public Hearing at 6:41 p.m.

There were no comments and Mayor Claffey closed the Public Hearing at 6:42 p.m.

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

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

I. BUSINESS

16. Discussion and Consideration of Resolution 2024-56, Approving a Memorandum of Understanding Between the County of Lake, City of Lakeport, and City of Clearlake Authorizing the Formation of the Lake County Regional Housing Trust Fund
Recommended Action: Adopt Resolution

City Manager Flora gave the staff report. He asked for Council direction and motion to include the authority for the City Attorney and City Manager to make minor admin changes if necessary to the final draft of the Memorandum of Understanding.

Motion made by Council Member Slooten, Seconded by Council Member Perdock, as stated above.

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

17. Award of contract for Abandoned Vehicle Abatement Program towing, storing, dismantling and disposal services.
Recommended Action: Award Contract

This item was deleted from the agenda.

18. Discussion and Consideration of Resolution SA-2024-03 Recommending the Lake County Redevelopment Agency Oversight Board Amend the Loan Terms for Olympic Village Apartments
Recommended Action: Adopt Resolution

Executive Director Flora gave the staff report.

Motion made by Member Cremer, Seconded by Member Slooten.

Voting Yea: Chair Claffey, Vice Chair Overton, Member Cremer, Member Perdock, Member Slooten

- 19. Discussion and Consideration of Resolution 2024-55 Approving the Appraisal, Fixing the Amount of Just Compensation and Authorizing Offer to Owner of a Portion of 12105 San Joaquin Ext., Clearlake for Right of Way
Recommended Action: Adopt Resolution

City Manager Flora gave the staff report.

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

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

- 20. Consideration of Introduction and First Reading of Ordinance No. 278-2024 Adjustment to Councilmember Compensation
Recommended Action: Hold first reading of the ordinance, read by title only, waive further reading, and set second reading and adoption for the next Council meeting

Director Swanson gave the staff report.

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

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

Voting Nay: Council Member Cremer, Council Member Slooten

- 21. Update on the Senior/Community Center Project
Recommended Action: Direction to Staff

Mayor Claffey proposed the Senior/Community Center be dedicated in Vice Mayor Overton's honor.

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

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

J. CITY MANAGER AND COUNCILMEMBER REPORTS

K. PRESENTATIONS

- 22. Presentation by Mayor Claffey

- 23. Presentation by Vice Mayor Overton

L. BUSINESS

- 24. Consideration of Acceptance of the November 2024 Election Results; Resolution No. 2024-57
Recommended Action: Adopt resolution and authorize City Clerk to deliver the Oath of Office to newly elected Council Members

Director Swanson gave the staff report.

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

- 25. Swearing In of Newly Elected Council Members

Director/City Clerk Swanson gave the oath of office to Tara Downey, Jessica Hooten, and Mary Wilson.

- 26. Appointment of the 2025 Mayor and Vice Mayor

It was moved by Council Member Slooten and seconded by Council Member Cremer to nominate Council Member Cremer as Mayor. The motion passed with unanimous vote of the Council.

It was moved by Mayor Cremer and seconded by Council Member Wilson to nominate Council Member Slooten as Vice Mayor. The motion passed with unanimous vote of the Council.

M. FUTURE AGENDA ITEMS

N. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.



Melissa Swanson, Administrative Services Director/City Clerk



Clearlake, CA

Check Register

Packet: APPKT03588 - 1/27/25 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						
001435	ARGONAUT CONSTRUCTORS	01/27/2025	Regular	0.00	130,422.29	18406
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	32.05	18407
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	151.44	18408
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	225.30	18409
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	31.53	18410
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	635.07	18411
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	69.69	18412
001397	AT&T CALNET 3	01/27/2025	Regular	0.00	61.51	18413
VEN01351	BKF ENGINEERS	01/27/2025	Regular	0.00	28,294.50	18414
000068	BOB'S JANITORIAL	01/27/2025	Regular	0.00	16.31	18415
001825	COUNTY OF LAKE CLERK	01/27/2025	Regular	0.00	3,018.75	18416
000077	COUNTY OF LAKE RECORDER	01/27/2025	Regular	0.00	95.00	18417
001212	DEPT OF HOUSING COMM DEVELOP	01/27/2025	Regular	0.00	11.00	18418
001199	EUREKA OXYGEN CO	01/27/2025	Regular	0.00	151.00	18419
000108	LAKE COUNTY RECORD BEE	01/27/2025	Regular	0.00	454.23	18420
VEN01491	MEDEIROS EQUIPMENT LLC	01/27/2025	Regular	0.00	2,666.67	18421
001489	NAPA AUTO PARTS	01/27/2025	Regular	0.00	486.67	18422
001843	PG&E CFM	01/27/2025	Regular	0.00	24.64	18423
001298	QUACKENBUSH MRRFC	01/27/2025	Regular	0.00	162.06	18424

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	23	19	0.00	167,009.71
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
	23	19	0.00	167,009.71

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2025	167,009.71
			<hr/>
			167,009.71



Clearlake, CA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
VEN01085	ACC BUSINESS	01/30/2025	Regular	0.00	613.64	18425
VEN01085	ACC BUSINESS	01/30/2025	Regular	0.00	613.64	18426
VEN01590	ANGELA NICHOLSON - NICHOLSON S	01/30/2025	Regular	0.00	2,100.00	18427
000068	BOB'S JANITORIAL	01/30/2025	Regular	0.00	168.55	18428
002162	CALIFORNIA ENGINEERING	01/30/2025	Regular	0.00	51,595.30	18429
VEN01178	CALIFORNIA INTERGOVERNMENTAL	01/30/2025	Regular	0.00	12,568.87	18430
000902	CALIFORNIA SURVEYING - DRAFTING	01/30/2025	Regular	0.00	326.25	18431
VEN01312	CAPITOL BARRICADE INC.	01/30/2025	Regular	0.00	2,321.74	18432
000073	EASTLAKE SANITARY LANDFILL	01/30/2025	Regular	0.00	63.65	18433
000096	GOLDEN STATE WATER COMPANY	01/30/2025	Regular	0.00	688.71	18434
000096	GOLDEN STATE WATER COMPANY	01/30/2025	Regular	0.00	401.81	18435
000797	GRANITE CONSTRUCTION	01/30/2025	Regular	0.00	4,712.30	18436
000108	LAKE COUNTY RECORD BEE	01/30/2025	Regular	0.00	424.28	18437
001489	NAPA AUTO PARTS	01/30/2025	Regular	0.00	822.04	18438
002031	REDWOOD COAST PETROLEUM & N	01/30/2025	Regular	0.00	708.12	18439
VEN01255	REDWOOD EMPIRE MUNICIPAL INSL	01/30/2025	Regular	0.00	184.60	18440
000309	UCC RENTAL	01/30/2025	Regular	0.00	325.00	18441

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	24	17	0.00	78,638.50
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
	24	17	0.00	78,638.50

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2025	78,638.50
			<hr/> 78,638.50



STAFF REPORT	
SUBJECT: Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for The Boyles Fire	
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:

On September 8, 2024, the Director of Emergency Services/City Manager issued a Proclamation of Local Emergency due to the Boyles Fire (attached), which was ratified by the City Council on September 12, 2024.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council. Thereafter, the emergency declaration must be continued by affirmation of the Council every 60 days.

Staff believes there is still a need to continue the local emergency order and it is in the best interests of the City to have the Council ratify and continue this order until the state of emergency can be lifted.

OPTIONS:

- 1. Continue to ratify order.

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:

- Attachments:** 1) Proclamation Declaring a Local Emergency for The Boyles Fire



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

PROCLAMATION BY THE CITY OF CLEARLAKE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY FOR THE BOYLES FIRE

WHEREAS, City of Clearlake Municipal Code Section 2-11.6 empowers the Director of Emergency Services (City Manager) to proclaim the existence or threatened existence of a local emergency when the city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, on September 8, 2024 the Boyles Fire was started near Boyles Avenue and 8th Avenue in Clearlake and quickly spread north quickly driven by high winds.; and

WHEREAS, after a fierce fire fight by various partners from throughout the region, and led by CalFire and the Lake County Fire Protection District, approximately 90 acres were scorched, approximately 30 homes were lost, Pacific Gas and Electric infrastructure was damaged, and significant private property damage occurred, of which the full extent is still unknown; and

WHEREAS, dozens of Clearlake families have lost their homes and property; and

WHEREAS, such recovery from such conditions is beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat and clean up; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future

reimbursement by the state and federal governments will be critical to successfully responding to the impacts of the Boyles Fire; and

WHEREAS, the City Manager, as the City's Director of Emergency Services, has the power to declare a local emergency as authorized by Government Code section 8630 and Clearlake Municipal Code section 2-11.6.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Clearlake as follows:

- A. A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property, as detailed in the recitals set forth above.
- B. The area of the City which is endangered/imperiled within the footprint of the Boyles Fire and beyond.
- C. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Clearlake Emergency Operations Plan.
- D. The City Council shall review and ratify this proclamation within seven (7) days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.
- E. That a copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Clearlake; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

DATED: September 8, 2024



Alan D. Flora
Director of Emergency Services



CITY OF CLEARLAKE

City Council

STAFF REPORT	
SUBJECT: Adopt Resolution 2025-03 Approving an Allocation of Funding & Grant Agreement for Community Development Block Grant (CDBG) – Disaster Recovery (DR) Multi-Family Housing (MHP) Funding for the 2017-2018 Disasters	MEETING DATE: Feb 6, 2025
SUBMITTED BY: Bambi Cline, Management Analyst	
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 resolution to accept a grant fund allocation and the execution of a grant agreement for the CDBG DR 2017/18 Disasters.

BACKGROUND/DISCUSSION: The State of California is allocating Phase 3 Disaster Relief CDBG (Community Development Block Grant) Funding for the 2017/18 disasters in the amount of \$21,747,825 dollars to be used for the Multi-Family Housing Program (MHP) Master Standard Agreement (MSA). The City Council agrees to perform the following activities (by way of City Staff):

- 1-Implement a project solicitation process to receive multi-family development project applications from developers (new construction, rehabilitation or reconstruction)
- 2-Underwrite, select and prioritize the projects in accordance with DR-MHP policies and procedures
- 3-Submit the selected and prioritized projects to the Department (HCD)
- 4-Oversee and monitor the construction and lease of the HCD approved projects

The City has previously solicited developers, and these funds will be allocated to the construction of the Clearlake Apartments Project on 18th Avenue. As previously reported to the Council this project on state-owned land has received various funds for construction but was unable to complete its funding stack until the Phase 3 funds were identified. Any additional funds awarded to the MSA in excess of what is needed to complete the project would remain in the MSA and be available for additional projects in the future.

OPTIONS:

- 1. Adopt Resolution 2025-03
- 2. Direction to staff.

FISCAL IMPACT:

None \$21,747,825 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: ADD MHP
FUND # 354

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 approve the resolution for the execution of a grant agreement and acceptance of CDBG DR funds in the amount of \$21,747,825 for our Multi Family Housing Program.

- Attachments:** 1) Resolution 2025-03

RESOLUTION NO. 2025-03

A RESOLUTION APPROVING AN ALLOCATION OF FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE CDBG-DR PROGRAM

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

SECTION 1:

The City Council has reviewed the State of California’s CDBG-DR Action Plan for 2017/2018 disasters, which allocates funds to the City and where the State has provided allocation of Phase 3 funds, as appropriated under Public Laws 115–254 and 116–20, for the Disaster Recovery Multifamily Housing Program (“DR-MHP”); and the Council hereby approves the execution of a Master Standard Agreement (“Agreement”) in the aggregate amount, not to exceed, \$21,747,825 (“Grant”).

The City Council agrees to perform the following activities, as further detailed in the Agreement, as a means to facilitate the development of multifamily housing (rehabilitation, reconstruction, or new construction), pursuant to the Disaster Recovery Multifamily Housing Program (DR-MHP) Policies and Procedures:

- Implement a project solicitation process to receive multifamily development project applications from Developers;
- Underwrite, select, and prioritize those projects in accordance with the DR-MHP Policies and Procedures;
- Submit those selected and prioritized project applications to the Department; and
- Oversee and monitor the construction and lease up of Department approved projects during the construction period through the affordability period.

SECTION 2:

The City hereby authorizes and directs the City Manager to enter into, execute and deliver the Agreement and any and all subsequent amendments thereto with the State of California for the purposes of the Grant.

SECTION 3:

With the acceptance of the Phase 3 allocation, the City Manager is authorized to enter into, execute and deliver the Notice(s) to Proceed, and any and all subsequent amendments thereto with the State of California for the purposes of the Grant.

SECTION 4:

With the acceptance of the Phase 3 allocation, the City Manager is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the Agreement for purposes of the Grant.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Clearlake held on February 6, 2025 by the following vote:

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

Russ Cremer
Name , Mayor
City Council

STATE OF CALIFORNIA
City of Clearlake

I, Melissa Swanson, City Clerk of the City of Clearlake, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council/Board of Supervisors on this 6th day of January, 2025.

By: Melissa Swanson
City Clerk of the City of Clearlake, State of California



CDBG Combined Closeout Package

CDBG Award/Contract Number (fill in):	20-CDBG-CV1-00184
--	-------------------

Checklist

I/we have completed the following forms. Check all that apply.

- Closeout Certification
- Acquired Property Inventory
- Disencumbrance of Funds Acknowledgement/Request
- Completion Report Acknowledgement
 - Completion Report uploaded or attached
- Section 3 Compliance Acknowledgement
- Section 3 Closeout Report (complete only if applicable)
 - Select and complete correct form based on award date
- Section 3 Qualitative Efforts (complete only if applicable)
- Affidavit of Posting Notice
 - Proof of posting also upload/attached (e.g., picture of the website posting with date stamp, newspaper clipping, or a photo of the document posted in a public place noted on affidavit)
- If this award included a planning activity, I/we have uploaded or attached **ALL** of the following:
 - Final Product(s)
 - Documentation of Public Hearing to accept final product(s) (e.g., copies of announcements, posting, etc.)
 - Board Resolution accepting each/all final product(s)
- CDBG Combined Closeout Package Signature



CDBG – Closeout Certification

Closeout Certification

I (name of authorized representative), Alan Flora, hereby certify that all activities undertaken by the Grantee with funds provided under CDBG Award/Contract Number 20-CDBG-CV1-00184 have, to the best of my knowledge, been carried out in accordance with the award/contract agreement; that proper provision has been made by the Grantee for the payment of all costs and claims; that the State of California is under no obligation to make further payment to the Grantee under the award/contract agreement; and that every statement and amounts set forth in **all Financial Reports** are to the best of my knowledge, true and correct.

The Grantee shall continue to comply with the State CDBG program income reporting requirements.

All costs incurred subsequent to the most recent annual audit period will be audited at the time the Grantee's next annual audit is conducted in accordance with 2 CFR 200, Subpart F. The Grantee will resolve any audit findings relating to both the program and financial aspects of the award/contract. In the event there are any costs which are disallowed by this audit or any subsequent audits which cover CDBG expenditures, and which are sustained by the Department of Housing and Community Development, the amount of such costs shall be returned to HCD.



CDBG – Acquired Property Inventory

Acquired Property Inventory

Complete the table below listing any property acquired in whole or in part with CDBG funds or CDBG Program Income in the table below in accordance with the provisions of 24 CFR Part 570.489(k) – Accountability of Real and Personal Property and 24 CFR Part 570.489(e) – Program Income of the HUD CDBG regulations pertaining to property management and program income. If applicable, state “None” acquired. Include additional copies of the table if required.

Future disposition of this property shall be carried out in accordance with CFR 24 Sec. 570.489(j) – Change of Use of Real Property for instructions.

Grantee: City of Clearlake	Award/Contract Number: 20-CDBG-CV1-00184
Contract/Project Name: City of Clearlake Senior Center Community Center Kitchen Remodel	

In the table below in the **Proof of Ownership** column, enter the type of proof on record, e.g., title, deed, invoice receipt. In the **% CDBG Funded** column, enter the percentage of the property funded by CDBG award dollars or by CDBG Program Income.

Description of Property	Acquisition Date	Acquisition Cost	Serial # or ID #	Condition	Status	Location	Proof of Ownership	% CDBG Funded
NONE								%
								%
								%
								%

Section G, Item 6.



CDBG – Acquired Property Inventory

Description of Property	Acquisition Date	Acquisition Cost	Serial # or ID #	Condition	Status	Location	Proof of Ownership	% CDBG Funded
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%
								%

Section G, Item 6.



CDBG – Disencumbrance of Funds

Disencumbrance of Funds Acknowledgement/Request

This award/contract has unused CDBG Grant Funds. This excludes Program Income.

- Yes
- No (If “No”, skip to the Completion Report Acknowledgement form)

Use the table below for Agreements from **Program Year 2017 and prior**.

Program Activity	Activity Code	Awarded Amounts	Amount to Be Disencumbered	Balance
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
TOTAL		\$ 0.00	\$ 0.00	\$ 0.00

For **Program Years 2018 and later**, please enter the total amount to be disencumbered: \$ 0.00



CDBG – Completion Report Acknowledgement

Completion Report Acknowledgement

Complete one of the acknowledgments below based on the funding year for the CDBG award/contract you are closing out.

For 2017 and prior projects: I/We have **attached** a copy of the completed Completion Report for this project/program to this Combined Closeout Package.

- Grantee should obtain the appropriate Completion Report for their activity type from their HCD Representative or Grant Administrator.

Yes

No (Grantee will be unable to close out the project/program until report is provided.)

For 2018 and later projects (including CDBG-CV): I/We have **uploaded** a copy of the completed Completion Report to the Grants Network Portal concurrently with the submittal of this package.

- Grantee should obtain the appropriate Completion Report for their activity type from their HCD Representative or Grant Administrator.

Yes

No (Grantee will be unable to close out the project/program until report is provided.)

Grantee should not initiate closeout in the Grants Network Portal until they can provide a Completion Report.



CDBG – Section 3 Compliance Acknowledgement

Section 3 Compliance Acknowledgement

The purpose of Section 3 of the Housing and Urban Development Act of 1968 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

Section 3 requirements apply to housing rehabilitation, housing construction, or other public construction projects when the total amount of housing and community development assistance for the covered project activity (not including general administration) meets or exceeds a funding threshold, generally \$200,000.

Section 3 compliance requirements should have been established at project set up. Grantees who are uncertain whether Section 3 requirements apply to their project(s) should contact their HCD Representative or Grant Administrator.

1. This project/program was funded prior to November 30, 2020 and is required to comply with the prior HUD Section 3 Rule, found at 24 CFR 135.

- Yes (Complete the Section 3 Closeout Report for Contracts Funded **Prior to** November 30, 2020 on the next page.)
- No (If “No”, answer Question 2 on this form.)

2. This project/program is required to comply with the HUD Section 3 Final Rule, effective on November 30, 2020, and codified at 24 CFR part 75.

- Yes (Complete the Section 3 Closeout Report for Contracts Funded **on or After** November 30,2020.)
- No

If you answer “No” to both questions above, skip to the Affidavit of Posting Notice form.



CDBG – Section 3 Closeout Report (Prior to 11/30/2020)

Section 3 Closeout Report
 (For Contracts Funded **Prior to November 30, 2020**)

Grantee Name:
Award/Contract Number:
Project Name:
Project Location (Address):
County or Metropolitan Service Area (MSA) Where Project is Located:
Report Date:

Please complete the tables below showing Section 3 hires for Grantee and any subrecipients and contracting opportunities for this project/program. Copy this page and attach to report if you need additional rows.

Job Category	Number of New Hires	Number of Section 3 New Hires	Number of Section 3 Trainees
Category Totals:	0.00	0.00	0.00



CDBG – Section 3 Closeout Report (Prior to 11/30/2020)

Construction Contracts		
1	Total dollar amount of construction contracts awarded	
2	Dollar amount of construction contracts awarded to Section 3 businesses	
3	Percentage of total construction contract dollars awarded to Section 3 business (Row 2 divided by Row 1)	0.00%
4	Number of Section 3 businesses that received construction contracts	
Non-Construction Contracts		
1	Total dollar amount of non-construction contracts awarded	
2	Dollar amount of non-construction contracts awarded to Section 3 businesses	
3	Percentage of total non-construction contract dollars awarded to Section 3 businesses (Row 2 divided by Row 1)	0.00%
4	Number of Section 3 businesses that received non-construction contracts	

***Non-construction** contracts are often construction-related contracts for professional services like landscaping, pest control, accounting, architecture, legal services, engineering etc.



CDBG – Section 3 Closeout Report

Section 3 Closeout Report
 (For Contracts Funded **On or After** November 30, 2020)

Grantee Name: City of Clearlake
Award/Contract Number: 20-CDBG-CV1-00184
Project Name: City of Clearlake Senior Community Center Kitchen Remodel
Project Location (Address): 14050 Olympic Drive, Clearlake California 95422
County or Metropolitan Service Area (MSA) Where Project is Located: Lake County
Report Date: 1/2025

Please complete the table below showing labor hours on this contract and percentages as of the date of this report. Remember, if you have multiple projects under this contract, this report should show combined (roll-up) hours for the entire contract (program) as well as percentages based on these totals. Individual project information should be maintained in Grantee records.

For reference the Section 3 “safe harbor” benchmarks are:

- Section 3 Workers make up at least 25% of the total project’s hours
- AND**
- Targeted Section 3 Workers make up at least 5% of the total project’s hours by the time of project closeout.

	Hours	Percent of Total Labor Hours	Safe Harbor Benchmark Met? (Y/N)
Total Labor Hours to Date:	933.00		
Total Section 3 Labor Hours to Date:	0.00	0.00%	
Targeted Section 3 Labor Hours to Date:	0.00	0.00%	



CDBG- – Section 3 Qualitative Efforts

Section 3 Qualitative Efforts Description

This form is only required for Grantees whose project was **funded on or after** November 30, 2020 **and** whose labor hour benchmarks for Section 3 Workers (25% of a total project's hours) **AND** Targeted Section 3 Workers (5% of a total project's hours) are not anticipated to be met by the time of project closeout. Grantees should maintain records for HUD review to document any efforts checked.

Award/Contract Number: 20-CDBG-CV1-00184

Contractor/Grantee: City of Clearlake

Please read the following list of qualitative efforts that may be undertaken to comply with Section 3 and **check ALL that applied to your organization during the course of this CDBG project.** Note that these actions are associated with your organization and do not need to be associated with the particular CDBG project. For more information consult the Community Planning and Development (CPD) Notice at <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-09cpdn.pdf>.

- Outreach efforts to generate job applicants who are Public Housing Targeted Workers
- Outreach efforts to generate job applicants who are Other Funding Targeted Workers
- Direct, on-the-job training including apprenticeships
- Indirect training such as arranging for contracting for, or paying tuition for, off-site training
- Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching)
- Outreach efforts to identify and secure bids from Section 3 business concerns
- Technical assistance to help Section 3 business concerns understand and bid on contracts



CDBG- – Section 3 Qualitative Efforts

- Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns
- Provided or connected residents with assistance in seeking employment including drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services
- Held one or more job fairs
- Provided or connected residents with supportive services that can provide direct services or referrals
- Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview coaching, uniforms, test fees, and/or transportation
- Assisted residents with finding childcare
- Assisted residents to apply for or attend community college or a four-year educational institution
- Assisted residents to apply for or attend vocational/technical training
- Assisted residents to obtain financial literacy training and/or coaching
- Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns
- Provided or connected residents with training on computer use or online technologies
- Other (Please describe below.)



CDBG – Affidavit of Posting Notice

Affidavit of Posting Notice

I, (Name of Official Designated in Resolution) Alan Flora, hereby certify that on the 24th day of January (month), 2025 (year), I did post the notice of public hearing concerning discussion of closure and remittal of remaining funds, if any, under the California Department of Housing and Community Development, Community Development Block Grant Program at the following 4 (number) locations listed below, which are available to the public. These postings will be available from 01/24/25 (date) to 02/06/25 (date).

Table with 2 columns: Location and Description. Locations include City of Clearlake Website, Redbud Library, City Hall Bulletin Boards, and Food Etc Store Public Bulletin Board.

I, (name) Melissa Swanson, Clerk of City of Clearlake (city, county, or jurisdiction name), State of California, hereby certify the above and foregoing is true and correct.

Dated at City Hall (location), California, this 31st (date) day of January (month), 2025.

Melissa Swanson
Signature of Clerk

(This may not be the same person as the official designated in the Resolution who is certifying the posting)


City Clerk
Title



CDBG – Combined Closeout Package Signature

CDBG Combined Closeout Package Signature

I, the undersigned, hereby certify that all representations made and/or information provided in this combined closeout package and any referenced uploads or attachments is, to the best of my knowledge, true. I further state that my signature below will serve as signature for each of the completed forms in this package as well as for the CDBG Combined Closeout Package taken as a whole.

Date:	Typed Name and Title of Official Authorized in the Resolution:	Signature of Official Authorized in the Resolution
01/22/2025	Name: Alan Flora Title City Manager	

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Closeout of 20-CDBG-CV1-00184 Senior Community Center Kitchen Remodel	MEETING DATE: Feb 6, 2025
SUBMITTED BY: Bambi Cline, Management Analyst	
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 Manager to complete and submit the closeout package for the Community Development Block Grant (CDBG) Contract No. 20-CDBG-CV1-00184 to the California Department of Housing and Community Development (HCD), confirming successful project completion and financial reconciliation.

BACKGROUND/DISCUSSION:

In 2021, the City of Clearlake was awarded **\$122,279.00** in **CDBG-CV1** funds under contract **20-CDBG-CV1-00184** for the **Senior Community Center Kitchen Remodel Project**. The project was designed to enhance food service capacity and accessibility for senior residents and vulnerable populations, ensuring compliance with health and safety standards.

PROJECT OUTCOMES:

The project has been successfully completed, meeting all grant objectives, including:

- Upgrading and modernizing kitchen equipment and facilities.
- Improving food storage and preparation areas.
- Enhancing accessibility to meet **Americans with Disabilities Act (ADA)** standards.
- Supporting increased meal service capacity for local seniors and community members in need.

All activities were carried out in compliance with **CDBG-CV1** program requirements and within the approved project budget. The final audit and financial reconciliation confirm that all funds were expended appropriately.

OPTION

1. Direct staff to submit the closeout package to HCD for final approval. The City will continue to comply with CDBG program income reporting requirements and ensure that any subsequent audits covering these expenditures are properly addressed.

CONCLUSION:

The successful completion of the **Senior Community Center Kitchen Remodel Project** demonstrates the City’s commitment to leveraging grant funding for community benefits. Staff appreciates the support of the City Council in advancing critical projects that enhance services for Clearlake residents.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

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

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

Comments: The funds were expended and fully reimbursed in the amount of \$122,279.00

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 proceed with directing staff to closeout the CDBG grant funded project 20-CDBG-CV1-00184.

- Attachments:** 1) CDBG Closeout Certification

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Approve Amendment #1 to Consultant Services Agreement with Government Finance Services LLC for a new total of \$60,000	MEETING DATE: Feb. 6, 2025
SUBMITTED BY: Alan D. 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:

City Council will consider approving an amendment to contract with Government Finance Services.

BACKGROUND/ DISCUSSION:

Matt Pressey with Government Finance Services has been working with the City, essentially as Acting Finance Director, starting in October 2024. Mr. Pressey has a strong pedigree as government finance professional and has been invaluable in providing guidance to the City. His small firm only has two clients, one of which is the City of Clearlake.

Staff would like to continue using Mr. Pressey’s services as Acting Finance Director and are requesting the contract be amended from a total of \$25,000 to a total of \$60,000.

OPTIONS:

1. Approve Amendment #1 to the Consultant Services Agreement with Government Finance Services LLC for a new total of \$60,000 and authorize the City Manager to sign..
2. Direction to Staff.

FISCAL IMPACT:

None \$35,000 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:

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. Amendment #1**
- 2. Consultant Services Agreement**

AMENDMENT NO. 1 TO CONSULTANT SERVICES AGREEMENT FOR CONTINUATION OF SERVICES

This document constitutes the Continuation of Services Amendment No. 1 entered into as of the 6th day of February, 2025, to the Consultant Services Agreement entered into as of the 1st day of October, 2024 by and between the CITY OF CLEARLAKE, a municipal corporation (hereinafter referred to as "CITY") and Government Finance Services, a limited liability company (hereinafter referred to as "CONSULTANT").

RECITALS

This Continuation of Services Amendment is entered into with reference to the following facts and circumstances:

WHEREAS, CITY desires to amend the provisions of the Consultant Services Agreement to extend the finance management and administrative services; and

WHEREAS, CONSULTANT is desirous of these changes as well.

AGREEMENT

NOW, THEREFORE, based upon the foregoing Recitals CITY and CONSULTANT agree that the compensation for the services shall be increased to not exceed sixty thousand dollars (\$60,000) and all other terms and conditions of the Agreement shall remain in force and effect.

IN WITNESS, the parties hereto have caused this Continuation of Services Amendment to be executed on the date first above written by their respective officers duly authorized in that behalf.

CITY OF CLEARLAKE

By: _____
Alan Flora, City Manager

Date _____

Approved As To Form:

By: _____
Dean Pucci, City Attorney

CONSULTANT

Government Finance Services

By: _____
Matt N. Pressey
Owner of Government Finance Services

Date _____

AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services (the "Agreement") is made and entered into this 1st day of October, 2024, by and between THE CITY OF CLEARLAKE, a municipal corporation (hereinafter referred to as "CITY") and Government Finance Services, a limited liability company (hereinafter referred to as "CONSULTANT"). CITY and CONSULTANT may be referred to individually as "Party" and collectively as the "Parties."

RECITALS

WHEREAS, CITY requires finance management and administrative services; and

WHEREAS, CONSULTANT is qualified to perform such services; and

WHEREAS, CONSULTANT has agreed to provide CITY with such services on the terms and conditions set forth herein.

NOW, THEREFORE, for the considerations hereinafter set forth, CONSULTANT and CITY agree as follows:

ARTICLE 1 - SCOPE OF SERVICES

- 1.1. **Scope of Work.** CONSULTANT agrees to furnish the services set forth in Exhibit A, Scope of Work, which is attached hereto and incorporated herein (the "Services").
- 1.2. **Compliance with Law.** The Services shall be performed in accordance with all applicable federal, state and local laws, ordinances, rules, regulations and orders.
- 1.3. **Time is of the Essence.** CONSULTANT agrees to diligently prosecute the Services. In the performance of this Agreement, time is of the essence.
- 1.4. **Professional Competence.** CONSULTANT represents that it has the professional skills necessary to perform the Services and that it will perform the Services in a skillful and professional manner. CONSULTANT represents that it has all the necessary licenses to perform the Services and shall maintain them throughout the term of this Agreement. CONSULTANT agrees that the Services shall be performed consistent with the professional skill and care ordinarily provided by local government finance professionals practicing in the same or similar locality under the same or similar circumstances. CITY and CONSULTANT agree that CONSULTANT is in responsible charge of the Services. Acceptance by CITY of the Services does not operate as a release of CONSULTANT from professional responsibility for the Services performed.
- 1.5. **Independent Contractor.** CONSULTANT (including its employees) is an independent contractor and not an employee of CITY. CONSULTANT expressly warrants that it will not represent that it is an employee of CITY. CONSULTANT's assigned personnel shall not be entitled to any benefits payable to employees of CITY. CITY is not required to make any deductions or withholdings from the compensation payable to CONSULTANT

under this agreement. CONSULTANT shall devote sufficient time to perform services under this agreement efficiently and effectively. CONSULTANT may represent, perform services for and be employed by additional individuals or entities, in CONSULTANT's sole discretion, as long as the performance of these extra-contractual services does not interfere with or present a conflict with CITY's business. Unless otherwise stated in this Agreement, CONSULTANT will supply all tools and equipment necessary to perform this Agreement.

- 1.6. **Confidentiality.** CONSULTANT agrees to maintain in confidence and not disclose to any person, firm, governmental entity, or corporation, without CITY's prior written consent, any trade secret or confidential information, knowledge or data relating to the products, process, or operation of CITY. CONSULTANT further agrees to maintain in confidence and not to disclose to any person, firm, governmental entity, or corporation any data, information, technology, or material developed or obtained by CONSULTANT during the performance of the Services. The covenants contained in this Section 1.6 shall survive the termination of this Agreement for whatever cause.
- 1.7. **Ownership of Material.** Any reports and other material prepared by or on behalf of CONSULTANT under this Agreement (collectively, the "Documents") shall be and remain the property of CITY. All Documents not already provided to CITY shall be delivered to CITY on the date of termination of this Agreement for any reason. The Documents may be used by CITY and its agents, employees, representatives, and assigns, in whole or in part, or in modified form, for all purposes CITY may deem appropriate without further employment of or payment of any compensation to CONSULTANT.
- 1.8. **Documentation.** CONSULTANT shall keep and maintain full and complete documentation and accounting records, employee time sheets, and correspondence pertaining to the performance of the Services, and CONSULTANT shall make such documents available for review and/or audit by CITY and CITY's representatives at all reasonable times for at least four years after the termination of this Agreement or completion of the Services.
- 1.9. **Testimony.** CONSULTANT agrees to testify at CITY's request if litigation is brought against CITY in connection with the Services. Unless the action is brought by CONSULTANT or is based upon CONSULTANT's negligence, CITY will compensate CONSULTANT for the preparation and the testimony at CONSULTANT's standard hourly rates.

ARTICLE 2 - COMPENSATION

- 2.1. **Compensation.** Compensation for the Services shall be in accordance with Exhibit B, Compensation, attached hereto and incorporated herein. It is agreed that the compensation for the Services shall not exceed \$25,000 ("Cost Ceiling").
- 2.2. **Invoices.** CONSULTANT shall submit monthly invoices in a form satisfactory to CITY on or before the tenth day of each month for Services provided during the preceding month. CONSULTANT shall submit time and cost records as necessary to substantiate performance of the Services. Within 30 days after receipt of each such invoice, CITY

shall verify the accuracy of the invoice, correct the charges where appropriate and as discussed and mutually agreed with CONSULTANT, and make payment to CONSULTANT in an amount equal to the amount of such invoice, as verified or corrected by CITY. No payment hereunder shall be construed as evidence of acceptance of any of CONSULTANT's work. CITY reserves the right to withhold payment from CONSULTANT on account of Services not performed satisfactorily, delays in CONSULTANT's performance of Services, or other defaults hereunder. CONSULTANT shall not stop or delay performance of the Services under this Agreement on account of payment disputes with CITY.

- 2.3. **Status Reports.** Together with each monthly invoice, CONSULTANT shall submit a status report detailing the amount expended on the Services to that date and the remaining amount to be expended before the Cost Ceiling is reached. CONSULTANT shall notify CITY in writing when payments have reached 90 percent of the Cost Ceiling.
- 2.4. **Withholding.** In lieu of holding retention, CITY shall withhold CONSULTANT's final payment until the Services are complete and CITY has received all Documents. CONSULTANT shall diligently continue and complete performance of the Services if the Services are not complete at the time CONSULTANT has performed services up to the Cost Ceiling.

ARTICLE 3 - TIME OF PERFORMANCE

- 3.1. **Effective Date.** This Agreement shall become effective upon execution of the second signature and shall remain in full force and effect until the Services are completed (the "Term"). CONSULTANT agrees to complete all services by June 30, 2025.
- 3.2. **Termination.** This Agreement may be terminated at any time by a party upon written notice to the other party.
- 3.3. **Final Payment.** CONSULTANT shall be entitled to compensation for Services performed up to the time of such termination, it being understood that any payments are full compensation for the Services rendered under this Agreement.
- 3.4. **Other Remedies.** Nothing in this Article 3 shall be deemed to limit the respective rights of the parties to terminate this Agreement for cause or otherwise to exercise any rights or pursue any remedies which may accrue to them.

ARTICLE 4 - DESIGNATED CONTACTS

- 4.1. **CITY Contact.** CITY designates Alan Flora, its City Manager, as its contact who shall be responsible for administering and interpreting the terms and conditions of this Agreement, for matters relating to CONSULTANT's performance under this Agreement, and for liaison and coordination between CITY and CONSULTANT. In the event CITY wishes to make a change in CITY 's representative, CITY will notify CONSULTANT of the change in writing.

- 4.2. **CONSULTANT Contact.** CONSULTANT designates Matt Pressey as its contact, who shall have immediate responsibility for the performance of the Services and for all matters relating to performance under this Agreement. Any change in CONSULTANT's designated contact shall be subject to written approval by CITY.

ARTICLE 5 - INDEMNIFICATION AND INSURANCE

- 5.1. **Indemnification.** CONSULTANT shall, to the fullest extent allowed by law, with respect to claims, liability, loss, damage, costs, or expenses, including reasonable attorney's and expert witness fees, awards, fines, penalties, or judgments, arising out of or relating to the Services (collectively "Claims"), defend, indemnify, and hold harmless CITY, its Officials, officers, employees and agents (the "CITY Parties"), except to the extent the Claims are attributable to CITY Parties' gross negligence, sole negligence or willful misconduct. CONSULTANT shall defend the CITY Parties as required by California Civil Code Section 2778, and with counsel reasonably acceptable to those parties. CONSULTANT shall have no right to seek reimbursement from the CITY Parties for the costs of defense. The obligations contained in this Section 5.1 shall survive the termination of this Agreement for whatever cause for the full period of time allowed by law and shall not in any way be limited by the insurance requirements of this Agreement.
- 5.2. **Health and Safety.** CONSULTANT may perform part of the Services at sites which contain unknown working conditions and contaminated materials. CONSULTANT shall be solely responsible for the health and safety of CONSULTANT's employees during the performance of the Services.
- 5.3. **Insurance.** CONSULTANT and all of CONSULTANTS employees, subcontractors, consultants and other agency shall procure, provide and maintain at all times during the performance of this Agreement, and for such additional periods as described herein, the insurance listed below with insurers licensed to do business in the State of California and with a Best's rating of no less than A:VII.
- A. Commercial Automobile Liability Insurance. Commercial Automobile Liability Insurance providing bodily injury liability and property damage, to protect against all liability arising out of the use of any owned, leased, passenger or commercial automobile at a minimum amount of \$1,000,000 combined single limit and \$2,000,000 aggregate. Coverage shall apply to hired and non-owned autos.
- B. Commercial General Liability Insurance. Commercial General Liability Insurance, with limits providing a minimum amount of \$1,000,000 combined single limit coverage for each occurrence, \$2,000,000 general aggregate and \$2,000,000 products/completed operations aggregate. The insurance shall cover all operations including but not limited to the following: (1) premises, operations and mobile equipment liability; (2) completed operations and products liability; (3) contractual liability insuring the obligations assumed by CONSULTANT in this Agreement; (4) broad form property damage liability; (5) personal injury

liability endorsement, including death; and (6) automobile bodily injury and property damage insurance, including all owned, hired and non-owned equipment.

- C. Professional Liability Insurance. Professional Liability Insurance protecting against liabilities arising out of or in connection with negligent acts, errors, or omissions of CONSULTANT and all of CONSULTANTS employees, subcontractors, consultants and other agency in connection with this Agreement, at a minimum amount of \$1,000,000 combined single limit coverage and \$1,000,000 aggregate, on a "claims made basis" with a continuation of coverage extension for liabilities for two years from the date the Services are substantially complete. Such professional liability policies shall include coverage for liability assumed by the CONSULTANT under this Agreement.
- D. Workers Compensation Insurance. Workers Compensation insurance, occupational disease insurance and employer's liability insurance shall be required with minimum limits as required by law, covering all workplaces involved in this Agreement.
- E. Policy Terms. Concurrently with execution of this Agreement, CONSULTANT shall provide CITY with Certificates of Insurance evidencing that CONSULTANT has obtained or maintains the insurance required by this Section 5.3. The Certificates shall be on forms acceptable to CITY. CONSULTANT shall also furnish CITY with original endorsements with the following documentation:
- Precluding cancellation or reduction in coverage before the expiration of thirty (30) days after CITY shall have received written notification thereof from CONSULTANT by United States mail;
 - Providing that CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought, and include a "separation of insureds" or "severability" clause which treats each insured separately, except with respect to the limits of the insurer's liability (cross-liability endorsement);
 - Excepting CONSULTANT'S professional liability insurance, naming CITY, its City Council, boards, commissions, committees, officers, employees and agents as additional insureds ("Additional Insureds"); and
 - Providing that for any claims relating to CONSULTANT's services hereunder, CONSULTANT's insurance coverage shall be primary insurance with respect to CITY, its City Council, boards, commissions, committees, officers, employees and agents, and that any insurance or self-insurance maintained by CITY for itself, its City Council, boards, commissions, committees, officers, employees and agents shall be in excess of CONSULTANT's insurance and shall not be contributory with it.
 - It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverages requirements and/or limits shall be available to the Additional Insured, including but not limited to any umbrella or excess insurance. Furthermore, the requirements for coverage and limits shall be the greater of:

(a) the minimum coverage and limits specified in this Agreement; or (b) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured.

- F. **Material Breach.** If CONSULTANT fails to maintain insurance coverage or provided insurance documentation which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. CITY, at its sole option, may terminate this Agreement and obtain damages from CONSULTANT resulting from said breach. Alternatively, CITY may purchase the required insurance coverage, and without further notice to CONSULTANT, may deduct from sums due to CONSULTANT any premium costs advanced by CITY for such insurance. These remedies shall be in addition to any other remedies available to CITY.

ARTICLE 6 - NOTICES

All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered or sent by facsimile or reputable overnight courier and shall be deemed received upon the earlier of: (1) if personally delivered, the date of delivery to the address of the person to receive such notice; (2) if delivered by Federal Express or other overnight courier for next business day delivery, the next business day; (3) if sent by facsimile, with the original sent on the same day by overnight courier, the date on which the facsimile is received, provided it is before 5:00 P.M. Pacific Time; or (4) if sent electronically, the date of delivery on the confirmed read receipt. Notice of change of address shall be given by written notice in the manner described in this Article 6. Rejection or other refusal to accept or the inability to deliver because of a change in address of which no notice was given shall be deemed to constitute receipt of the notice or communication sent. Unless changed in accordance herewith, the addresses for notices given pursuant to this Agreement shall be as follows:

If to CITY: Alan Flora, City Manager
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
Phone: (707) 994-8201
Email: aflora@clearlake.ca.us

If to CONSULTANT: Matt Pressey
222 Tucker Rd.
Royal Oaks, CA 95076
Phone: 831-320-3510
email: mattpressey@governmentfinanceservices.com

ARTICLE 7 - MISCELLANEOUS

- 7.1. **Entire Agreement.** This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered

- hereunder. This Agreement may only be modified by an amendment in writing signed by each party.
- 7.2. **No Assignment.** The Services are deemed unique and neither party shall assign, transfer, subcontract or otherwise substitute its interest in this Agreement or any of its obligations hereunder without the prior written consent of the other party. As limited by this Section 7.2, this Agreement is to be binding on the successors and assigns of the parties hereto.
- 7.3. **Severability.** If any part of this Agreement is determined to be unconstitutional, invalid or beyond the authority of either party, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement can be interpreted to give effect to the intentions of the parties.
- 7.4. **Counterparts.** This Agreement may be signed in counterparts and, when fully signed, such counterparts shall have the same effect as if signed in one document.
- 7.5. **Choice of Law.** This Agreement and all matters relating to it shall be governed by the laws of the State of California without reference to its choice of laws principles and venue shall be in the appropriate court in San Mateo County, California.
- 7.6. **Waiver.** No failure on the part of either Party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder. A waiver by either CITY or CONSULTANT of any breach of this Agreement shall not be binding upon the waiving party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving party's rights with respect to any other further breach.
- 7.7. **Mediation.** In the event the parties are unable to resolve a dispute arising under this Agreement through good faith negotiations, the parties agree to submit the matter to mediation with a mutually agreeable mediator. Prior to the mediation, the parties shall exchange any documents reasonably necessary to resolve the matter to be mediated.
- 7.8. **Attorney's Fees.** If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.
- 7.9. **Interpretation.** In the event this Agreement is ever construed in any dispute between the parties, it and each of its provisions shall be construed without regard to the party or parties responsible for its preparation and shall be deemed to have been prepared jointly by the parties. The rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement.
- 7.10. **Authority.** Each individual executing this Agreement on behalf of one of the parties represents that he or she is duly authorized to sign and deliver the Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms.

7.11. **Third Parties.** Nothing contained in this Agreement shall create a contractual relationship with, or cause of action in favor of, a third party against either the CITY or CONSULTANT. CONSULTANT's Services hereunder are being performed solely for the benefit of CITY.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CITY OF CLEARLAKE

DocuSigned by:
By: Alan Flora
049FC3C52345486...
Alan Flora, City Manager

Date 10/31/2024

Approved As To Form

DocuSigned by:
By: [Signature]
0744F9DB3C864C5...
Dean Pucci, City Attorney

CONSULTANT

Government Finance Services

Signed by:
By: Matt Pressey
3F2DA643E79C4BF...
Matt N. Pressey
Owner of Government Finance Services

Date 10/28/2024

EXHIBIT A**SCOPE OF WORK**

The CONSULTANT will provide various finance services described below:

1. Provide general support to the Finance Department, City departments, and the City Manager.
2. High level proactive oversight of contract services from the Adams Ashby Group, who are providing Grant Administration services. Assist with preparing staff report for entering a new contract or extending the existing contract term that ends December 19, 2024.
3. High level proactive oversight of contract services from Eide Bailly. LLP, who are closing the fiscal year 2024 books and preparing for the audit. Ensure all needed work is being worked on and is completed timely.
4. Provide support to the Senior Account Clerk and Account Clerk staff in the Finance Department. Work with them on evaluating and implementing ways to streamline the work and ensure the workload is appropriately distributed. Provide a mentorship and learning environment for Finance staff development and incentive towards longevity.
5. Review cash management and purchasing card procedures, work with staff to formulate and recommend ways to simplify and streamline work, and proactively ensure any new procedures are implemented and maintained.
6. Review and determine the preliminary unaudited fund balances for the General Fund and each fund as of June 30, 2024, prepare a schedule of first quarter revenue and expenditures as of September 30, 2024, and evaluate if there any issues with fund balances in relation to the FY 2025 adopted budget and report the results to the City Manager.
7. Update the PG&E 2017 Sulphur fire settlement spreadsheet tracking how the settlement funds are being used and review with staff and City Manager.
8. Provide debt management services such as ensuring the Measure V funded debt service is paid timely, other debt service payments and compliance requirements are completed timely.
9. To assess all of the daily, weekly, quarterly and annual accounting and reporting tasks are appropriately assigned and completed timely and kept current. Some examples include:
 - a. Annual Opioid Settlement Expenditure Reporting
 - i. Due September 30, 2024 to the State Department of Health Care Services
 - b. Annual Street Report
 - i. Due by December 1 to the State Controller's Office (SCO) through the online submission program

- c. Annual State Controllers Financial Transactions Report
 - i. Due by January 31 to the SCO through their online process
 - d. Debt covenants and compliance
 - i. Typically have annual disclosures, arbitrage rebate calculations every 5 years, other request from the fiscal agent
10. Other finance projects as requested by the City Manager or his designee.

EXHIBIT B**Compensation**

CITY shall pay CONSULTANT for the Services on a cost reimbursement basis, up to the Cost Ceiling (as defined in Section 2.1 of the Agreement). CONSULTANT agrees to use appropriate methods to contain its fees and costs under this Agreement. Compensation shall include only the following costs, which shall all count toward the Cost Ceiling:

1. Direct Labor

Direct labor costs shall be the total number of hours worked on the job by each of CONSULTANT's personnel times the \$150 agreed on hourly rate.

2. Subconsultant Costs

Subconsultant services shall be billed at cost plus a 10 percent markup. CONSULTANT shall provide a copy of each subconsultant's invoice for which it seeks payment from CITY with any invoice in which such payment is requested.

3. Other Direct Costs

The following categories of costs are eligible for reimbursement, which shall be made at the actual cost to CONSULTANT without any additional mark-up:

a. Reasonable living and traveling expenses of employees when away from home office on business in its prosecution of the Services. CONSULTANT must have prior approval of CITY to be reimbursed for these expenses.

b. Automobile expenses for personal vehicle use, if necessary, at the IRS approved mileage rate.

c. Reproduction of drawings and specifications by CONSULTANT as required under this Agreement, at rates prevailing in this community for bulk reproduction or at other reasonable rates approved by CITY.

d. Special overnight delivery or messenger services.

Payments to CONSULTANT for reimbursable costs/expenses will be made only after the specific costs/expenses have been incurred and CONSULTANT has submitted substantiating documentation, such as copies of paid invoices or other documentation confirming that such costs/expenses have been incurred.

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Award of Contract for the 2025 City Wide Striping Project	MEETING DATE: February 6, 2025
SUBMITTED BY: Trystan Hayes, Construction Project Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a contract for the 2025 City Wide Striping Project and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

BACKGROUND/DISCUSSION:

The City solicited proposals for 2025 City Wide Striping Project. This project was solicited via OpenGov on December 19, 2024. Improvements include thermoplastic and paint striping throughout the City. The City opened bids on January 16, 2025 from the following Contractors.

- 1. Crisp Company \$437,625.50
- 2. Central Striping Service, Inc. \$563,737.50
- 3. Specialized Pavement Marking, LLC \$877,975.00

Crisp Company was the lowest responsible bidder.

OPTIONS:

- 1. Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.
- 2. Other direction

FISCAL IMPACT:

None \$437,625.50 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:

Authorize City Manager to enter into a contract with Chrisp Company for the 2025 City Wide Striping Project in the amount of \$437,625.50 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Award of Contract for the Senior Center Landscape Irrigation Project	MEETING DATE: February 6, 2025
SUBMITTED BY: Trystan Hayes, Construction Project Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a contract for the Senior Center Landscape Irrigation Project and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

BACKGROUND/DISCUSSION:

The City solicited proposals for Senior Center Landscape Irrigation Project. This project was solicited to three local Contractors after going out to bid last year in OpenGov and receiving no responses. Improvements include new landscape and irrigation at the Senior Center. The City would like to award the project to the lowest responsible bidder.

OPTIONS:

1. Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.
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: CDBG 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:

Authorize City Manager to enter into a contract for the Senior Center Landscape Irrigation Project and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Award of contract to Alvarez Performance LLC for Abandoned Vehicle Abatement Program towing, storing, dismantling and disposal services.	MEETING DATE: February 6, 2025
SUBMITTED BY: Lee Lambert, Code Enforcement Supervisor	
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 Manager to execute a contract with Alvarez Performance LLC for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

BACKGROUND/DISCUSSION:

The purpose of this hearing is to authorize the City Manager to execute a contract with Alvarez Performance LLC for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

The City had a contract with All In One Towing for vehicle tows under the Abandoned Vehicle Abatement Program. That contract expired on November 3, 2024.

The City has advertised for bids for towing, storing, dismantling and disposal services solely related to the Abandoned Vehicle Abatement Program. On January 29, 2025 the city opened the bids, at which time staff determined the bid winner.

OPTIONS:

- 1. Move to authorize the City Manager to execute a contract with Alvarez Performance LLC for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

FISCAL IMPACT:

None FY Amount Budgeted by City Council 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: Funding will be allocated yearly, from the general fund into the Code Enforcement Abandoned Vehicle Abatement Program account.

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 Authorize the City Manager to execute a contract with Alvarez Performance LLC for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.


Attachments:



PENDING

ABANDONED VEHICLE ABATEMENT PROGRAM TOWING, STORING, DISMANTLING, AND DISPOSAL SERVICES



 Request For Proposal


 Code Enforcement/Police Department

Project ID: 2022-RFP-053

Release Date: Monday, December 23, 2024

Due Date: Wednesday, January 29, 2025 3:00pm

 Posted  Monday, December 23, 2024 4:51pm

 Bid Unsealed Wednesday, January 29, 2025 3:01pm by Melissa Swanson

 Pricing Unsealed Wednesday, January 29, 2025 3:01pm by Melissa Swanson

All dates & times in Pacific Time


[← Back to Responses](#)

Alvarez Performance LLC Response

Pricing unsealed at Jan 29, 2025 3:01 PM

CONTACT INFORMATION

Company

Alvarez Performance LLC  No Reviews

Email

alvarezperformancelc@gmail.com

Contact

Jonathan Alvarez

Address

4374 Old Hwy 53
Clearlake, CA 95422

Phone

N/A

Website

N/A

Submission Date

Jan 29, 2025 12:33 PM (Pacific Time)

ADDENDA CONFIRMATION

No addenda issued

QUESTIONNAIRE

1. Type your Legal Company Name Here*

Pass Fail

State your Company's Name Here. This will be verified against the California Secretary of State's Website.

Alvarez Performance LLC

[Click to Verify](#). Value will be copied to clipboard

2. Proposal*

Pass Fail

The proposer agrees to perform the services outlined in this document in strict compliance with the attached specifications, contract provisions, and special requirements. This agreement will cover a period of three (3) years commencing on the date specified in the Notice to Proceed. The tasks and corresponding flat fees are as follows:

Task 1: Passenger and Commercial Vehicle Towing Services

This task includes the towing and handling of passenger and commercial vehicles.

- A. Flat Fee – Passenger Vehicle or Pickup
- B. Flat Fee – Commercial Vehicle or Pickup (more than 2 axles)
- C. Flat Fee – Difficult Recovery (per hour, in addition to flat fee)
- D. Flat Fee – Removal of Refuse (exceeding 1 cubic yard) from vehicles (per cubic yard)

Task 2: Specialty Vehicle Towing Services

This task includes towing and handling of vessels, RVs, travel trailers, and 5th Wheel trailers.


- A. Flat Fee – Vessels or Watercrafts (with or without trailer)
- B. Flat Fee – Recreation Vehicle (RV) under 25 feet in length
- C. Flat Fee – Recreation Vehicle (RV) over 25 feet in length
- D. Flat Fee – Travel Trailer or 5th Wheel under 25 feet in length
- E. Flat Fee – Travel Trailer or 5th Wheel over 25 in length
- F. Flat Fee – Difficult Recovery (per hour, in addition to flat fee)
- G. Flat Fee – Removal of Refuse (exceeding 1 cubic yard) from vehicles (per cubic yard)

Task 3: Specialty Vehicle Towing to 16015 Davis Avenue, Clearlake, CA

This task includes towing and handling of RVs, Travel Trailers, or 5th Wheels trailers, as well as associated services.

- A. Flat Fee – Towing of RV, Travel Trailer, or 5th Wheel trailers to 16015 Davis Avenue, Clearlake, CA
- B. Flat Fee – Empty Holding Tanks of RV, Travel Trailer, or 5th Wheel trailers before towing to 16015 Davis Avenue, Clearlake, CA

Bidder should note any limitations on providing tow and / or disposal services (e.g. vehicle weight, length, etc.). This includes all applicable taxes. The undersigned further agrees, for any contract award resulting from this bid, to furnish evidence of insurance as defined in Exhibit A.

 [Proof_of_Coverage.pdf](#)

3. Non-Collusion Declaration*

Pass Fail

The undersigned declares:

I am an authorized representative of my company, the party making the foregoing Bid, to certify the following.

The Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The Bid is genuine and not collusive or sham. The Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid. The Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or to refrain from bidding. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid Price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the Bid Price, or of that of any other Bidder. All statements contained in the Bid are true. The Bidder has not, directly or indirectly, submitted his or her Bid Price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a Bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Confirmed

4. Enter your California Department of Industrial Relations (DIR) Registration number*

Pass Fail

Please enter your Public Works Contractor DIR Number. This will be verified against the state database.

JS-LR-1001225126

[Click to Verify](#) Value will be copied to clipboard

5. Litigation*

Pass Fail

Provide litigation history for any claims filed by your firm or against your firm related to the provision of Services in the last five (5) years (or type "N/A").

N/A

6. Changes to Agreement*

Pass Fail

The City standard professional services agreement contract is included as an attachment herein. The Proposer shall identify any objections to and/or request changes to the standard contract language in this section of the proposal (or type "N/A"). If you are identifying changes here **ALSO** upload a copy of the redlined Language/Agreement with your Proposal. Changes requested may effect the City's decision to enter into an Agreement.

N/A

7. No Deviations from the RFP*

Pass Fail

In submitting a proposal in response to this RFP, Proposer is certifying that it takes no exceptions to this RFP including, but not limited to, the Agreement. If any exceptions are taken, such exceptions must be clearly noted here, and may be reason for rejection of the proposal. As such, Proposer is directed to carefully review the proposed Agreement and, in particular, the insurance and indemnification provisions therein (or type "N/A").

N/A

8. Certification of Proposal: The undersigned hereby submits its proposal and, by doing so, agrees to furnish services in accordance with the Request for Proposal (RFP), and to be bound by the terms and conditions of the RFP.*

Confirmed

Pass Fail

PRICE TABLES

Passenger and Commercial Vehicle Towing Services

This task includes the towing and handling of passenger and commercial vehicles.

Line Item	Description	Unit of Measure	Unit Cost	No Bid
1	Flat Fee – Passenger Vehicle or Pickup	\$	\$100.00	
2	Flat Fee - Commercial Vehicle or Pickup (more than 2 axles)	\$	\$400.00	
3	Flat Fee - Difficult Recovery (per hour, in addition to flat fee)	\$	\$300.00	
4	Flat Fee - Removal of Refuse (exceeding 1 cubic yard) from vehicles (per cubic yard)	\$	\$40.00	

Specialty Vehicle Towing Services

This task includes towing and handling of vessels, RVs, travel trailers, and 5th wheel trailers.

Line Item	Description	Unit of Measure	Unit Cost	No Bid
1	Flat Fee – Vessels or Watercrafts (with or without trailer)	\$	\$400.00	
2	Flat Fee – Recreation Vehicle (RV) under 25 feet in length	\$	\$2,000.00	
3	Flat Fee – Recreation Vehicle (RV) over 25 feet in length	\$	\$3,000.00	
4	Flat Fee – Travel Trailer or 5th Wheel under 25 feet in length	\$	\$2,000.00	
5	Flat Fee – Travel Trailer or 5th Wheel over 25 in length	\$	\$3,000.00	
6	Flat Fee - Difficult Recovery (per hour, in addition to flat fee)	\$	\$350.00	
7	Flat Fee – Removal of Refuse (exceeding 1 cubic yard) from vehicles (per cubic yard)	\$	\$40.00	

Specialty Vehicle Towing to 16105 Davis Avenue, Clearlake

This task includes towing and handling of RVs, Travel Trailers, or 5th wheel trailers, as well as associated services.

Line Item	Description	Unit of Measure	Unit Cost	No Bid
1	Flat Fee – Towing of RV, Travel Trailer, or 5th Wheel trailers to 16015 Davis Avenue, Clearlake, CA	\$	\$500.00	
2	Flat Fee – Empty Holding Tanks of RV, Travel Trailer, or 5th Wheel trailers before towing to 16015 Davis Avenue, Clearlake, CA	\$	\$150.00	

Columns

CITY OF CLEARLAKE

City Council



STAFF REPORT	
<p>SUBJECT: Award of contract to Case Excavating in the amount of \$229,400.00 for demolition of structure(s) and abatement of properties located at 16140 Dam Road, 16272 32nd Avenue, 16116 33rd Avenue, 13790 Sonoma Avenue, 3273 11th Street, 6347 Armijo Avenue, 14045 Hale Street, 14053 Hale Street, 14236 Hale Street, 3014 5th Street, 13535 Santa Clara Avenue, 5740 Hale Avenue, 16026 25th Avenue, 3971 Pine Avenue and 3783 Cedar Avenue Clearlake, CA 95422.</p>	<p>MEETING DATE: February 6, 2025</p>
<p>SUBMITTED BY: Lee Lambert, Code Enforcement Supervisor</p>	
<p>PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item</p>	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Manager to execute a contract with Case Excavating and in the amount of \$229,400.00 for the demolition and abatement of properties located at 16140 Dam Road, 16272 32nd Avenue, 16116 33rd Avenue, 13790 Sonoma Avenue, 3273 11th Street, 6347 Armijo Avenue, 14045 Hale Street, 14053 Hale Street, 14236 Hale Street, 3014 5th Street, 13535 Santa Clara Avenue, 5740 Hale Avenue, 16026 25th Avenue, 3971 Pine Avenue and 3783 Cedar Avenue Clearlake, CA 95422.

BACKGROUND/DISCUSSION:

The purpose of this hearing is to authorize the City Manager to execute a contract with Case Excavating for the demolition and abatement of real properties, as referenced above.

All properties were deemed to be health and safety hazards, as well as public nuisances by a Code Enforcement Officer. A Notice of Violation was issued to each property owner.

Ample and sufficient time was given to each property owner to voluntarily abate the hazards and nuisances.

The property owners failed to abate the hazards and nuisances. An Order to Abate was then issued to the property owner of each property.

The property owners failed to comply with the Order to Abate and a Notice of Intention to Abate was issued.

The properties currently remain in a condition that presents health and safety hazards to their surrounding community, as well as being public nuisances.

The City has advertised for bids for the demolition of structure(s) and abatement of properties. On January 29, 2025 the City opened the bids, at which time staff determined the bid winner.

OPTIONS:

1. Move to authorize the City Manager to execute a contract with Case Excavating and in the amount of \$229,400.00 for the demolition and abatement of real properties as described above.

2. Move to deny the authorization for the City Manager to execute a contract with Case Excavating and in the amount of \$229,400.00 for the demolition and abatement of real properties as described above.

FISCAL IMPACT:

None FY Amount Budgeted by City Council 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: Calrecycle Grant Funded

Comments: This project is funded by the Calrecycle Grant, which was awarded in 2024.

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 authorize the City Manager to execute a contract with Case Excavating and in the amount of \$229,400.00 for the demolition and abatement of real properties as described above.

Attachments:



PENDING

DEMOLITION OF BUILDINGS AND PROPERTY ABATEMENTS

Invitation For Bid

Code Enforcement/Police Department

91240

Project ID: 2022-IFB-054

Release Date: Monday, December 23, 2024

Due Date: Wednesday, January 29, 2025 3:30pm

Posted Monday, December 23, 2024 4:59pm

Bid Unsealed Wednesday, January 29, 2025 3:31pm by Melissa Swanson

Pricing Unsealed Wednesday, January 29, 2025 3:31pm by Melissa Swanson

All dates & times in Pacific Time

[Back to Responses](#)

Case Excavating, Inc. Response

Pricing unsealed at Jan 29, 2025 3:31 PM

CONTACT INFORMATION

Company

Case Excavating, Inc. No Reviews

Email

caseexcavating@yahoo.com

Contact

Brandi Case

Address

PO Box 2588
Clearlake, CA 95422

Phone

N/A

Website

N/A

Submission Date

Jan 29, 2025 11:15 AM (Pacific Time)

ADDENDA CONFIRMATION

No addenda issued

QUESTIONNAIRE

1. Type of Business*

Pass Fail

S Corporation (if corporation, two signatures are required)

2. Type your Legal Company Name Here*

Pass Fail

State your Company's Name Here. This will be verified against the California Secretary of State's Website.

Case Excavating, Inc.

[Click to Verify](#). Value will be copied to clipboard

3. Years of Experience*

Pass Fail

How many years has Bidder's company been in business as a Contractor?

over 20

4. DESIGNATION OF SUBCONTRACTORS*

Pass Fail

Please download the below documents, complete, and upload.

[DESIGNATION OF SUBCONTRACTORS.docx](#)

[DESIGNATION OF SUBCONTRACTORS.docx](#)

5. Enter your valid CA Contractors State License Board (CSLB) number*

Pass Fail

Please enter your License Number here. This will be verified against the state database

895670

[Click to Verify](#). Value will be copied to clipboard

6. BID GUARANTEE (BID BOND)*

Pass Fail

Please download the below documents, complete, and upload.

[BID GUARANTEE FINAL.docx](#)

[Cashier Check.docx](#)

7. Enter Surety Company "Name" who Issued Bid Guarantee *

Pass Fail

This information will be verified against the California Department of Insurance Website.

Cashier Check

[Click to Verify](#). Value will be copied to clipboard

8. NON-COLLUSION DECLARATION*

Pass Fail

The undersigned declares:

I am an authorized representative of my company, the party making the foregoing Bid, to certify the following.

The Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The Bid is genuine and not collusive or sham. The Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid. The Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or to refrain from bidding. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid Price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the Bid Price, or of that of any other Bidder. All statements contained in the Bid are true. The Bidder has not, directly or indirectly, submitted his or her Bid Price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a Bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Confirmed

9. PUBLIC WORKS CONTRACTOR DIR REGISTRATION CERTIFICATION* Pass Fail

Pursuant to Labor Code sections 1725.5 and 1771.1, all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform public work must be registered with the Department of Industrial Relations. See <http://www.dir.ca.gov/Public-Works/PublicWorks.html> for additional information.

No bid will be accepted nor any contract entered into without proof of the contractor's and subcontractors' current registration with the Department of Industrial Relations to perform public work.

Bidder hereby certifies that it is aware of the registration requirements set forth in Labor Code sections 1725.5 and 1771.1 and is currently registered as a contractor with the Department of Industrial Relations.

Unless Bidder is exempt pursuant to the small project exemption, Bidder further acknowledges:

- A. Bidder shall maintain a current DIR registration for the duration of the project.
- B. Bidder shall include the requirements of Labor Code sections 1725.5 and 1771.1 in its contract with subcontractors and ensure that all subcontractors are registered at the time of bid opening and maintain registration status for the duration of the project.
- C. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is non-responsive.

Confirmed

10. Enter your California Department of Industrial Relations (DIR) Registration number* Pass Fail

Please enter your Public Works Contractor DIR Number. This will be verified against the state database.

1000021154

[Click to Verify](#) Value will be copied to clipboard

11. CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION* Pass Fail

I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract.

Confirmed

12. EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION FORM* Pass Fail

Please download the below documents, complete, and upload.

- [EEO.pdf](#)
- [EEO_\(1\).pdf](#)

13. DEBARMENT AND SUSPENSION CERTIFICATION* Pass Fail

Please download the below documents, complete, and upload.

- [Debarment.pdf](#)

[EEO_\(1\).pdf](#)

[Debarment_\(1\).pdf](#)

14. NONLOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS*

Pass Fail

Please download the below documents, complete, and upload.

[Nonlobbying.pdf](#)
 [Nonlobbying_\(1\).pdf](#)

15. SAM.gov*

Pass Fail

Please enter your legal entity name for SAM.gov verification.

Case Excavating, Inc.

[Click to Verify](#). Value will be copied to clipboard

16. BID SCHEDULE*

Pass Fail

IMPORTANT:

THE ELECTRONIC BID SCHEDULE MUST BE COMPLETED BY EACH BIDDER AND PROPERLY SUBMITTED ON THE E-PROCUREMENT PLATFORM.

FAILURE TO COMPLETE THE BID SCHEDULE WILL RESULT IN AN INCOMPLETE AND NON-RESPONSIVE BID.

THE ELECTRONIC BID SCHEDULE WILL BE INCORPORATED INTO THE CONTRACT DOCUMENTS.

The costs for any Work shown or required in the Contract Documents, but not specifically identified as a line item are to be included in the related line items and no additional compensation shall be due to Contractor for the performance of the Work. All blank spaces appearing in the Electronic Bid Schedule must be filled in. Failure to fill in any blank spaces may render the bid non-responsive.

The estimated quantities for Unit Price items are for purposes of comparing Bids only and the City makes no representation that the actual quantities of work performed will not vary from the estimates. Final payment shall be determined by the Engineer from measured quantities of work performed based upon the Unit Price.

If the Contract Documents specify Alternate Bid items, the City can choose to include any, all, or none of the Alternate Bid items in the Work. If the City selects any of the Alternate Bid items, the corresponding Alternate Bid prices shall be added to or deducted from Base Bid Price for the Work. The City can award/select Alternate Bid items at any time(s).

I certify that I have read, understood the above statement.

Confirmed

17. List the Signatory(s) Authorized to Sign and Bind an Agreement.*

Pass Fail

(If two (2) signatures are required, include the following information for both signatories)

- A. Full Name
- B. Title
- C. Physical Business Address
- D. Email Address
- E. Phone Number

Brian Case, President Brandi Case, Secretary

2735 Robin Ln., Clearlake, CA 95422

caseexcavating@yahoo.com

707-994-6815

18. ADDITIONAL BIDDER'S STATEMENTS

Pass Fail

If the bidder feels that there is additional information which has not been included in the questionnaire above, and which would contribute to the qualification review, it may add that information here.

None

19. BID ACKNOWLEDGMENT*

Pass Fail

To the City of Clearlake, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 14050 Olympic Drive Clearlake, CA 95422.

- A. In response to the Contract Documents for project number 2022-IFB-054 and in accordance with the accompanying Instructions to Bidders, the undersigned hereby proposes to the City to furnish all labor, technical and professional services, supervision, materials and equipment, other than materials and equipment specified as furnished by the City, and to perform all operations necessary and required to construct the Project in accordance with the provisions of the Contract Documents and any addenda thereto, and at the prices stated opposite the respective items set forth in the Bid Schedule.
- B. This Bid constitutes a firm offer to the City which cannot be withdrawn for 90 calendar days after the date set for opening of Bids, or until a Contract is executed by the City and a third party, whichever is earlier.
- C. The undersigned certifies that it has examined and is fully familiar with all of the provisions of the Contract Documents and any addenda thereto; that it has carefully checked all of the words and figures shown in its Bid Schedule; that it has carefully reviewed the accuracy of all statements in this Bid and attachments hereto; and that it understands and agrees that the City will not be responsible for any errors or omissions on the part of the undersigned in preparing this Bid.
- D. If awarded a Contract, the undersigned agrees to execute and deliver to the City within ten (10) Days after date of receipt of Notice of Award, a signed Contract and the necessary Performance Bond, Payment Bond, and Certificates of Insurance and Endorsements.
- E. All Bid Forms, which have been completed and executed by undersigned Bidder, are incorporated by this reference and made a part of this Bid.
- F. The undersigned is hereby representing that it is and will be properly licensed both at the time that it submits a Bid as well as at the time the Contract is awarded, if the Contract is awarded to the undersigned.
 - 1. If Individual Contractor. Undersigned certifies that it is now licensed in accordance with the provisions of the Contractor's License Law of the State of California; or
 - 2. If Joint Venture. Undersigned certifies that the individual members of the joint venture are now licensed in accordance with the provisions of the Contractor's License Law of the State of California.

I hereby certify under penalty of perjury under the laws of the State of California that all of the information submitted in connection with this Bid and all of the representations made herein are true and correct.

Confirmed

20. DIR Registration Number*

Pass Fail

Please enter Bidder's DIR Registration number.

1000021154

PRICE TABLES

Demolition of Buildings and Properties By Address

Line Item	Description	Unit of Measure	Unit Cost
1	16140 Dam Road	\$	\$54,500.00
2	16272 32nd Avenue	\$	\$24,500.00
3	2943 5th Street	\$	\$15,500.00
4	16116 33rd Avenue	\$	\$14,500.00
5	13790 Sonoma Avenue	\$	\$14,400.00
6	3273 11th Street	\$	\$11,500.00
7	6347 Armijo Avenue	\$	\$6,400.00

Columns

8	14045 Hale Street	\$	\$27,000.00
9	14053 Hale Street	\$	\$13,500.00
10	14236 Hale Street	\$	\$15,000.00
11	3014 5th Street	\$	\$1,600.00
12	13535 Santa Clara Avenue	\$	\$3,600.00
13	5740 Hale Avenue	\$	\$5,400.00
14	16026 25th Avenue	\$	\$4,500.00
15	3971 Pine Avenue	\$	\$18,100.00
16	3783 Cedar Avenue	\$	\$14,900.00

Demolition of Buildings and Properties By Address

Line Item	Description	Unit of Measure	Unit Cost
1	16140 Dam Road	\$	\$54,500.00
2	16272 32nd Avenue	\$	\$24,500.00
3	2943 5th Street	\$	\$15,500.00
4	16116 33rd Avenue	\$	\$14,500.00
5	13790 Sonoma Avenue	\$	\$14,400.00
6	3273 11th Street	\$	\$11,500.00
7	6347 Armijo Avenue	\$	\$6,400.00
8	14045 Hale Street	\$	\$27,000.00
9	14053 Hale Street	\$	\$13,500.00
10	14236 Hale Street	\$	\$15,000.00
11	3014 5th Street	\$	\$1,600.00
12	13535 Santa Clara Avenue	\$	\$3,600.00
13	5740 Hale Avenue	\$	\$5,400.00
14	16026 25th Avenue	\$	\$4,500.00
15	3971 Pine Avenue	\$	\$18,100.00
16	3783 Cedar Avenue	\$	\$14,900.00

Columns



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**
- 5.12 Removal**

SECTION 6: MEETINGS

- 6.1 Open to Public**
- 6.2 Broadcasting of City Council Meetings**
- 6.3 Teleconferencing**
- 6.4 Regular Meetings**
- 6.5 Cancelling Meetings**
- 6.6 Special Meetings**
- 6.7 Closed Sessions**
- 6.8 Quorum**
- 6.9 Minutes**
- 6.10 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. Failure to attend regular City Council meetings for sixty (60) consecutive days from the last regular meeting can result in your seat becoming vacant and filled accordingly. (Gov’t Code § 36513.)

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, Sexual Harassment Prevention, and Anti-Bullying 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 (as mandated by AB 1234), two hours of sexual harassment prevention training (*as mandated by AB 1825*) and two hours of abusive conduct prevention training (*as mandated by AB 2053*) all relevant to his/her public service every two years.. 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 each of these trainings every two years to satisfy this requirement for all applicable public service positions. The City will use training courses that have been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep 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 Email and Social Media Accounts. 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 § 7920.530 (a)] 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).

In addition to the requirements set out here, Council Members are required to comply with the City’s policy on City-controlled social media accounts.

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.

In addition to the requirements set out here, Council Members are required to comply with the City's policy on City computer and electronic mail usage.

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 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 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 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, unless removed by a majority vote of the appointing body.

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 whether 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.

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. However, the use of teleconferencing requires compliance with specific requirements set out in the Brown Act. In the event a Council Member wishes to use teleconferencing, check with the City Manager and City Attorney well in advance of the meeting.

6.4 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 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.

6.5 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.

6.6 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.

6.7 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.

6.8 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.

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

6.10 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. If the Mayor and the Vice Mayor are both unavailable to run a Council meeting, the Mayor shall, before the meeting, designate another councilmember to run the meeting. If the Mayor is unavailable to make this designation, the Vice Mayor shall do so. If the designation is not made before the meeting, the City Clerk shall, by lot, designate a council member to run a 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. Requests for placement of items on the agenda can be submitted to the City Clerk using the Agenda Request Form available by request. Also, a majority of the Council may direct staff to place an item 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.

8.9 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. Council Members or the City Manager may remove items from the Consent Agenda for separate discussion and action by City Council. Any item removed for separate discussion and action will be taken up following the motion to approve the Consent 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 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 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 motion 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 Member has already addressed their concerns. However, 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. All written materials provided to Council Members during closed session shall be returned to the City Manager at the conclusion of each closed session.

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 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 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 businesslike 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 of Individuals or Groups Engaging in Disruptive Behavior.

City staff shall post these standards at a public location in City Hall and at the dais.

(a) Definition. Disruptive behavior is any action that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Verbal conduct is disruptive when it meets the standards described below.

(b) Disruptive verbal conduct based on identity. Continued use of loud, threatening, profane, or abusive language or verbal conduct that denigrates an individual because of race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category after a verbal warning from the presiding officer impedes the orderly conduct of the meeting. It interferes with the Council’s ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling other members of the public’s participation, interfering with the ability of those present to listen and understand the business and proceedings of the City or Council, and may constitute or contribute to employment or other types of discrimination.

(c) Removal procedure (general). The Mayor or presiding member of the Council has the authority to remove, or designate the sergeant-at-arms to remove, an individual or group for disrupting the Council meeting. Before taking this action, the Mayor/presiding member shall warn the individual or group that their behavior is disruptive and that failure to cease this behavior may result in their removal. If the behavior does not promptly cease, the individual may be removed.

No warning is required to precede removal if an individual engages in behavior that is a true threat of force. A true threat of force has sufficient indicia of intent and seriousness so that a reasonable observer would perceive it to be an actual threat to use force by the person who makes the threat.

(d) Removal procedure (disruptive verbal conduct based on identity). When a person engages in verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category, the Mayor or presiding member of the Council shall take the following actions:

1. The Mayor/presiding member shall stop the speaker and read the relevant portions of the City’s Harassment-Free Workplace Policy. The Mayor/presiding member shall state that the City does not condone comments in violation of the City’s Policy and that the speaker’s harassment is unwanted and unwelcome and impedes the orderly conduct of the meeting by interfering with the Council’s ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling participation from other members of the public, interfering with the ability of those present to listen and understand the business and proceedings of the City, and may constitute or contribute to employment or other forms of discrimination.
2. The Mayor/presiding member shall state that any City employee present may be excused from attendance at the meeting during the speaker’s remarks.
3. The Mayor/presiding member shall hold the speaker’s time and the speaker may resume speaking after the Mayor/presiding member’s statement, unless the speaker’s comments continue to disrupt, disturb, or impede the orderly conduct of the meeting. If the speaker continues to disrupt, disturb, or impede the orderly conduct of the meeting, the Mayor/presiding member may prohibit the speaker from further commenting or may order the speaker to be removed from the meeting.

4. After the end of the speaker’s comments, any Councilmember may make response to such comments, if desired.

(e) Removal procedure (disruptive group). If a meeting is willfully disrupted by a group of people so as to render the orderly conduct of the meeting infeasible, the Mayor/presiding member shall first attempt to maintain order. If unsuccessful, the Mayor/presiding member may call a recess, adjourn the meeting to another date, or order the removal of the people disrupting the meeting. If order is not restored by removing the people disrupting the meeting, the Mayor/presiding member may order the meeting room cleared and continue holding the meeting. Representatives of the media, except those participating in the disturbance, shall be allowed to continue attending the meeting.

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. 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
- Amended: February 16, 2023
- Amended: November 21, 2024



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California’s cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California’s incorporated cities. The League strives to protect the local authority and autonomy of city government and help California’s cities effectively serve their residents. In addition to advocating on cities’ behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

© 2011 League of California Cities. All rights reserved.

ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

TABLE OF CONTENTS

About the Author ii

Introduction 2

Establishing a Quorum..... 2

The Role of the Chair..... 2

The Basic Format for an Agenda Item Discussion 2

Motions in General..... 3

The Three Basic Motions..... 3

Multiple Motions Before the Body..... 4

To Debate or Not to Debate..... 4

Majority and Super-Majority Votes 5

Counting Votes..... 5

The Motion to Reconsider..... 6

Courtesy and Decorum 7

Special Notes About Public Input 7

INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert’s Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert’s Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg’s Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg’s Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg’s Rules* in lieu of *Robert’s Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body’s agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10

© 2011 League of California Cities. All rights reserved.

♻️ Printed on recycled paper.



CITY COUNCIL NORMS AND PROCEDURES

A Deep Dive



WELCOME AND INTRODUCTION

- You've been elected to City Council. Now what?
- City Council Norms and Procedures
- Key to facilitating productive and efficient Council meetings.
- Outlines rules and expectations for all Members



THE FOUNDATION: OUR VALUES



Respect: We value diverse interpersonal styles and viewpoints.



Courtesy: We are committed to respectful disagreement and decorum.



Fairness: Council Members' opinions should be expressed individually and not represented as reflections of other Council Members or the City



UNDERSTANDING COUNCIL RESPONSIBILITIES

The Clearlake City Council operates under the Council/Manager Plan.

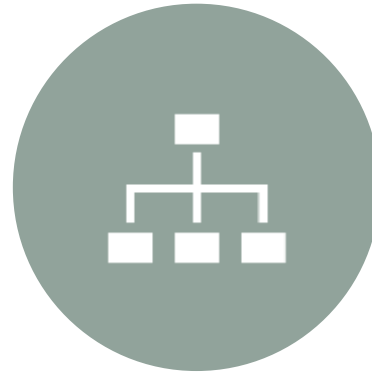
The Council's core duty is to serve the community's best interests.

This includes appointing the City Manager and City Attorney, establishing boards, making legislative decisions, and overseeing the City Manager.

THE CITY MANAGER'S ROLE



THE CITY MANAGER IS THE ADMINISTRATIVE ENGINE OF THE CITY.



RESPONSIBLE FOR BUDGET PREPARATION, PERSONNEL MANAGEMENT, AND IMPLEMENTING COUNCIL POLICIES.



ACCOUNTABLE TO THE ENTIRE COUNCIL, NOT INDIVIDUAL MEMBERS.

ATTENDANCE
AND
PARTICIPATION:
A
CORNERSTONE



- Council members are expected to attend all meetings unless excused.
- Active participation is key to representing community interests and making informed decisions.




COMMUNICATION: CLEAR AND RESPECTFUL




- Correspondence: All official correspondence should reflect the Council's agreed-upon positions.
- CalCities urgent requests for letters of support/opposition can be sent by Mayor/City Manager if CalCities' position corresponds with the Council.
- Routine correspondence (e.g. thank you notes, etc.) can be written without prior consent of the Council.
- Emails: Professional and respectful language is essential at all times.

THE POWER OF REGIONAL BOARDS

Council members on regional boards directly represent Clearlake's interests.



It is crucial to align with the Council's position on relevant issues.



Regular reports to the Council ensure transparency and coordination.

INFORMATION SHARING: THE KEY TO INFORMED DECISIONS

- Transparency extends to information sharing with the Council.
- All members should have equal access to the same information.
- This ensures everyone can make well-informed decisions.



ETHICAL CONDUCT: THE FOUNDATION OF PUBLIC TRUST

Ethics and Anti-Bullying Training: Mandatory training ensures Council members understand and adhere to ethical standards.



Mandated by the Fair Political Practices Commission and the California Secretary of State



This promotes responsible and respectful conduct.

OPEN AND PUBLIC: THE BROWN ACT

- Transparency is vital. The Ralph M. Brown Act mandates open meetings for all Council, commission, and committee proceedings.
- This ensures public access and participation in local government.



THE BROWN ACT



What is the Brown Act?

State law guaranteeing the public's right to attend and participate in meetings of local legislative bodies.

Ensures transparency and accountability in government.



Who is subject to the Brown Act?

Elected and appointed boards, councils, commissions, and committees of local agencies (cities, counties, special districts).

KEY PROVISIONS

- **Open Meetings:**
 - All meetings must be open to the public, except for closed sessions.
 - Proper notice must be given for meetings (time, date, location, agenda).
- **Public Participation:**
 - Opportunity for public comment must be provided on agenda items.
 - Members of the public cannot be excluded from attending, except in limited circumstances.



AGENDAS: THE ROADMAP TO PRODUCTIVITY



Clarity: Agendas should contain brief but informative descriptions of all items to be discussed.



Public Availability: Agendas are made available in advance to allow for public understanding and participation.



Adherence: The Council's actions are limited to items on the agenda, with specific exceptions.

PUBLIC PARTICIPATION: THE CORNERSTONE OF DEMOCRACY

- Public Comment: We welcome and encourage public comment on agenda items.
- Respectful Discourse: Maintaining decorum and mutual respect is crucial for productive discussions.
- The Council fosters an environment of courtesy and respect.
- Disruptive behavior is not tolerated, ensuring meetings remain productive.



CLOSED SESSIONS

- Limited circumstances when meetings can be closed to the public:
 - Personnel matters
 - Litigation
 - Real estate negotiations
 - Labor negotiations

COMMON BROWN ACT VIOLATIONS



Serial meetings (multiple members discussing agency business outside of a meeting)



Improperly noticed meetings



Failing to provide an opportunity for public comment



Discussing items not on the agenda

BEST PRACTICES FOR COMPLIANCE



Post agendas in advance and make them easily accessible



Provide clear instructions for public comment



Train board members and staff on the Brown Act



Consult with legal counsel when in doubt

CONSEQUENCES OF VIOLATIONS



REMOVAL: A LAST RESORT

- Individuals or groups engaging in disruptive behavior may be removed from meetings.
- This ensures the Council can conduct its business efficiently and respectfully.
- For the safety of all participants, firearms, weapons, and explosive devices are prohibited in Council chambers.

ROSENBERG'S RULES OF ORDER: A QUICK OVERVIEW



WHAT IS ROSENBERG'S RULES OF ORDER?



Simplified parliamentary procedure for smaller groups.



Emphasis on clarity, user-friendliness, and order.



Streamlined for the 21st century.

3 BASIC TYPES OF MOTIONS

Basic Motion:
Introduces a
proposal for
consideration.

Example: "I move
that we approve the
budget."

Motion to Amend:
Modifies a basic
motion.

Example: "I move to
amend the motion by
changing the budget
amount to..."

Substitute Motion:
Replaces the original
basic motion with a
new one.

Example: "I move to
substitute the
motion with a
proposal to..."

MOTION TO RECONSIDER

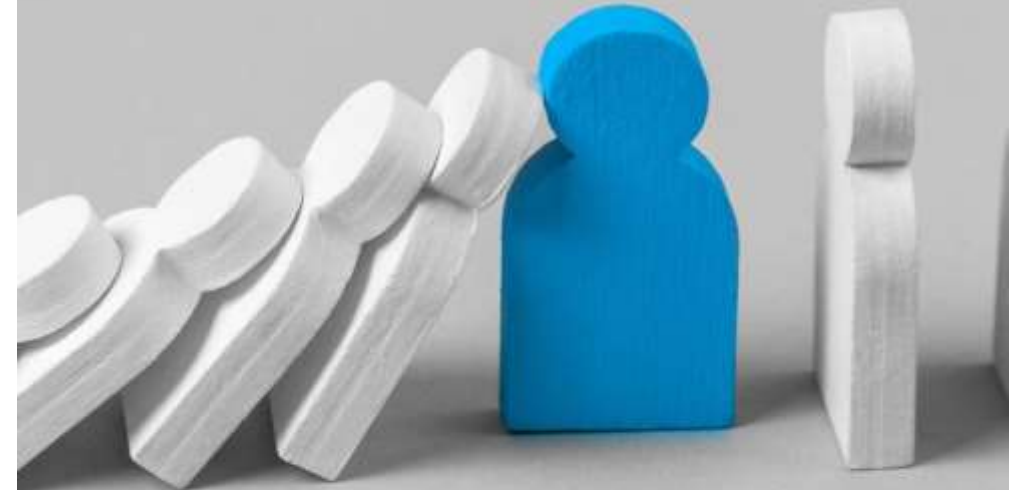
Allows a previous decision to be revisited.

Must be made at the same meeting as the original vote.

Only a member who voted with the majority can make this motion.

VOTING

- Simple Majority: Most motions pass with a simple majority (more than half).
- Super Majority: Some motions require a two-thirds vote.
- Tie Vote: A tie means the motion fails.



COURTESY AND DECORUM

Maintain respectful and polite behavior.

One person speaks at a time.

Address the chair for permission to speak.

Public speakers should address the Council as a whole instead of individual members or staff.

Avoid interrupting others.

QUESTIONS?



