



LINDSAY CITY COUNCIL REGULAR MEETING AGENDA

City Hall, 251 E. Honolulu St., Lindsay, CA 93247

Notice is hereby given that the Lindsay City Council will hold a Regular Meeting on **January 09, 2024**, at **6:00 PM** in person and via webinar. The webinar address for members of the public is <https://zoom.us/j/99279557087>. Those who would like to make a public comment during the public comment portion of the agenda may do so by utilizing the raise hand feature or indicating they would like to make a comment in the chat.

Persons with disabilities who may need assistance should contact the City Clerk prior to the meeting at (559) 562-7102 ext. 8034 or via email at lindsaycityclerk@lindsay.ca.us.

1. CALL TO ORDER

2. PLEDGE

Led by Mayor Pro Tem SERNA.

3. ROLL CALL

4. APPROVAL OF AGENDA

5. PUBLIC COMMENT

The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council. Please note that speakers that wish to comment on a Regular Item or Public Hearing on tonight's agenda will have an opportunity to speak when public comment for that item is requested by the Mayor. Comments shall be limited to three (3) minutes per person, with thirty (30) minutes for the total comment period, unless otherwise indicated by the Mayor. The public may also choose to submit a comment before the meeting via email. Public comments received via email will be distributed to the Council prior to the start of the meeting and incorporated into the official minutes; however, they will not be read aloud. Under state law, matters presented under public comment cannot be acted upon by the Council at this time.

6. COUNCIL REPORT

7. CITY MANAGER REPORT

8. CONSENT CALENDAR

Routine items approved in one motion unless an item is pulled for discussion.

8.1 Minutes from December 12, 2023, Regular Meeting (pp. 4 – 9)

8.2 Warrant List for December 04, 2023, through December 31, 2024 (pp. 10 – 21)

8.3 Treasurer's Report for December 2023 (p. 22)

- 8.4 Consider the Approval of **Resolution No. 24-01**, A Resolution of the City Council of the City of Lindsay Authorizing the Director of City Services & Planning to Engage with the Federal Emergency Management Agency and the California Governor’s Office of Emergency Services Regarding Grants for Which the City has Applied and Any Documents Thereto (pp. 23 – 41)
- 8.5 Consider the Approval of **Resolution No. 24-02**, A Resolution of the City Council of the City of Lindsay Approving a New Salary Schedule in Compliance with California State Mandated Minimum Wage and Minimum Salary Law Effective January 01, 2024 as well as the Lindsay City Employees’ Association Base Wage Increase Effective the First Full Pay Period including January 01, 2024, Approved via Resolution No. 23-33 (pp. 42 – 48)

9. DISCUSSION ITEM(S)

- 9.1 Review & Discussion of City Council Handbook (pp. 49 – 152)

Requested by Mayor Cerros

Presented by Francesca Quintana, City Clerk & Assistant to the City Manager

- 9.2 Formation of Economic Development Ad-Hoc Committee (p. 153)

Requested by Mayor Cerros

Presented by Francesca Quintana, City Clerk & Assistant to the City Manager

- 9.3 Update on Bike Lanes in Lindsay

Requested by Mayor Cerros

Presented by Neyba Amezcua, Director of City Services & Planning

- 9.4 Update on Hermosa Street & Westwood Avenue Roundabout Sign

Requested by Mayor Cerros

Presented by Neyba Amezcua, Director of City Services & Planning

10. ACTION ITEM(S)

- 10.1 Review Existing Appointments and Consider the Approval of Appointment of Council Member Representatives to Boards, Agencies, and Committees (pp. 154 – 156)

Presented by Francesca Quintana, City Clerk & Assistant to the City Manager

11. EXECUTIVE (CLOSED) SESSION

- 11.1 Public Employee Performance Evaluation

Pursuant to Cal Gov. Code §54957

Title: Acting City Manager

11.2 Public Employment

Pursuant to Cal Gov. Code §54957

Title: Interim City Manager

12. REQUEST FOR FUTURE ITEMS

Council requests for future agenda items, can be called for by any Councilmember during the ‘Request for Future Items’ section of a regular meeting. Immediately following the request of an item, a vote will be taken on the item. If a majority of the City Council supports further study of the item, then a full staff analysis will be prepared within a reasonable time as determined by the City Manager unless otherwise directed by a majority of the City Council. Discussion shall be limited to whether an item should be added to an agenda, not the merit of the item.

13. ADJOURNMENT

Lindsay City Council meetings are held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00 P.M. on the second and fourth Tuesday of every month unless otherwise noticed. Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection in the office of the City Clerk during normal business hours. Complete agenda is available at www.lindsay.ca.us. In compliance with the Americans with Disabilities Act & Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the office of the City Clerk at (559) 562-7102 x 8034. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.

*The next Regular Meeting of the Lindsay City Council is scheduled to be held on **January 23, 2024.***



**LINDSAY CITY COUNCIL
REGULAR MEETING AGENDA
MINUTES**

City Hall, 251 E. Honolulu St., Lindsay, CA 93247

Notice is hereby given that the Lindsay City Council will hold a Regular Meeting on **December 12, 2023**, at **6:00 PM** in person and via webinar. The webinar address for members of the public is <https://zoom.us/j/99279557087>. Those who would like to make a public comment during the public comment portion of the agenda may do so by utilizing the raise hand feature or indicating they would like to make a comment in the chat.

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- 1. CALL TO ORDER**
- 2. PLEDGE**

Led by Mayor CERROS.

- 3. ROLL CALL**

Present	Mayor Cerros Mayor Pro Tem Flores Council Member Sanchez Council Member Serna Council Member Caudillo
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- 4. CITY COUNCIL REORGANIZATION**

4.1 Selection of Mayor Pro Tem for a One-Year Term Commencing on December 12, 2023 (p. 5)

Presented by Francesca Quintana, City Clerk & Assistant to the City Manager

- Nomination made for Council Member SERNA.
- Nomination accepted by Council Member SERNA.
- No further nominations were made.

Motion to Appoint Council Member SERNA as Mayor Pro Tem							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CAUDILLO	SERNA	(5-0)	AYE	AYE	AYE	AYE	AYE

5. APPROVAL OF AGENDA

Motion to Approve Agenda							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CAUDILLO	SERNA	(5-0)	AYE	AYE	AYE	AYE	AYE

6. PUBLIC COMMENT

The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council. Please note that speakers that wish to comment on a Regular Item or Public Hearing on tonight’s agenda will have an opportunity to speak when public comment for that item is requested by the Mayor. Comments shall be limited to three (3) minutes per person, with thirty (30) minutes for the total comment period, unless otherwise indicated by the Mayor. The public may also choose to submit a comment before the meeting via email. Public comments received via email will be distributed to the Council prior to the start of the meeting and incorporated into the official minutes; however, they will not be read aloud. Under state law, matters presented under public comment cannot be acted upon by the Council at this time.

- Valeriano Saucedo asked if the public would be provided the opportunity to provide a public comment on Ordinance No. 614. CITY CLERK confirmed that yes, the public would have the opportunity during the public hearing portion of tonight’s agenda.

7. COUNCIL REPORT

- Council Member SANCHEZ stated that it is good to see everyone, thanked everyone for their attendance, enjoyed the holiday lighting ceremony, enjoyed santa night, and had no further report.
- Council Member CAUDILLO attended the Mid Valley Luncheon, learned a lot at said luncheon, and very much enjoyed the event.
- Council Member FLORES attended the Christmas parade, thanked all donors and those who were involved in the event.
- Mayor Pro Tem SERNA wished everyone a happy holiday, attended the Christmas parade and was impressed with the entries, attended womens hospital guild event, attended the Mid Valley luncheon, will be attending the high schools posada.
- Mayor CERROS, thanked Virginia Loya and all her partners for the successful Christmas parade, attended the Rotary pancake breakfast, congratulated Lindsay High School sports teams for making it to Nationals.

8. CITY MANAGER REPORT

- CITY MANAGER reported that there are three (3) busy weeks of holiday events as well as a number of partnerships underway and it will only keep going.
- CITY MANAGER reported that the holiday lighting ceremony was a big success and thanked all partners.
- CITY MANAGER informed that the Wellness Center will be on 12/13/23.

- CITY MANAGER informed that the city is currently in the process of updating its recreation management software.
- CITY MANAGER reported that the Pool Manager will begin on 12/26/23.
- CITY MANAGER informed that the new Deputy Director of City Services now began and her name is Edelma Gonzalez.

9. PRESENTATION ITEM(S)

9.1 Lindsay High School Associated Student Body (ASB) Representative Update
Presented by Daisy Andrade-Lemus, Lindsay High School ASB Representative

10. RECOGNITION ITEMS

10.1 Proclamation in Honor of Santa Night (p. 6)
Presented by Mayor Cerros
Presented to Lindsay Police Officer’s Association (LPOA)

10.2 Badge Pinning of Corporal Adam Romero
Presented by Chief Rick Carrillo, Director of Public Safety

10.3 Medal of Valor Presentation for Public Safety Officer Bruce Fox
Presented by Chief Rick Carrillo, Director of Public Safety

11. CONSENT CALENDAR

Routine items approved in one motion unless an item is pulled for discussion.

- 11.1 Minutes from November 14, 2023, Regular Meeting (pp. 7 – 11)
- 11.2 Warrant List for November 06, 2023 through December 03, 2023(pp. 12 – 26)
- 11.3 Treasurer’s Report for November 2023 (p. 27)
- 11.4 Consider the Minute Order Approval of the City Council Regular Meeting Schedule for January – December 2024 (pp. 28 – 29)
- 11.5 Consider the Minute Order Approval of New City of Lindsay Alternate Representative to the Tulare County Economic Development Corporation Board of Directors (p. 30)
- 11.6 Consider the Approval of **Resolution No. 23-47**, A Resolution of the City Council of the City of Lindsay Nominating City of Visalia Council Member Elizabeth Wynn to the Special City Selection Committee for Appointment to the District Governing Board (pp. 31 – 39)
- 11.7 Consider the Minute Order Approval of Amendments to the City of Lindsay Finance and Accounting Policies and Procedures (pp. 40 – 237)

Motion to Approve Consent Calendar							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ

CERROS	FLORES	(5-0)	AYE	AYE	AYE	AYE	AYE
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12. DISCUSSION ITEM(S)

12.1 Discussion Regarding Awarding the Construction Contract for the Olive Bowl/Kaku Park Expansion Revision No. 1 Project and Financial Update (pp. 238 – 242)

Presented by Neyba Amezcua, Director of City Services & Planning and Salvador Guzman, Director of Finance

- Public comment from Lupe Seguera. Seguera proposed surveillance be installed around the area of the homes. Recommends brick wall around mobile homes.

13. ACTION ITEM(S)

13.1 Consider Approval of **Resolution No. 23-48**, A Resolution of the City Council of the City of Lindsay Declaring the City Manager to Take Actions Necessary to Finance a Portion of the Costs of Improvements to Olive Bowl/Kaku Park (pp. 243 – 247)

Presented by Salvador Guzman, Director of Finance

- No action taken on this item.

13.2 Consider the Approval of **Resolution No. 23-49**, A Resolution of the City Council of the City of Lindsay Adopting a Debt Management Policy (pp. 248 – 256)

Presented by Salvador Guzman, Director of Finance

- No action taken on this item.

13.3 Consider Extension of Professional Services Agreement to Provide Professional Consulting & Related Services by and Between Retail Strategies LLC and the City of Lindsay (pp. 257 – 272)

Presented by Francesca Quintana, City Clerk & Assistant to the City Manager

- Public comment from Mercy Herrera. Herrera stated that she hasn't seen real change in the City based on this contract in in 2 years in the contract.
- No action taken on this item.

13.4 Consider Council Member City Water Ad-Hoc Committee Representative Re-Appointment (pp. 273 – 276)

Item Requested by Mayor Cerros

Presented by Francesca Quintana, City Clerk & Assistant to the City Manager

Motion to Approve Appointment of Mayor CERROS In Place of Council Member FLORES to the City Water Ad Hoc Committee							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ

SERNA	CAUDILLO	(5-0)	AYE	AYE	AYE	AYE	AYE
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14. PUBLIC HEARING(S)

14.1 First Reading of **Ordinance No. 614**, An Ordinance of the City Council of the City of Lindsay Adopting a Cannabis Combined Zoning District, Allowing Cannabis Retail Within the Newly Created Boundaries in the Downtown Area, Amending the Lindsay Zoning Map as Adopted by Ordinance No. 437, Amending Section 18.02.010, Enacting Section 18.12.030, and Amending Section 5.28.040 of the Lindsay Municipal Code, Pertaining to Cannabis Retail Dispensaries, Finding that Said Ordinance is Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15060(c)(2), 15061(b)(3), and 15378(b)(2), and Authorization to Waive Full Reading of Said Ordinance and Authorize Reading by Title Only (pp. 277 – 286)

Presented by Araceli Mejia, Assistant City Planner

- Mayor opened public hearing at 7:43 PM.
- Public comment from Valeriano Saucedo. Saucedo stated his opposition to the Ordinance and expansion of cannabis operations in the City.
- Public comment from individual by the name of Jessica. Stated her opposition to the Ordinance, and cannabis operations.
- Public comment from Anahi Lopez. Requested and additional public hearing be held on the Ordinance and a Spanish translator.
- Public comment from Roxanne Serna. Stated that she understands the City’s needs for revenue but feels as though it will encourage youth to smoke marijuana. Informed regarding a Cigar shop she believes is not in compliance with current regulations.
- Public comment from Yolanda Alvarez. Alvarez stated for her opposition to Ordinance No. 614.
- Public comment from individual named Maria. Stated her opposition to Ordinance No. 614, feels as though it would make Lindsay less beautiful.
- Public comment from Lupe Siguero. Stated her opposition for Ordinance No. 614, doesn’t want it to have a second reading.
- Public comment from Mercy Herrera. States her opposition for Ordinance No. 614, does not want the cannabis zone to be extended.
- Public comment from Maria Escalera. Stated opposition for Ordinance No. 614, worries about marijuana being so accessible.

- Public comment from Maria Montana. Stated opposition for Ordinance No. 614. Stated her worries about secondhand smoke.
- Mayor closed the public hearing at 8:08 PM.
- No action was taken on this item.

15. EXECUTIVE (CLOSED) SESSION

15.1 Public Employee Appointment

Pursuant to Cal Gov. Code §54957

Title: Acting City Manager

15.2 Public Employee Performance Evaluation

Pursuant to Cal Gov. Code §54957

Title: City Attorney

- No report out of closed session.

16. REQUEST FOR FUTURE ITEMS

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- No requests for future items.

17. ADJOURNMENT

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- Meeting was adjourned at 8:49 PM.

Check#	Fund	Date	Vendor #	Vendor Name	Description	Amount
24991						\$1,029.94
	101 - GENERAL FUND	12/11/23	2873	ADVANTAGE ANSWERING	12/1/23-12/31/23	205.99
	101 - GENERAL FUND	12/11/23	2873	ADVANTAGE ANSWERING	12/1/23-12/31/23	205.99
	552 - WATER	12/11/23	2873	ADVANTAGE ANSWERING	12/1/23-12/31/23	205.99
	553 - SEWER	12/11/23	2873	ADVANTAGE ANSWERING	12/1/23-12/31/23	205.99
	554 - REFUSE	12/11/23	2873	ADVANTAGE ANSWERING	12/1/23-12/31/23	205.98
24992						\$2,024.14
	101 - GENERAL FUND	12/11/23	6907	ALL VALLEY UNIFORMS	3 NAME PLATES	52.41
	101 - GENERAL FUND	12/11/23	6907	ALL VALLEY UNIFORMS	AJEJANDRO C-UNIFORM	494.85
	101 - GENERAL FUND	12/11/23	6907	ALL VALLEY UNIFORMS	DINO R-UNIFORM	494.85
	101 - GENERAL FUND	12/11/23	6907	ALL VALLEY UNIFORMS	GUADALUPE C-UNIFORM	494.85
	101 - GENERAL FUND	12/11/23	6907	ALL VALLEY UNIFORMS	MARIA S-PANTS,NAME	268.73
	101 - GENERAL FUND	12/11/23	6907	ALL VALLEY UNIFORMS	PS POLOS	218.45
24993						\$15.00
	101 - GENERAL FUND	12/11/23	6362	AMERICAN BUSINESS M	HR-#18214 TONER	7.50
	101 - GENERAL FUND	12/11/23	6362	AMERICAN BUSINESS M	CC-#18214 TONER	7.50
24994						\$956.24
	101 - GENERAL FUND	12/11/23	6600	AMERICAN HERITAGE L	DEC. ACCIDENT PLAN	956.24
24995						\$175.00
	400 - WELLNESS CENTER	12/11/23	6950	ANA CARRETERO	NOV. ZUMBA CLASSES	175.00
24996						\$100.00
	400 - WELLNESS CENTER	12/11/23	6097	ANGELICA BERMUDEZ	NOV. ZUMBA CLASSES	100.00
24997						\$150.00
	400 - WELLNESS CENTER	12/11/23	5819	ANITA GUTIERREZ	NOV. ZUMBA CLASSES	150.00
24998						\$2,149.94
	553 - SEWER	12/11/23	5493	AQUA NATURAL SOLUTI	SEWER ODOR CONTROL	2,149.94
24999						\$55.08
	101 - GENERAL FUND	12/11/23	5457	AUTO ZONE COMMERCIA	LIGHT BULB	17.72
	101 - GENERAL FUND	12/11/23	5457	AUTO ZONE COMMERCIA	OIL MIX,CAR WASH SU	37.36
25000						\$2,250.00
	101 - GENERAL FUND	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.42
	101 - GENERAL FUND	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.43
	101 - GENERAL FUND	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.43
	101 - GENERAL FUND	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.43
	552 - WATER	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.43
	553 - SEWER	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.43
	554 - REFUSE	12/11/23	6689	BUILDING MAINTENANCE	NOV 2023 CLEANING SERVICE	321.43
25001						\$87.00
	400 - WELLNESS CENTER	12/11/23	5013	BUZZ KILL PEST CONT	W.C.-PEST CONTROL	87.00
25002						\$1,475.65
	101 - GENERAL FUND	12/11/23	076	CENTRAL VALLEY BUSI	JOSEPH TANNER-BUSINESS CARDS	186.81
	101 - GENERAL FUND	12/11/23	076	CENTRAL VALLEY BUSI	MISC. RECEIPT BOOKS	322.21
	101 - GENERAL FUND	12/11/23	076	CENTRAL VALLEY BUSI	MISC. RECEIPT BOOKS	322.21
	101 - GENERAL FUND	12/11/23	076	CENTRAL VALLEY BUSI	MISC. RECEIPT BOOKS	322.21
	400 - WELLNESS CENTER	12/11/23	076	CENTRAL VALLEY BUSI	MISC. RECEIPT BOOKS	322.21
25003						\$221.00
	101 - GENERAL FUND	12/11/23	3425	CITY OF FRESNO	CADET#158-64 J. CER	221.00
25004						\$975.00
	400 - WELLNESS CENTER	12/11/23	6090	CLEAN CUT LANDSCAPE	WC-NOV 2023 LANDSCAPE	975.00
25005						\$2,332.32
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1342693IDLER PU	384.67
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1366706 BATTERY	240.36
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1366732WINDOW R	415.69
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1400762 IDLER P	101.07
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1400762COOLANT&	68.14
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1405530TIRE&MOU	284.31
	101 - GENERAL FUND	12/11/23	6672	COLBY'S TIRE,TOWING	LIC#1405531TIRE&MOU	838.08
25006						\$1,685.70
	101 - GENERAL FUND	12/11/23	4567	COUNTY OF TULARE IT	INSTALL RADIO&LIGHT	1,685.70
25007						\$253.25
	101 - GENERAL FUND	12/11/23	102	CULLIGAN	CM-#53249 NOV.	10.50
	101 - GENERAL FUND	12/11/23	102	CULLIGAN	FD-#53249 NOV.	45.00
	101 - GENERAL FUND	12/11/23	102	CULLIGAN	PS#55962 185 N GALE	156.00
	101 - GENERAL FUND	12/11/23	102	CULLIGAN	HR-#53249 NOV.	10.50
	400 - WELLNESS CENTER	12/11/23	102	CULLIGAN	WC-#178442 NOVEMBER	31.25
25008						\$850.00
	552 - WATER	12/11/23	6118	CVIN LLC D.B.A. VAS	12/1/23-12/31/23	283.34
	553 - SEWER	12/11/23	6118	CVIN LLC D.B.A. VAS	12/1/23-12/31/23	283.33
	554 - REFUSE	12/11/23	6118	CVIN LLC D.B.A. VAS	12/1/23-12/31/23	283.33

25009						\$800.00
	600 - CAPITAL IMPROVEMENT	12/11/23	7187	DC INSPECTIONS INC	LINDA VISTA-COMPACT	800.00
25010						\$696.59
	261 - GAS TAX FUND	12/11/23	113	DEPT OF TRANSPORTAT	JULY-SEP SIGNAL&LIGTING	696.59
25011						\$325.00
	400 - WELLNESS CENTER	12/11/23	6973	ELIZABETH GUND	NOV-YOGA,RESET&REWI	325.00
25012						\$229.61
	101 - GENERAL FUND	12/11/23	633	ENTENMANN-ROVIN CO	MEDAL OF VALOR,RIBB	229.61
25013						\$64.37
	101 - GENERAL FUND	12/11/23	1450	FRESNO OXYGEN & WEL	D,E,SML,MED CYLINDE	64.37
25014						\$111.64
	553 - SEWER	12/11/23	6010	FRONTIER COMMUNICAT	559-562-6317	111.64
25015						\$1,119.02
	101 - GENERAL FUND	12/11/23	148	GOMEZ AUTO & SMOG	LIC#1342693WINDOW M	342.68
	101 - GENERAL FUND	12/11/23	148	GOMEZ AUTO & SMOG	LIC#1366864 OIL CHA	76.99
	101 - GENERAL FUND	12/11/23	148	GOMEZ AUTO & SMOG	LIC#1400762 AC BLOW	320.68
	101 - GENERAL FUND	12/11/23	148	GOMEZ AUTO & SMOG	LIC#1606856 BATTERY	291.68
	101 - GENERAL FUND	12/11/23	148	GOMEZ AUTO & SMOG	LIC#1640485 OIL CHA	86.99
25016						\$606.88
	101 - GENERAL FUND	12/11/23	151	GRAINGER INC	WEIGHTS TAILGATER	44.77
	552 - WATER	12/11/23	151	GRAINGER INC	PIPE SHUT OFF TOOL	562.11
25017						\$8,246.40
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.002-CITY SERVICE	1,743.75
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.003-CITY COUNCIL	1,813.75
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.004-FD	618.75
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.005-POLICE DEPT.	1,081.40
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.006-CITY CLERK	1,181.25
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.007-CITY MANANGER	570.00
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.009-LABO RELATIONS	952.50
	101 - GENERAL FUND	12/11/23	5647	GRISWOLD,LASALLE,CO	#22752.012-PLANNING	285.00
25018						\$1,885.21
	552 - WATER	12/11/23	7186	JAGJIT DHILLON	METER FEE	(102.55)
	552 - WATER	12/11/23	7186	JAGJIT DHILLON	WATER CHARGES	(12.24)
	552 - WATER	12/11/23	7186	JAGJIT DHILLON	WATER METER DEPOSIT	2,000.00
25019						\$24,862.35
	101 - GENERAL FUND	12/11/23	6563	KAYLOR LANDSCAPE	XMAS DECOR & LIGHTS	24,862.35
25020						\$884.77
	101 - GENERAL FUND	12/11/23	4067	LINCOLN NAT'L INSUR	DEC. 2023 LIFE PLAN	884.77
25021						\$80.00
	101 - GENERAL FUND	12/11/23	5424	LINDSAY VETERINARY	11/30/23 ANIMAL SVC	80.00
25022						\$1,800.00
	400 - WELLNESS CENTER	12/11/23	6260	LLEON SERVICES	WC-CHEMICAL BALANCING	1,800.00
25023						\$200.00
	400 - WELLNESS CENTER	12/11/23	6599	MARIA EDWARDS	NOV. ZUMBA CLASSES	200.00
25024						\$1,606.39
	101 - GENERAL FUND	12/11/23	6550	MARIO SAGREDO ELECT	CITY PARK LIGHTS	1,317.97
	553 - SEWER	12/11/23	6550	MARIO SAGREDO ELECT	EL RANCHO LIFT STATION	288.42
25025						\$945.56
	101 - GENERAL FUND	12/11/23	7174	MARISCOS EL CHAPARR	ANNUAL HOLIDAY DINNER	945.56
25026						\$50.00
	400 - WELLNESS CENTER	12/11/23	6807	MARISOL DIAZ VELASQ	NOV. ZUMBA CLASSES	50.00
25027						\$4,468.86
	600 - CAPITAL IMPROVEMENT	12/11/23	6639	MOORE IACOFANO GOLT	OLIVE BOWL AAS#1	4,468.86
25028						\$523.75
	101 - GENERAL FUND	12/11/23	5625	NGLIC-SUPERIOR VISI	DEC. 2023 VISION PLAN	523.75
25029						\$13.95
	101 - GENERAL FUND	12/11/23	1565	OACYS.COM INC	DOMAIN PARKING & DN	13.95
25030						\$297.00
	101 - GENERAL FUND	12/11/23	3260	PACIFIC EMPLOYERS	QTRLY MEMBERSHIP DUES	297.00
25031						\$2,400.62
	552 - WATER	12/11/23	6498	PACWEST DIRECT	11/8/23DELINQUENT BILL PRINT	274.44
	552 - WATER	12/11/23	6498	PACWEST DIRECT	11/8/23UB LASER PRINT	925.87
	553 - SEWER	12/11/23	6498	PACWEST DIRECT	11/8/23DELINQUENT BILL PRINT	274.44
	553 - SEWER	12/11/23	6498	PACWEST DIRECT	11/8/23UB LASER PRINT	925.87
25032						\$3,932.50
	600 - CAPITAL IMPROVEMENT	12/11/23	4618	PROVOST & PRITCHARD	TULARE&FOOTHILL INT	2,354.20
	600 - CAPITAL IMPROVEMENT	12/11/23	4618	PROVOST & PRITCHARD	VARIOUS RD IMPROVEM	1,578.30
25033						\$277.49
	101 - GENERAL FUND	12/11/23	285	QUILL CORPORATION	LIPTON TEA	10.82
	101 - GENERAL FUND	12/11/23	285	QUILL CORPORATION	PENS,GREEN TEA,MARK	104.55
	400 - WELLNESS CENTER	12/11/23	285	QUILL CORPORATION	TRASH BAGS,COFFEE	162.12
25034						\$5,000.00
	552 - WATER	12/11/23	6095	RALPH GUTIERREZ WAT	NOV. CPO WATER TREATMENT	2,500.00
	553 - SEWER	12/11/23	6095	RALPH GUTIERREZ WAT	NOV. CPO SEWER TREATMENT	2,500.00

25035						\$165.00
	400 - WELLNESS CENTER	12/11/23	3622	RLH FIRE PROTECTION	WC-FIRE SPR INSPECT	165.00
25036						\$6,236.16
	101 - GENERAL FUND	12/11/23	7184	ROOX AGENCY	BOOKLET PRINTING	6,236.16
25037						\$30.00
	400 - WELLNESS CENTER	12/11/23	6664	ROTARY CLUB OF LIND	RED POLO	30.00
25038						\$88.00
	101 - GENERAL FUND	12/11/23	3719	SANTA ROSA JUNIOR C	SID#878238392 B. FO	88.00
25039						\$59.81
	101 - GENERAL FUND	12/11/23	298	SAVE MART SUPERMARK	SNACKS FOR OPEN ENROLLMENT	24.48
	101 - GENERAL FUND	12/11/23	298	SAVE MART SUPERMARK	DRINKS FOR CONFERENCE	35.33
25040						\$240.00
	101 - GENERAL FUND	12/11/23	302	SEQUOIA TOWING	LIC#1405530 TOW SVC	120.00
	101 - GENERAL FUND	12/11/23	302	SEQUOIA TOWING	LIC#1405531 TOW SVC	120.00
25041						\$200.00
	400 - WELLNESS CENTER	12/11/23	3208	SHANNON PATTERSON	NOV. STRENGTH&BALAN	200.00
25042						\$164.77
	101 - GENERAL FUND	12/11/23	1776	SMART & FINAL	RIB COOKOFF	164.77
25043						\$37,408.23
	101 - GENERAL FUND	12/11/23	310	SOUTHERN CA. EDISON	600001505934	286.63
	101 - GENERAL FUND	12/11/23	310	SOUTHERN CA. EDISON	600001505934	1,400.99
	101 - GENERAL FUND	12/11/23	310	SOUTHERN CA. EDISON	600001505934	1,238.55
	101 - GENERAL FUND	12/11/23	310	SOUTHERN CA. EDISON	600001505934	(99.94)
	101 - GENERAL FUND	12/11/23	310	SOUTHERN CA. EDISON	600001505934	980.91
	261 - GAS TAX FUND	12/11/23	310	SOUTHERN CA. EDISON	113 W HICKORY	40.93
	261 - GAS TAX FUND	12/11/23	310	SOUTHERN CA. EDISON	1250 PARKSIDE AVE I	0.51
	261 - GAS TAX FUND	12/11/23	310	SOUTHERN CA. EDISON	600001505934	6,114.39
	552 - WATER	12/11/23	310	SOUTHERN CA. EDISON	600001505934	20,192.63
	553 - SEWER	12/11/23	310	SOUTHERN CA. EDISON	600001505934	(76.35)
	553 - SEWER	12/11/23	310	SOUTHERN CA. EDISON	WWTP-23611 RD 196	6,292.79
	556 - VITA-PAKT	12/11/23	310	SOUTHERN CA. EDISON	600001505934	52.55
	883 - SIERRA VIEW ASSESSMENT	12/11/23	310	SOUTHERN CA. EDISON	600001505934	143.38
	884 - HERITAGE ASSESSMENT DIST	12/11/23	310	SOUTHERN CA. EDISON	600001505934	24.09
	886 - SAMOA	12/11/23	310	SOUTHERN CA. EDISON	600001505934	(34.01)
	887 - SWEETBRIER TOWNHOUSES	12/11/23	310	SOUTHERN CA. EDISON	600001505934	27.14
	888 - PARKSIDE	12/11/23	310	SOUTHERN CA. EDISON	600001505934	23.81
	889 - SIERRA VISTA ASSESSMENT	12/11/23	310	SOUTHERN CA. EDISON	600001505934	204.24
	890 - MAPLE VALLEY ASSESSMENT	12/11/23	310	SOUTHERN CA. EDISON	600001505934	102.23
	891 - PELOUS RANCH	12/11/23	310	SOUTHERN CA. EDISON	600001505934	492.76
25044						\$910.62
	779 - 00-HOME-0487	12/11/23	3634	STATE FARM	S.PEREZ 417 MEMORY-INSURANCE	910.62
25045						\$5,195.00
	400 - WELLNESS CENTER	12/11/23	7185	T.E.Z PLUMBING	WC-INTALL WATER SOF	5,195.00
25046						\$533.10
	101 - GENERAL FUND	12/11/23	144	THE GAS COMPANY	139 N SWEETBRIAR BB	19.20
	400 - WELLNESS CENTER	12/11/23	144	THE GAS COMPANY	740 SEQUOIA-BLDG	513.90
25047						\$367.35
	400 - WELLNESS CENTER	12/11/23	3396	TK ELEVATOR CORPORA	WC-FULL MAINTENANCE	367.35
25048						\$285.00
	101 - GENERAL FUND	12/11/23	6123	TOW PRO	F633B1-EVIDENCE TOW	285.00
25049						\$591.46
	101 - GENERAL FUND	12/11/23	1513	UNITED RENTALS, INC	LIME MESH VEST	58.30
	101 - GENERAL FUND	12/11/23	1513	UNITED RENTALS, INC	DIAMOND BIT CORE 6"	299.97
	101 - GENERAL FUND	12/11/23	1513	UNITED RENTALS, INC	LIME MESH VEST	58.30
	552 - WATER	12/11/23	1513	UNITED RENTALS, INC	LIME MESH VEST	58.30
	553 - SEWER	12/11/23	1513	UNITED RENTALS, INC	LIME MESH VEST	58.30
	554 - REFUSE	12/11/23	1513	UNITED RENTALS, INC	LIME MESH VEST	58.29
25050						\$2,142.72
	101 - GENERAL FUND	12/11/23	5747	USA STAFFING INC.	11/26/23 FD-MARIA M	133.92
	101 - GENERAL FUND	12/11/23	5747	USA STAFFING INC.	11/19/23 PS-DANA G.	892.80
	101 - GENERAL FUND	12/11/23	5747	USA STAFFING INC.	11/26/23 PS-DANA G.	714.24
	552 - WATER	12/11/23	5747	USA STAFFING INC.	11/26/23 FD-MARIA M	133.92
	553 - SEWER	12/11/23	5747	USA STAFFING INC.	11/26/23 FD-MARIA M	133.92
	554 - REFUSE	12/11/23	5747	USA STAFFING INC.	11/26/23 FD-MARIA M	133.92
25051						\$1,864.08
	101 - GENERAL FUND	12/11/23	368	VOLLMER EXCAVATION,	TRUCK LOAD OF SAND	1,864.08
25052						\$75.00
	400 - WELLNESS CENTER	12/11/23	5912	YVETTE DURAN	NOV. POUND CLASSES	75.00
25053						\$12,350.00
	306 - COVID-19 ARPA FUND	12/11/23	6805	RESOURCE ENVIRONMEN	HONOLULU-DEMOLITION	12,350.00
25054						\$387.85
	101 - GENERAL FUND	12/15/23	4660	CITY OF LINDSAY	DED:052 WELLNESS	37.85
	101 - GENERAL FUND	12/15/23	4660	CITY OF LINDSAY	DED:CDBG CDBG PMT	350.00

25055						\$485.72
	101 - GENERAL FUND	12/15/23	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	485.72
25056						\$297.40
	101 - GENERAL FUND	12/15/23	3192	SEIU LOCAL 521	DED:COPE COPE SEIU	1.00
	101 - GENERAL FUND	12/15/23	3192	SEIU LOCAL 521	DED:DUES UNION DUES	296.40
25057						\$21,993.26
	101 - GENERAL FUND	12/15/23	6452	GREAT-WEST TRUST	DED:0500 DEF COMP	3,043.80
	101 - GENERAL FUND	12/15/23	6452	GREAT-WEST TRUST	DED:0555 DC LOANPAY	1,279.83
	101 - GENERAL FUND	12/15/23	6452	GREAT-WEST TRUST	DED:151 DEFERCOMP	17,178.94
	101 - GENERAL FUND	12/15/23	6452	GREAT-WEST TRUST	DED:ROTH ROTH	490.69
25058						\$41.58
	101 - GENERAL FUND	12/15/23	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	41.58
25059						\$85.36
	101 - GENERAL FUND	12/15/23	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	85.36
25060						\$62.76
	101 - GENERAL FUND	12/15/23	3042	STATE DISBURSEMENT	DED:0512 CHILD SUPT	62.76
25061						\$435.70
	101 - GENERAL FUND	12/15/23	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	435.70
25062						\$292.68
	400 - WELLNESS CENTER	12/21/23	7168	2MARKET VISUALS	WC-DOOR LETTERING	292.68
25063						\$38.95
	101 - GENERAL FUND	12/21/23	7190	3DECALS	RED ON WHITE DECALS	38.95
25064						\$938.00
	101 - GENERAL FUND	12/21/23	6504	ADVENTIST HEALTH TO	NOV. TOXICOLOGY SVC	938.00
25065						\$439.43
	101 - GENERAL FUND	12/21/23	007	AG IRRIGATION SALES	COUPLING, GLUE, PRIME	80.68
	101 - GENERAL FUND	12/21/23	007	AG IRRIGATION SALES	DUAL PLUG, STREAM ST	9.50
	101 - GENERAL FUND	12/21/23	007	AG IRRIGATION SALES	SPRINKLER, NIPPLE T	55.48
	400 - WELLNESS CENTER	12/21/23	007	AG IRRIGATION SALES	W.C.-VAC SOLENOID	11.23
	553 - SEWER	12/21/23	007	AG IRRIGATION SALES	WW-PRIMER, GLUE, VALV	282.54
25066						\$1,500.00
	101 - GENERAL FUND	12/21/23	6717	ALL TRAFFIC SOLUTIO	APP, TRAFFIC SUITE, M	1,500.00
25067						\$502.53
	101 - GENERAL FUND	12/21/23	6907	ALL VALLEY UNIFORMS	23/24 VFC PANTS	502.53
25068						\$490.00
	779 - 00-HOME-0487	12/21/23	5644	AMERICAN BANKERS IN	A. ANDRADE 87057287	490.00
25069						\$107.67
	101 - GENERAL FUND	12/21/23	6362	AMERICAN BUSINESS M	P.S.-#17685 TONER	15.00
	101 - GENERAL FUND	12/21/23	6362	AMERICAN BUSINESS M	REPLACED CUTTER TAB	92.67
25070						\$1,210.00
	101 - GENERAL FUND	12/21/23	3898	AMERICAN INCORPORAT	P.S.-S/A HVAC PM SV	295.00
	101 - GENERAL FUND	12/21/23	3898	AMERICAN INCORPORAT	CS-S/A HVAC PM SVC	295.00
	101 - GENERAL FUND	12/21/23	3898	AMERICAN INCORPORAT	SR CENTER-HVAC SVC	450.00
	553 - SEWER	12/21/23	3898	AMERICAN INCORPORAT	WWTP-S/A HVAC PM SV	170.00
25071						\$1,106.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	CM#50220202 JUNE-NO	30.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	FD#50220268 JUNE-NO	6.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	PS#50220253 JUNE-NO	146.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	PS#50289080 JUNE-NO	732.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	CS#50220251 JUNE-NO	30.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	CS#50220269 JUNE-NO	42.00
	101 - GENERAL FUND	12/21/23	2323	ANDERSON FAMILY BUS	CS#50220500 JUNE-NO	120.00
25072						\$362.16
	101 - GENERAL FUND	12/21/23	3428	AT&T MOBILITY	287297286867 DEC.	40.24
	101 - GENERAL FUND	12/21/23	3428	AT&T MOBILITY	287297286867 DEC.	40.24
	101 - GENERAL FUND	12/21/23	3428	AT&T MOBILITY	287297286867 DEC.	40.24
	101 - GENERAL FUND	12/21/23	3428	AT&T MOBILITY	287297286867 DEC.	80.48
	101 - GENERAL FUND	12/21/23	3428	AT&T MOBILITY	287297286867 DEC.	120.72
	400 - WELLNESS CENTER	12/21/23	3428	AT&T MOBILITY	287297286867 DEC.	40.24
25073						\$170.97
	101 - GENERAL FUND	12/21/23	5457	AUTO ZONE COMMERCIA	LIGHT TOWER#5 BATTE	128.14
	101 - GENERAL FUND	12/21/23	5457	AUTO ZONE COMMERCIA	LIGHT TOWER #5 CABL	19.83
	101 - GENERAL FUND	12/21/23	5457	AUTO ZONE COMMERCIA	TRUCK#5956 RECEIVER	23.00
25074						\$671.15
	101 - GENERAL FUND	12/21/23	5381	AWAKE SKATE SHOP	XMAS PARADE BANNER	56.29
	400 - WELLNESS CENTER	12/21/23	5381	AWAKE SKATE SHOP	HOODIES & POLOS	614.86
25075						\$9,504.88
	552 - WATER	12/21/23	051	BSK	4TH QTR SPECIAL DBP	3,943.63
	552 - WATER	12/21/23	051	BSK	CRYPTOSPORIDIUM TES	2,470.00
	552 - WATER	12/21/23	051	BSK	DRINKING WATER TEST	1,777.50
	553 - SEWER	12/21/23	051	BSK	WASTE WATER WELL14&	810.00
	556 - VITA-PAKT	12/21/23	051	BSK	VITA-PAKT WASTE WAT	503.75

25076						\$312.00
	101 - GENERAL FUND	12/21/23	5013	BUZZ KILL PEST CONT	150 N MIRAGE	133.00
	101 - GENERAL FUND	12/21/23	5013	BUZZ KILL PEST CONT	157 N MIRAGE	33.00
	101 - GENERAL FUND	12/21/23	5013	BUZZ KILL PEST CONT	476 MT VERNON	50.00
	886 - SAMOA	12/21/23	5013	BUZZ KILL PEST CONT	SAMOA TOWN HOMES	43.00
	887 - SWEETBRIER TOWNHOUSES	12/21/23	5013	BUZZ KILL PEST CONT	HERMOSA TOWN HOMES	53.00
25077						\$1,316.36
	101 - GENERAL FUND	12/21/23	3271	CASCADE FIRE EQUIPM	23/24 VFC-GLOVES,HO	1,316.36
25078						\$117.23
	552 - WATER	12/21/23	7194	CASILLAS REBECA	REFUND CLOSED UB AC	117.23
25079						\$293.55
	101 - GENERAL FUND	12/21/23	076	CENTRAL VALLEY BUSI	WORK ORDER BOOKLETS	73.38
	552 - WATER	12/21/23	076	CENTRAL VALLEY BUSI	WORK ORDER BOOKLETS	73.39
	553 - SEWER	12/21/23	076	CENTRAL VALLEY BUSI	WORK ORDER BOOKLETS	73.39
	554 - REFUSE	12/21/23	076	CENTRAL VALLEY BUSI	WORK ORDER BOOKLETS	73.39
25080						\$332.92
	400 - WELLNESS CENTER	12/21/23	6500	CHARTER COMMUNICATI	W.C. VOICE & INTERNET	332.92
25085						\$2,856.47
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	SCRAPER MAT	48.79
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	WELNESS AF ONYX	96.00
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	ZFOLD RFL PAPER,ONY	168.62
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.29
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.87
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.51)
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.54
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.87
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.04
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.49
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.72
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.04
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.97
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.30
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.86
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.52)
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.54
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.87
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.05
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.49
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.72
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.05
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.97
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.30
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.86
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.52)
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.54
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.87
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.05
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.49
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.73
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.05
	101 - GENERAL FUND	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.97
	400 - WELLNESS CENTER	12/21/23	5832	CINTAS CORPORATION	BIO BASE FLOOR CLNR	94.94
	400 - WELLNESS CENTER	12/21/23	5832	CINTAS CORPORATION	DUALTP RFL PAPER	120.81
	400 - WELLNESS CENTER	12/21/23	5832	CINTAS CORPORATION	GLASS & SURFACE CLN	94.94
	400 - WELLNESS CENTER	12/21/23	5832	CINTAS CORPORATION	HRDWND WHT PAPER LR	94.94
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.30
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.86
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.52)
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.55
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.88
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.05
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.49
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.73
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.05
	552 - WATER	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.96
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.30
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.86
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.52)
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.55
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.88
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.05
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.50
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.73
	553 - SEWER	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.05

553 - SEWER	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.96
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.30
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.86
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.52)
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.55
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.88
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.05
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.50
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.73
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.05
554 - REFUSE	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.96
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	GRAY MAT,TOILET PAP	9.30
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	GRAY MATS,SCRAPER M	11.86
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	HAND SANITIZER STAN	(116.52)
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	HOODED JACKETS	155.55
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,DUAL TP	38.88
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,MAT ONYX	38.05
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,SCRAPER MA	38.50
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,T/S COVERS	44.73
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	UNIFORMS,TP,MAT ONY	38.05
556 - VITA-PAKT	12/21/23	5832	CINTAS CORPORATION	ZFOLD&DUAL RFL PAPE	46.97
25086					\$828.00
101 - GENERAL FUND	12/21/23	279	CITY OF PORTERVILLE	ANIMAL SERVICES	828.00
25087					\$7,525.00
400 - WELLNESS CENTER	12/21/23	6090	CLEAN CUT LANDSCAPE	WC-OCT. LANDSCAPE	975.00
883 - SIERRA VIEW ASSESSMENT	12/21/23	6090	CLEAN CUT LANDSCAPE	SIERRA VIEW ESTATES	2,596.00
884 - HERITAGE ASSESSMENT DIST	12/21/23	6090	CLEAN CUT LANDSCAPE	HERITAGE PARK LDSCP	315.00
884 - HERITAGE ASSESSMENT DIST	12/21/23	6090	CLEAN CUT LANDSCAPE	HERITAGE PARK-LANDS	315.00
886 - SAMOA	12/21/23	6090	CLEAN CUT LANDSCAPE	SAMOA TOWNHOMES	154.00
886 - SAMOA	12/21/23	6090	CLEAN CUT LANDSCAPE	SAMOA TOWNHOMES-LAN	154.00
887 - SWEETBRIER TOWNHOUSES	12/21/23	6090	CLEAN CUT LANDSCAPE	SWEETBRIAR/HERMOSA	546.00
887 - SWEETBRIER TOWNHOUSES	12/21/23	6090	CLEAN CUT LANDSCAPE	SWEETBRIER/HERMOSA	546.00
888 - PARKSIDE	12/21/23	6090	CLEAN CUT LANDSCAPE	PARKSIDE ESTATES LD	225.00
888 - PARKSIDE	12/21/23	6090	CLEAN CUT LANDSCAPE	PARKSIDE ESTATES-LA	225.00
889 - SIERRA VISTA ASSESSMENT	12/21/23	6090	CLEAN CUT LANDSCAPE	SIERRA VISTA ESTATE	194.00
890 - MAPLE VALLEY ASSESSMENT	12/21/23	6090	CLEAN CUT LANDSCAPE	MAPLE VALLEY LDSCP	55.00
890 - MAPLE VALLEY ASSESSMENT	12/21/23	6090	CLEAN CUT LANDSCAPE	MAPLE VALLEY-LANDSC	55.00
891 - PELOUS RANCH	12/21/23	6090	CLEAN CUT LANDSCAPE	PELOUS RANCH LDSCP	585.00
891 - PELOUS RANCH	12/21/23	6090	CLEAN CUT LANDSCAPE	PELOUS RANCH-LANDSC	585.00
25088					\$25.00
101 - GENERAL FUND	12/21/23	6672	COLBY'S TIRE,TOWING	LIC1400808 TIRE PATCH	25.00
25089					\$26.63
101 - GENERAL FUND	12/21/23	102	CULLIGAN	#156018-LATE FEE	0.63
101 - GENERAL FUND	12/21/23	102	CULLIGAN	#156018-150 N MIRAG	18.00
101 - GENERAL FUND	12/21/23	102	CULLIGAN	#3301 23611 RD 196	8.00
25090					\$6.51
553 - SEWER	12/21/23	1235	DELTA VECTOR CONTRO	PCL#153210049000	3.21
553 - SEWER	12/21/23	1235	DELTA VECTOR CONTRO	PCL#153250001000	3.21
553 - SEWER	12/21/23	1235	DELTA VECTOR CONTRO	PCL#153250032000	0.09
25091					\$334.00
101 - GENERAL FUND	12/21/23	316	DEPT OF JUSTICE	OCTOBER FINGERPRINT	32.00
101 - GENERAL FUND	12/21/23	316	DEPT OF JUSTICE	OCTOBER FINGERPRINT	302.00
25092					\$207.18
781 - CAL HOME RLF	12/21/23	2540	DEPT.OF HOUSING & C	11/30 CALHOME TO HC	207.18
25093					\$73.92
781 - CAL HOME RLF	12/21/23	2540	DEPT.OF HOUSING & C	12/15 CALHOME TO HC	73.92
25094					\$4,167.11
700 - CDBG REVOLVING LN FUND	12/21/23	2540	DEPT.OF HOUSING & C	11/30/23 CDBG TO HC	4,167.11
25095					\$1,008.72
700 - CDBG REVOLVING LN FUND	12/21/23	2540	DEPT.OF HOUSING & C	12/15/23 CDBG TO HC	1,008.72
25096					\$5,691.30
720 - HOME REVOLVING LN FUND	12/21/23	2540	DEPT.OF HOUSING & C	11/30/23 HOME TO HC	5,691.30
25097					\$4,391.25
720 - HOME REVOLVING LN FUND	12/21/23	2540	DEPT.OF HOUSING & C	12/15/23 HOME TO HC	4,391.25
25098					\$3,655.84
553 - SEWER	12/21/23	5978	DOMINO SOLAR LTD	JB-9325693-00 NOV.	3,655.84
25099					\$174.23
101 - GENERAL FUND	12/21/23	119	DOUG DELEO WELDING	ANGLE IRON	31.37
101 - GENERAL FUND	12/21/23	119	DOUG DELEO WELDING	CUT ALUMINUM STENCI	142.86
25100					\$6,835.42
101 - GENERAL FUND	12/21/23	5803	EMD NETWORKING SERV	JANUARY MONTHLY BIL	6,835.42
25101					\$20,788.32
101 - GENERAL FUND	12/21/23	3218	FARMERS TRACTOR & E	2-KUBOTA GAS MOWERS	20,788.32

25102						\$30.00
	552 - WATER	12/21/23	7193	FERNANDEZ MARIA	REFUND CLOSED UB AC	30.00
25103						\$469.76
	400 - WELLNESS CENTER	12/21/23	4807	FITGUARD INC.	WC-PRECOR EFX ELLIP	469.76
25104						\$2,215.00
	552 - WATER	12/21/23	137	FRIANT WATER AUTHOR	FKC ROUTINE OM&R CO	2,215.00
25105						\$1,404.03
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2650	21.52
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2652	43.04
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2656	43.04
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2662	56.91
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-188-3200	8.83
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	562-2512	183.83
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2650	21.52
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-188-3200	8.83
	101 - GENERAL FUND	12/21/23	6010	FRONTIER COMMUNICAT	209-042-9309	1.99
	552 - WATER	12/21/23	6010	FRONTIER COMMUNICAT	209-150-2936	78.33
	552 - WATER	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2650	21.52
	552 - WATER	12/21/23	6010	FRONTIER COMMUNICAT	209-188-3200	8.83
	552 - WATER	12/21/23	6010	FRONTIER COMMUNICAT	562-1552	134.28
	552 - WATER	12/21/23	6010	FRONTIER COMMUNICAT	562-7131	167.01
	553 - SEWER	12/21/23	6010	FRONTIER COMMUNICAT	209-150-3621	113.32
	553 - SEWER	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2650	21.52
	553 - SEWER	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2654	43.04
	553 - SEWER	12/21/23	6010	FRONTIER COMMUNICAT	209-151-2655	43.04
	553 - SEWER	12/21/23	6010	FRONTIER COMMUNICAT	209-188-3200	8.82
	553 - SEWER	12/21/23	6010	FRONTIER COMMUNICAT	562-7132	374.81
25106						\$104.40
	101 - GENERAL FUND	12/21/23	148	GOMEZ AUTO & SMOG	LIC1606856 OIL CHAN	104.40
25107						\$29.10
	101 - GENERAL FUND	12/21/23	151	GRAINGER INC	KNEEBOARD	29.10
25108						\$1,019.85
	101 - GENERAL FUND	12/21/23	1391	HOME DEPOT	DEWALT STRAP	32.75
	101 - GENERAL FUND	12/21/23	1391	HOME DEPOT	FLOOD LIGHTS, LADDE	364.21
	101 - GENERAL FUND	12/21/23	1391	HOME DEPOT	INCAN MINI LIGHTS	42.54
	101 - GENERAL FUND	12/21/23	1391	HOME DEPOT	MINI LED LIGHTS,TIM	190.26
	101 - GENERAL FUND	12/21/23	1391	HOME DEPOT	TRIMMER LINE,CYCLE	177.82
	400 - WELLNESS CENTER	12/21/23	1391	HOME DEPOT	WHITE MINI LED STEA	196.57
	552 - WATER	12/21/23	1391	HOME DEPOT	LUMBER & LUMBER FEE	15.70
25109						\$425.00
	101 - GENERAL FUND	12/21/23	6346	JEFF PFEIFFER	DEC. SQUIRREL TREAT	425.00
25110						\$33.84
	101 - GENERAL FUND	12/21/23	1198	JENSEN & PILEGARD	LEAF DEBRIS RAKE	33.84
25111						\$82,180.44
	101 - GENERAL FUND	12/21/23	6100	KEENAN & ASSOCIATES	DEC. PPO 250 RETIRE	1,928.62
	101 - GENERAL FUND	12/21/23	6100	KEENAN & ASSOCIATES	DEC. PPO 250 ACTIVE	72,516.11
	101 - GENERAL FUND	12/21/23	6100	KEENAN & ASSOCIATES	DEC. PPO 500 ACTIVE	7,735.71
25112						\$1,119.56
	400 - WELLNESS CENTER	12/21/23	5788	LINCOLN AQUATICS	LIQUID CHLOREINE	1,119.56
25113						\$21,077.50
	101 - GENERAL FUND	12/21/23	6550	MARIO SAGREDO ELECT	PARK-LED CORNCOB LI	508.99
	400 - WELLNESS CENTER	12/21/23	6550	MARIO SAGREDO ELECT	RPLC PUMP ROOM LIGH	570.48
	400 - WELLNESS CENTER	12/21/23	6550	MARIO SAGREDO ELECT	WC-ADA DOOR OPENERS	19,998.03
25114						\$29.18
	552 - WATER	12/21/23	7192	MORENO PATRICIA	REFUND CLOSED UB AC	29.18
25115						\$3,175.00
	552 - WATER	12/21/23	6513	WILLIAM A. OROSCO	ANNUAL BACKFLOW TEST	3,175.00
25116						\$591.07
	552 - WATER	12/21/23	6673	PACE SUPPLY CORP	250PSI SIDR7 SUPPLI	197.12
	552 - WATER	12/21/23	6673	PACE SUPPLY CORP	BRASS NUT & GASKET	3.02
	552 - WATER	12/21/23	6673	PACE SUPPLY CORP	BRS METER FLG,GASKE	390.93
25117						\$1,964.69
	552 - WATER	12/21/23	6498	PACWEST DIRECT	12/8/23DELINQUENT BILL PRINT	206.67
	552 - WATER	12/21/23	6498	PACWEST DIRECT	12/8/23UB LASER PRINT	775.68
	553 - SEWER	12/21/23	6498	PACWEST DIRECT	12/8/23DELINQUENT BILL PRINT	206.67
	553 - SEWER	12/21/23	6498	PACWEST DIRECT	12/8/23UB LASER PRINT	775.67
25118						\$2,000.00
	101 - GENERAL FUND	12/21/23	272	PITNEY BOWES INC.	POSTAGE METER REFILL	2,000.00
25119						\$91,142.83
	101 - GENERAL FUND	12/21/23	6368	PNC EQUIPMENT FINAN	FIRE TRUCK INTEREST	17,548.55
	101 - GENERAL FUND	12/21/23	6368	PNC EQUIPMENT FINAN	FIRE TRUCK PAYMENT	73,594.28
25120						\$150.90
	101 - GENERAL FUND	12/21/23	276	PORTERVILLE RECORDE	ODR614-ADOPT CANNAB	150.90

25121						\$2,740.00
	101 - GENERAL FUND	12/21/23	4618	PROVOST & PRITCHARD	WELL#14 CONSULTING	353.00
	552 - WATER	12/21/23	4618	PROVOST & PRITCHARD	WATER LOSS AUDIT	2,387.00
25122						\$923.00
	101 - GENERAL FUND	12/21/23	399	QUAD KNOPF, INC.	GEN. PLANNING SERVI	781.00
	101 - GENERAL FUND	12/21/23	399	QUAD KNOPF, INC.	O'HARA PARCEL MAP	142.00
25123						\$2,220.92
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	COPY PAPER	75.03
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	SNACK ASSORTMENT	41.63
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	COPY PAPER, PENS, TIS	344.55
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	POST-ITS & TABS	34.02
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	COPY PAPER, BATTERIE	253.27
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	MANILLA FOLDERS	47.87
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	TRASH BAGS, WITE-OUT	177.35
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	BATTERIES	44.13
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	CLOROX DSNFCT WIPES	14.38
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	CORRECTION TAPE, PEN	59.33
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	RULED NOTEPADS	21.74
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	STAPLES, CALENDAR	81.43
	101 - GENERAL FUND	12/21/23	285	QUILL CORPORATION	TRASH BAGS	979.09
	400 - WELLNESS CENTER	12/21/23	285	QUILL CORPORATION	MOP HANDLE	25.36
	400 - WELLNESS CENTER	12/21/23	285	QUILL CORPORATION	TAPE	21.74
25124						\$441.98
	552 - WATER	12/21/23	3016	QUINN COMPANY	CATERPILLAR REPAIRS	441.98
25125						\$222,416.93
	600 - CAPITAL IMPROVEMENT	12/21/23	7119	SEAL RITE PAVING AN	VALENCIA&LINDA VIST	222,416.93
25126						\$83.42
	552 - WATER	12/21/23	7191	SEE AILEE	REFUND CLOSED UB AC	83.42
25127						\$302.00
	101 - GENERAL FUND	12/21/23	7143	SEQUOIA HEALTH CARE	OCTOBER 2023 CLAIMS	302.00
25128						\$831.65
	101 - GENERAL FUND	12/21/23	7188	SIERRA HD TRUCK PAR	T87 TRUCK-ELECTRIC	319.42
	101 - GENERAL FUND	12/21/23	7188	SIERRA HD TRUCK PAR	T87-REPLACE 3 BATTE	512.23
25129						\$22,791.65
	261 - GAS TAX FUND	12/21/23	7195	SOUTH COAST LIGHTIN	LED CORNCOB, TALL PO	3,746.84
	261 - GAS TAX FUND	12/21/23	7195	SOUTH COAST LIGHTIN	STOP SIGNS & POLES	19,044.81
25130						\$602.16
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700271196179-LATE FEE	0.12
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700345129983-LATE FEE	0.39
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700439853113-LATE FEE	0.45
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700477296224-LATE FEE	0.44
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700477332697-LATE FEE	0.66
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700482892316-LATE FEE	1.19
	101 - GENERAL FUND	12/21/23	310	SOUTHERN CA. EDISON	700526806452-LATE FEE	0.10
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	108 HERMOSA PED.	75.17
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	108 W HERMOSA LS3	23.04
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	135 W HONOLULU LS3A	101.39
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	150 E HONOLULU LS3B	119.68
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	151 W HONOLULU LS3C	95.06
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	151 W SAMOA LS3D	81.00
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	157 N MIRAGE LED	35.32
	261 - GAS TAX FUND	12/21/23	310	SOUTHERN CA. EDISON	269 N SWEETBRIAR	68.15
25131						\$220.81
	101 - GENERAL FUND	12/21/23	6703	STERICYCLE INC	FD-NOV. SHRED IT SV	139.21
	101 - GENERAL FUND	12/21/23	6703	STERICYCLE INC	PS-NOV. SHRED IT SV	81.60
25132						\$4,506.34
	101 - GENERAL FUND	12/21/23	6146	SUPERION, LLC	INVOICE#8/12 SOFTWA	1,126.58
	552 - WATER	12/21/23	6146	SUPERION, LLC	INVOICE#8/12 SOFTWA	1,126.59
	553 - SEWER	12/21/23	6146	SUPERION, LLC	INVOICE#8/12 SOFTWA	1,126.59
	554 - REFUSE	12/21/23	6146	SUPERION, LLC	INVOICE#8/12 SOFTWA	1,126.58
25133						\$61,951.00
	552 - WATER	12/21/23	1183	SWRCB	7/1/23-6/30/24 FEES	61,951.00
25134						\$4,539.29
	101 - GENERAL FUND	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.37
	101 - GENERAL FUND	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.37
	101 - GENERAL FUND	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.37
	101 - GENERAL FUND	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.37
	101 - GENERAL FUND	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.37
	400 - WELLNESS CENTER	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.36
	552 - WATER	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.36
	553 - SEWER	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.36
	554 - REFUSE	12/21/23	5755	TELEPACIFIC COMMUNI	12/9/23-1/8/24	504.36

25135						\$3,806.00
	552 - WATER	12/21/23	1921	TELSTAR INSTRUMENTS	WTP-VALVE POSITIONE	928.00
	553 - SEWER	12/21/23	1921	TELSTAR INSTRUMENTS	WWTP-CHANGE FLOW ME	1,532.00
	553 - SEWER	12/21/23	1921	TELSTAR INSTRUMENTS	WWTP-PERFORM CALIBR	1,346.00
25136						\$8,566.39
	101 - GENERAL FUND	12/21/23	144	THE GAS COMPANY	185 N GALE HILL	431.01
	101 - GENERAL FUND	12/21/23	144	THE GAS COMPANY	140 N MIRAGE	218.28
	101 - GENERAL FUND	12/21/23	144	THE GAS COMPANY	251 E HONOLULU	691.44
	400 - WELLNESS CENTER	12/21/23	144	THE GAS COMPANY	740 SEQUOIA POOL	7,225.66
25137						\$287.00
	101 - GENERAL FUND	12/21/23	5792	THOMSON REUTERS - W	ONLINE/SOFTWARE CHA	287.00
25138						\$60.00
	101 - GENERAL FUND	12/21/23	6413	TRANS UNION LLC	10/26/23-11/25/23	60.00
25139						\$17.36
	101 - GENERAL FUND	12/21/23	3152	TUL.CO.JAIL IND.ENG	ENGRAVED SIGNS	17.36
25140						\$20.00
	101 - GENERAL FUND	12/21/23	6015	TULARE COUNTY CLERK	R1710 GUADALUPE LUP	20.00
25141						\$996.94
	101 - GENERAL FUND	12/21/23	1513	UNITED RENTALS, INC	SAFETY HARNESS,BLAD	868.00
	552 - WATER	12/21/23	1513	UNITED RENTALS, INC	WACKER EQUIP. REPAI	128.94
25142						\$2,589.12
	101 - GENERAL FUND	12/21/23	5747	USA STAFFING INC.	12/3/23 FD-MARIA M.	200.88
	101 - GENERAL FUND	12/21/23	5747	USA STAFFING INC.	12/10/23 PS-DANA G.	892.80
	101 - GENERAL FUND	12/21/23	5747	USA STAFFING INC.	12/3/23 PS-DANA G.	892.80
	552 - WATER	12/21/23	5747	USA STAFFING INC.	12/3/23 FD-MARIA M.	200.88
	553 - SEWER	12/21/23	5747	USA STAFFING INC.	12/3/23 FD-MARIA M.	200.88
	554 - REFUSE	12/21/23	5747	USA STAFFING INC.	12/3/23 FD-MARIA M.	200.88
25143						\$3,900.16
	552 - WATER	12/21/23	5413	UNIVAR USA INC	WELL14-LIQUICHLOR	923.29
	552 - WATER	12/21/23	5413	UNIVAR USA INC	WELL15-LIQUICHLOR	2,976.87
25144						\$2,340.47
	552 - WATER	12/21/23	356	USA BLUEBOOK	EYEWASH BOTTLE,PENS	783.18
	552 - WATER	12/21/23	356	USA BLUEBOOK	WELL15-PUMP REPAIR	1,016.54
	553 - SEWER	12/21/23	356	USA BLUEBOOK	WWTP-OD NATURAL HDP	35.64
	553 - SEWER	12/21/23	356	USA BLUEBOOK	WWTP-TESTING KIT	505.11
25145						\$1,599.21
	101 - GENERAL FUND	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	41.98
	101 - GENERAL FUND	12/21/23	1041	VERIZON WIRELESS	642065758-00001 NOV	125.67
	101 - GENERAL FUND	12/21/23	1041	VERIZON WIRELESS	642065758-00004 NOV	1,305.44
	101 - GENERAL FUND	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	21.02
	101 - GENERAL FUND	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	21.02
	101 - GENERAL FUND	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	21.02
	552 - WATER	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	21.02
	553 - SEWER	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	21.02
	554 - REFUSE	12/21/23	1041	VERIZON WIRELESS	642065758-00003 NOV	21.02
25146						\$1,305.51
	261 - GAS TAX FUND	12/21/23	368	VOLLMER EXCAVATION,	COLD MIX FOR POTHOLE	1,305.51
25147						\$49,861.00
	200 - STREET IMPROVEMENT FUND	12/21/23	113	DEPT OF TRANSPORTAT	P1575-001 FIFTH PMT	49,861.00
76-11/						\$1,130.28
	101 - GENERAL FUND	12/07/23	6408	WEX BANK	76 FUEL 10/24-11/23	1,130.28
BOCDEC						\$7,340.17
	552 - WATER	12/13/23	2960	UNITED STATES BUREA	PAYMENT PLAN 3/36	7,340.17
BOCNOV						\$7,340.17
	552 - WATER	11/14/23	2960	UNITED STATES BUREA	PAYMENT PLAN 2/36	7,340.17
EDD121						\$4,733.43
	101 - GENERAL FUND	12/05/23	687	STATE OF CALIFORNIA	EDD PR PD 12/1/2023	4,733.43
EDD121						\$4,363.87
	101 - GENERAL FUND	12/19/23	687	STATE OF CALIFORNIA	EDD PR PD 12/15/23	4,363.87
IRS121						\$37,368.47
	101 - GENERAL FUND	12/05/23	2011	INTERNAL REVENUE SE	941 PR PD 12/1/2023	12,639.25
	101 - GENERAL FUND	12/05/23	2011	INTERNAL REVENUE SE	941 PR PD 12/1/2023	24,729.22
IRS121						\$36,967.55
	101 - GENERAL FUND	12/19/23	2011	INTERNAL REVENUE SE	941 PR PD 12/15/23	11,469.67
	101 - GENERAL FUND	12/19/23	2011	INTERNAL REVENUE SE	941 PR PD 12/15/23	25,497.88
NAVI11						\$156.70
	101 - GENERAL FUND	11/08/23	4924	NAVIA BENEFIT SOLUT	COBRA FEE	56.70
	101 - GENERAL FUND	11/08/23	4924	NAVIA BENEFIT SOLUT	SEC 125 FEE	100.00
NAVI11						\$71.80
	101 - GENERAL FUND	11/10/23	4924	NAVIA BENEFIT SOLUT	FSA 11/10/2023	71.80
NAVI11						\$48.22
	101 - GENERAL FUND	11/17/23	4924	NAVIA BENEFIT SOLUT	FSA 11/17/2023	48.22

NAVI11						\$5.02
	101 - GENERAL FUND	11/28/23	4924	NAVIA BENEFIT SOLUT	FSA 11/28/2023	5.02
NAVI12						\$156.70
	101 - GENERAL FUND	12/08/23	4924	NAVIA BENEFIT SOLUT	COBRA ADMIN FEE	56.70
	101 - GENERAL FUND	12/08/23	4924	NAVIA BENEFIT SOLUT	SEC 125 FEE	100.00
NAVI12						\$128.55
	101 - GENERAL FUND	12/13/23	4924	NAVIA BENEFIT SOLUT	FSA 12/13/2023	128.55
NAVI12						\$85.75
	101 - GENERAL FUND	12/20/23	4924	NAVIA BENEFIT SOLUT	FSA 12/20/2023	85.75
NAVIA1						\$65.75
	101 - GENERAL FUND	11/03/23	4924	NAVIA BENEFIT SOLUT	FSA 11/3/2023	65.75
NAVIA1						\$462.17
	101 - GENERAL FUND	12/01/23	4924	NAVIA BENEFIT SOLUT	FSA 12/1/2023	462.17
NAVIA1						\$433.78
	101 - GENERAL FUND	12/06/23	4924	NAVIA BENEFIT SOLUT	FSA 12/6/2023	433.78
SRV122						\$38,975.88
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	25354 MBPD11/12-11/	682.58
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	25354 MBPD11/12-11/	672.15
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	25355 MBPD11/12-11/	3,570.63
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	25355 MBPD11/12-11/	3,516.16
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	26330 MBPD11/12-11/	2,637.69
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	26330 MBPD11/12-11/	2,613.91
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	433 MBPD 11/12-11/2	3,704.10
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	433 MBPD 11/12-11/2	7,532.35
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	434 MBPD 11/12-11/2	3,773.10
	101 - GENERAL FUND	12/08/23	457	PUBLIC EMPLOYEES RE	434 MBPD 11/12-11/2	10,273.21
SRV122						\$35,125.61
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	25354 CTPD11/26-12/	554.86
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	25354 MBPD11/26-12/	563.47
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	25355 CTPD11/26-12/	2,966.74
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	25355 MBPD11/26-12/	3,012.76
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	26330 CTPD11/26-12/	2,521.88
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	26330 MBPD11/26-12/	2,544.82
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	433 CTPD 11/26-12/0	7,532.35
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	433 MBPD 11/26-12/0	3,704.11
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	434 CTPD 11/26-12/0	8,577.81
	101 - GENERAL FUND	12/19/23	457	PUBLIC EMPLOYEES RE	434 MBPD 11/26-12/0	3,146.81
UBNK10						\$18,835.81
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	HOTEL-CALCITIES CONFERENCE	5,522.40
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	PARKING FEE	48.40
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	WATER AD-HOC COMMIT	42.59
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	ADOBE	9.99
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-FIRE STICK	25.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CANVA-ADVERTISEMENT	149.90
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	ZOOM	33.90
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CM-CCAC WORKSHOP	175.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CREDIT FROM HOTEL	23.09
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	HOTEL PARKING-CALCI	90.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	HOTEL-CALCITIES CON	1,134.77
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	ICMA ONLINE CREDIT	(55.00)
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	PARKING-ICMA CONFER	75.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	REFUND-IPSMMA WORKSH	(100.00)
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	ZOOM	14.41
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CANVA-1YR SUBSCRIPT	119.99
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CC-CCAC WORKSHOP	175.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CHAPARRITO-FD LUNCH	100.15
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	LEAGUE CITIES SEMIN	550.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	AUTOCAD SUBSCRIPTIO	440.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CEQA ESSENTIAL WORK	490.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-CANDY JARS	27.74
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	COSTCO-HALLOWEEN CANDY	127.92
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	INNOCORP-IMPAIR GOG	376.29
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	LINDSAY FOODS-WATER	36.27
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	OFFICE DEPOT-BINDER	54.05
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	PANERA-STRAFF TRAINING	13.18
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	PEER SUPPORT LUNCH	76.07
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	PIZZA-CMTY ACADEMY	103.83
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	SAVEMART-P.S. DRINKS	73.00
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	SOLE FITNESS-TREADMILL- OFFICER GRANT	2,936.24
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	TRAINING GUNS	299.15
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	AMAZON	88.47
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CANVAPRO-SUBSCRIPTI	12.99
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CHINAS-LUNCH W/MAYOR	40.56
	101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	CROMER-M. CHAIREZ FORKLIFT TRAINING	995.00

101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	FIELD CREW LUNCHEON	25.47
101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	MIRROR REPLACEMENT	121.41
101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-PET WASTE BA	143.16
101 - GENERAL FUND	11/07/23	6326	CORPORATE PAYMENT S	LEONS TIRES-TIRE	124.80
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	99¢-SPOONS FOR PUMP	21.75
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-DECOR. FLAGS	32.61
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-FLOATING PUM	224.68
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-KEYBOARD	29.99
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	AMAZON-TV MOUNT&SUP	144.56
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	BEST BUY-TV	732.94
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	CPRS CONFERENCE	480.00
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	CPRS REGISTRATION	40.00
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	EBAY-DELL CONTRIL U	166.79
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	HOMEDEPOT-SAW	103.56
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	POWER POINT PRESENT	3.99
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	SPOTIFY SUBSCRIPTIO	10.99
400 - WELLNESS CENTER	11/07/23	6326	CORPORATE PAYMENT S	VISTA PRINT-POOL PA	145.40
552 - WATER	11/07/23	6326	CORPORATE PAYMENT S	AIR TRAVEL TO CONFC	263.00
552 - WATER	11/07/23	6326	CORPORATE PAYMENT S	AWWA WORKSHOP	559.00
552 - WATER	11/07/23	6326	CORPORATE PAYMENT S	HOTEL-AWWA CONFEREN	236.96
552 - WATER	11/07/23	6326	CORPORATE PAYMENT S	HOTEL-WATER QUALITY	449.40
552 - WATER	11/07/23	6326	CORPORATE PAYMENT S	OCT WATER QUALITY C	450.00

UBNK11

\$13,572.23

101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AWARD FOR EMPLOYEE	103.08
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	USB-C HUB FOR COUNC	48.93
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	XMAS LIGHT BANNERS	442.38
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	ADOBE	9.99
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	DELL-LAPTOP	507.73
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	DONUTS-OPEN ENROLLMENT	22.65
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-LAPTOP SLEEVE	19.13
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	BDAY CARD FOR COUNC	6.99
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	CITY MANAGER FOUNDA	400.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	DELL-LAPTOP	231.61
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	FLIGHT-MJBIZCON CON	377.96
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	HONDA-VEHICLE MAINT	223.29
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	LEAGUE OF CA CITIES	750.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	MJBIZCON REGISTRATION	449.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	STAFF DINNER-CENTER	344.35
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	ZOOM	14.41
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	DINNER-CCAC CONFERE	39.29
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	FLIGHT SEAT UPGRADE	43.98
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	FLIGHT-CCAC CONFERE	287.80
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-BROCHURE HOL	54.36
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-EXERCISE MAT- OFFICER GRANT	217.44
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-FARM WOMEN C	26.09
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-TABLE CLOTHS	14.78
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	APPLEBEES-OFFICER S	27.07
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	COS-POLICE ACADEMY	748.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	COSTCO-HALLOWEEN FE	175.90
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	DINNER-OFFICER TRAI	109.87
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	DOLLAR GEN-CAT FOOD	19.68
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	FIRST AID CPR CLASS	180.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	HAMPTON-FIELD TRAIN	753.70
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	HANDGUN LIGHT BATTE	173.35
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	LINDSAY FOOD-RIB	28.75
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	LINDSAY FOOD-TACO M	39.86
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	LOWES-RIB COOK OFF	106.22
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	LUNCH-OFFICER TRAIN	23.35
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	MI PUEBLO-OFFICER T	16.97
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	SAVE MART-COMM. POL	22.68
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	SAVE MART-POLICE GR	28.99
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	SMART&FINA-BBC BING	147.10
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	TOTALLY PROMO-LANYA	104.40
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	WEST COAST SOURDOGH	20.06
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	YINKENG-OFFICER TRA	19.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-811 STICKERS	103.40
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-SANDBAGS	108.73
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	CANVA-CERT CARDS	16.00
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	CANVA-FLYER SOFTWAR	12.99
101 - GENERAL FUND	12/06/23	6326	CORPORATE PAYMENT S	COSTCO-RIB COOK OFF	35.79
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	4IMPRINT-GIVEAWAYS	1,432.91
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-AUX CORD	9.78
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-OFFICE CHAIR	373.16
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-SHOWER CHAIR	91.30

400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	AMAZON-TABLE	509.70
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	META-FACEBOOK AD	100.00
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	OFFICE DEPOT-PROJECTOR	1,196.24
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	SMART&FINAL-HOT DOG	175.44
400 - WELLNESS CENTER	12/06/23	6326	CORPORATE PAYMENT S	SPOTIFY MUSIC	10.99
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	BREAKFAST-WATER CON	31.16
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	DINNER-WATER CONF	41.16
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	HOTEL-WATER CONFERE	1,077.10
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	LODGING-WATER QUALI	227.91
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	LUNCH-WATER CONFERE	105.26
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	OCT WATER QUALITY A	450.00
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	STARBUCKS-WATER CON	31.11
552 - WATER	12/06/23	6326	CORPORATE PAYMENT S	UBER-WATER CONFERE	51.91
USDA11					\$107,765.10
263 - TRANSPORTATION	11/14/23	1123	USDA RURAL DEVELOPM	LOAN#97-15 TULARE INT	14,102.10
263 - TRANSPORTATION	11/14/23	1123	USDA RURAL DEVELOPM	LOAN#97-15 TULARE PRIN	93,663.00
USDA11					\$323,470.00
553 - SEWER	11/28/23	1123	USDA RURAL DEVELOPM	92-04 SEWER INT PMT	135,599.95
553 - SEWER	11/28/23	1123	USDA RURAL DEVELOPM	92-04 SEWER PRIN PM	187,870.05
USLB11					\$6,771.06
101 - GENERAL FUND	11/14/23	1123	USDA RURAL DEVELOPM	#97-12 LIBRARY INT	6,771.06
SUMMARY BY FUNDING SOURCE					
101 - GENERAL FUND					507,385.80
200 - STREET IMPROVEMENT FUND					49,861.00
261 - GAS TAX FUND					31,548.39
263 - TRANSPORTATION					107,765.10
306 - COVID-19 ARPA FUND					12,350.00
400 - WELLNESS CENTER					49,764.69
552 - WATER					135,605.99
553 - SEWER					349,101.85
554 - REFUSE					3,234.54
556 - VITA-PAKT					861.67
600 - CAPITAL IMPROVEMENT					231,618.29
700 - CDBG REVOLVING LN FUND					5,175.83
720 - HOME REVOLVING LN FUND					10,082.55
779 - 00-HOME-0487					1,400.62
781 - CAL HOME RLF					281.10
883 - SIERRA VIEW ASSESSMENT					2,739.38
884 - HERITAGE ASSESSMENT DIST					654.09
886 - SAMOA					316.99
887 - SWEETBRIER TOWNHOUSES					1,172.14
888 - PARKSIDE					473.81
889 - SIERRA VISTA ASSESSMENT					398.24
890 - MAPLE VALLEY ASSESSMENT					212.23
891 - PELOUS RANCH					1,662.76
TOTAL					\$ 1,503,667.06



Monthly Treasurer's Report
December 31, 2023
Cash Balances Classified by Depository

LOCATION	GL ACCOUNT #	TYPE	BALANCE
Cash Register Funds (City Hall & Wellness)	100-102	RES	\$700
Bank of the Sierra- Depository Account	100-114	GEN	2,494,027
Bank of the Sierra - AP/Operating	100-100	GEN	-
Bank of the Sierra - Payroll	100-106	GEN	-
Bank of the Sierra - Wellness Center	100-500	GEN	264,757
Bank of the Sierra - Impound Account	100-120	RES	44,221
LAIF Savings: City & Successor Agency	100-103	INV-RES	4,556,622
MBS Investments	100-700	INV-RES	5,615,519
TOTAL			\$12,975,847

CASH EXPENDED

ACCOUNTS PAYABLE & PAYROLL	AMOUNT
Accounts Payable	\$1,060,945
Payroll (DECEMBER 1st Payday)	\$325,854
Payroll (DECEMBER 15 Payday)	\$324,404
Payroll (DECEMBER 29 Payday)	\$329,931
TOTAL	\$ 2,041,133

DEBT SERVICE	AMOUNT
WATER PLANT	\$109,874
TOTAL	\$ 109,874

INVESTMENTS

INVESTMENT POLICY COMPLIANCE

As of the end of the month, the investments were in compliance with the requirements of the City's investment policy. This report reflects all cash and investments of the City of Lindsay (O/S checks not reflected in End Cash Balance).

INVESTED FUNDS	\$10,172,141
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Respectfully submitted,

Armando da Silva

Acting City Manager
 City of Lindsay

ABBREVIATIONS

GEN: GENERAL UNRESTRICTED
 RES: RESTRICTED ACTIVITY
 INV: INVESTMENT



STAFF REPORT

TO: Lindsay City Council
FROM: Edelma Gonzalez, City Services Dep Director
DEPARTMENT: City Services and Planning Department
ITEM NO.: 8.4
MEETING DATE: January 09, 2024

ACTION & RECOMMENDATION

Consider the Approval of Resolution No. 24-01, A Resolution of the City Council of the City of Lindsay Authorizing the Director of City Services & Planning to Engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services Regarding Grants for Which the City has Applied and Any Documents Thereto.

The City Services and Planning department recommends the approval of Resolution No. 24-01 hereto attached to this report. Should the Resolution be approved and all the State guidelines are followed correctly, the City of Lindsay will have backup generators for the multiple critical facilities and be able to apply this Resolution to both current and future disasters/projects that occur in the three-year (3) period following the Resolution's approval. Identified backup generator sites are for Water Well 14; Water Well 15; Sequoia Lift Station; Hickory Lift Station; City Hall; City Public Safety Building; and the Wastewater Treatment Plant. Having backup power is a top priority and the proposed action will alleviate those concerns long term.

If the Resolution is not approved, the sites identified will have no backup power which is considered a risk to the public. The City does not currently have backup generator for each of the identified sites.

BACKGROUND | ANALYSIS

One of the projects that will be utilizing this universal Resolution is the emergency backup generators. The challenge that has been present for many years is that the City of Lindsay has not been in a financial position to address or mitigate its problem of power backup during any natural disaster. Key critical facilities (water, wastewater, and emergency facilities) have no backup power generators. Finding ways to fund our challenges/problems in providing mitigation measures during natural disasters is extremely difficult, if not nearly impossible. If power interruption occurs at these key facilities due to natural or human disasters, the following services will be interrupted: Water Wells 14 & 15 – these are the City's only operating water wells that provide a minimum of 20% of the potable water for the entire City; City Wastewater Treatment Facility – this is the only facility of its kind for the entire City.

If power goes down and a working generator is not available, the potential for sewage leaks is eminent; the lift stations (Hickory and Sequoia) provide the flow for the wastewater from the source to the treatment facility. Without power backup sewage leaks could occur; the Public Safety and City Hall Buildings are the only facilities for staff within the City and both buildings currently act as the Emergency Operations Center. With no backup power, especially during natural disasters, the use of these facilities is diminished to a bare minimum.

Federal Management Emergency Agency (FEMA) recently approved and issued a Hazard Mitigation Grant Program (HMGP) funds for the City of Lindsay (sub-recipient) Generators Mitigation Project, Phase 1. The total project cost for phase 1, supplement 26 is \$161,300.00 and \$8,065.00 management cost as shown in the attached award letter.

This specific HMGP project approval and obligation of funds are subject to the following conditions: Scope of Work (SOW) – Phase 1 of this project will include finalizing the exact location of the proposed generators, development of the 90% design, completion of an environmental review/assessment pursuant to California Environmental Quality Act (CEQA). Phase 1 will also include completing permitting for the seven proposed sites and requesting bids from qualified contractors. No ground disturbance or construction activities including geotechnical borings may occur during Phase 1 of this project.

To receive payment as a grant subrecipient, the City of Lindsay must adopt Resolution No. 24-01. Once passed and adopted, the Resolution must be filed with the Recovery Financial Processing Unit.

FISCAL IMPACT

No fiscal impact associated with this action.

ATTACHMENTS

- Cal OES Award Letter
- Resolution No. 24-01 Cal OES Form 130



December 12, 2023

Neyba Amezcua
City Services Director
Lindsay, City of
251 East Honolulu Street
Lindsay, CA 93247

Subject: **Notification of Subapplication Approval**
Hazard Mitigation Grant Program – Prepare CA Match
FEMA-**4482**-DR-CA, Project #**AP00618**, FIPS #**107-41712**
Supplement #**26**

Dear Ms. Amezcua:

The California Governor's Office of Emergency Services (Cal OES) received notification that the Federal Emergency Management Agency (FEMA) has approved your organization's subaward application in the amount of **\$145,170.00**. A copy of the FEMA award package is enclosed for your records. Your organization's subaward application has also been approved for **\$117,030.00** in state funding under the Prepare CA Match program.

In order to receive payment as a grant subrecipient, your organization must have the following on file with the Recovery Financial Processing Unit:

- A valid, current (approved within the last 3 years) Governing Body Resolution
- A Project Assurances for Federal Assistance agreement
- A Grant Subaward Face Sheet (GSAFS). Please ensure that the individual who signs the GSAFS is designated by the Governing Body Resolution as an Authorized Agent for your organization.
- A current Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure form. This form must be submitted each fiscal year.
- An active registration with the federal System for Award Management (SAM) website. The registration must remain active for the duration of this grant subaward.

For your convenience, this subapplication approval package includes the required post-obligation documents as well as guides to completing and renewing a SAM registration. Please complete the documents and mail copies to the address listed at the end of this letter, keeping the originals with your records.



3650 SCHRIEVER AVENUE • MATHER, CA 95655
RECOVERY FINANCIAL PROCESSING UNIT
(916) 845-8110

Alternatively, you may scan and email the completed documents to the Recovery Financial Processing Unit at HMGrantsPayments@CalOES.ca.gov. Electronic copies of the post-obligation documents can also be requested at the same address.

Payments will be made on a reimbursement basis using the enclosed Hazard Mitigation Reimbursement Request Form. A ten percent (10%) retention will be withheld from all reimbursement payments and will be released as part of the subaward closeout process.

Reimbursements can be made only for items listed on the approved subaward application. Expenditures for any other work should be separately maintained and are the sole responsibility of the subrecipient. Any funds received in excess of current needs or approved amounts, or those found owed as a result of a final inspection or audit, must be refunded to the State within 30 days of receipt of an invoice from Cal OES.

When mailing documents to the Recovery Financial Processing Unit, please use the following address:

California Governor's Office of Emergency Services
Attention: Recovery Financial Processing Unit
3650 Schriever Avenue
Mather, CA 95655

For further assistance regarding post-obligation documents or the reimbursement request process, please contact the Recovery Financial Processing Unit at (916) 845-8110 or at HMGrantsPayments@caloes.ca.gov. For program-related questions, please contact the Hazard Mitigation Grants Program Unit at (916) 328-7450.

Recovery Financial Processing Unit

Enclosures

c: Subrecipient's Project File





December 12, 2023

Neyba Amezcua
City Services Director
Lindsay, City of
251 East Honolulu Street
Lindsay, CA 93247

Subject: **Notification of Approval for Subrecipient Management Cost Funding**
Hazard Mitigation Grant Program – Prepare CA Match
FEMA-**4482**-DR-CA, Project #**AP00618**, FIPS #**107-41712**,
Supplement #**26**

Dear Ms. Amezcua:

The California Governor's Office of Emergency Services (Cal OES) received notification that the Federal Emergency Management Agency (FEMA) has approved **\$8,065.00** in funding for subrecipient management costs (SRMC). SRMC are costs incurred while administering a Hazard Mitigation grant subaward. A copy of FEMA's letter is enclosed for your records.

Payments are made on a reimbursement basis using the specialized Subrecipient Management Cost Reimbursement Request Form. Subrecipients are reminded to document their SRMC separately from direct project expenditures. To qualify for SRMC reimbursement, subrecipients must first incur and seek reimbursement for direct project expenditures via the specialized Project Expenditures Reimbursement Request Form. Reimbursement for SRMC is capped at five percent of a project's cumulative direct project expenditures. Please note that your organization must maintain an active registration in the SAM.gov (System for Award Management) database for the duration of this grant subaward.

Please read the enclosed supplement. In accordance with Title 44 Code of Federal Regulations, Part 206.440, if you disagree with FEMA's obligated amount or scope of work listed in the supplement, you can appeal. All appeals must be in writing and received by Cal OES within 60 days from the receipt of this letter. If you have any questions or need assistance, please contact the Recovery Financial Processing Unit at (916) 845-8110 or at HMGrantsPayments@caloes.ca.gov.

Recovery Financial Processing Unit
Enclosures
c: Subrecipient's Project File



3650 SCHRIEVER AVENUE • MATHER, CA 95655
RECOVERY FINANCIAL PROCESSING UNIT
(916) 845-8110



FEMA

November 21, 2023

Nancy Ward, Director
Governor's Authorized Representative
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

RECEIVED
NOV 21, 2023
Financial Processing Unit

Reference: Application Approval, HMGP DR-4482-618-22F
City of Lindsay
Lindsay Generators Mitigation Project, Phase 1
FIPS Code: 107-41712, Supplement 26

Dear Nancy Ward:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the City of Lindsay (Sub-recipient), DR-4482-618-22F, Lindsay Generators Mitigation Project, Phase 1.

The total project cost for phase 1 is \$161,300.00. As shown in the enclosed Obligation Report - Supplement 26, we are, obligating \$145,170.00 for the 90 percent Federal share; the 10 percent non-Federal share is \$16,130.00. We are obligating \$8,065.00 for the 100% Federal share Subrecipient Management Costs. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

Project Phase:	Federal Share:	Non-Federal Share:	Total Project Cost:
Phase1, Supplement 26	\$145,170.00	\$16,130.00	\$161,300.00
Management Costs	\$8,065.00	\$0	\$8,065.00

This HMGP project approval and obligation of funds are subject to the following conditions:

- 1. Scope of Work (SOW)** – Phase 1 of this project will include finalizing the exact location of the proposed generators, development of 90% design, completion of an environmental review/assessment pursuant to CEQA. Phase 1 will also include completing permitting for the seven proposed sites and requesting bids from qualified contractors. No ground disturbance or construction activities including geotechnical borings may occur during phase 1 of this project.

The following Phase 1 activities and deliverables are expected:

Phase 1 Activity	Estimated Timeline
Finalize Locations	2 Months
90% Design	6 Months
Permitting & CEQA	9 Months
Submit Phase 1 Deliverables	1 Month

Please provide the above-referenced deliverables once completed to the assigned FEMA Hazard Mitigation Assistant (HMA) Specialist for review and inclusion within the official grant file.

- 2. Project Completion Date** – The work schedule included with the project application indicates that Phase 1 will take 18 months to complete; therefore, the activity completion date is May 21, 2025. Please inform the sub-recipient that work completed after this date is not eligible for federal funding, and that federal funds may be de-obligated for work completed outside the completion date when there is no approved time extension.
- 3. Project Closeout** – Within 120 days of project completion, all project funds must be liquidated and final closeout documentation for the project must be submitted to FEMA. Please note the project must comply with Code of Federal Regulations Title 2, Part 200 reporting requirements at the time of closeout.
- 4. Record of Environmental Considerations (REC)** – This project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusion A4 information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and A7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding.
- 5. Standard Conditions** – This project approval is subject to the enclosed *Standard Mitigation Grant Program (HMGP) Conditions*, amended August 2018. Please note that federal funds may be de-obligated for work that does not comply with these conditions.

If you have any questions, please contact Jared Peri, Grants Management Specialist, by email Jared.Peri@fema.dhs.gov, or phone (202) 374-4957.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J
LIPIECKI
Date: 2023.11.21 07:47:13 -08'00'

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Enclosures (3):

Obligation Report – Supplement 26
Record of Environmental Considerations (REC)
Standard Mitigation Grant (HMGP) Conditions

cc: Ron Miller, Acting State Hazard Mitigation Officer, California Governor's Office of
Emergency Services
Joseph Purvis, Division Chief, California Governor's Office of Emergency Services
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9

HAZARD MITIGATION GRANT PROGRAM

Obligation

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4482	22 -F	0	618	1	26	CA	Statewide

Subrecipient: Lindsay

Project Title : 5% City of Lindsay Generators Mitigation Project

Subrecipient FIPS Code: 107-41712

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation		
\$145,170.00	\$145,170.00	\$0.00	\$0.00		

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$145,170.00	\$8,065.00	\$153,235.00	10/05/2023	Accept	2024

Comments

Date: 10/05/2023 User Id: SSCOTT39

Comment: HMGP 4482-618-22F-Phase One-City of Lindsay-Generators Mitigation Project- Fed Share-\$145,170.00 and SRMC-\$8,065.00.

Authorization

Preparer Name: STEVEN SCOTT

Preparation Date: 10/05/2023

HMO Authorization Name: JOCELYN MADISON-KELLY

HMO Authorization Date: 10/05/2023

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0022-CA (4482-618-022) (1)

Title: City of Lindsay Seven Critical Facility Backup Power Generators (Phase 1)

NEPA DETERMINATION

Non Compliant Flag: No EA Draft Date: EA Final Date:
 EA Public Notice Date: EA Fonsi Level: CATEX
 EIS Notice of Intent EIS ROD Date:

Comment The City of Lindsay in Tulare County, CA proposes to design and install seven backup power generators at seven critical facilities to increase community resilience against wildfires, flooding and seismic events. The facilities are: Water Well 14 (36.22737, -119.13861), Water Well 15 (36.22542, -119.15451), Sequoia Lift Station (36.21574, -119.09599), Hickory Lift Station (36.21792, -119.09152), Lindsay City Hall (36.20362, -119.08830), Lindsay Public Safety Building (36.20431, -119.08838), and Lindsay Waste Water Treatment Plant (36.21866, -119.13745).

Phase 1 of the project, the subject of this review, will consist of the City of Lindsay finalizing the exact location of the generators; hiring a professional engineering firm to develop 90% engineering drawings; completing an environmental review/assessment pursuant to CEQA; completing permitting for the seven sites; and requesting bids from qualified contractors. No ground disturbance or construction activities, including geotechnical borings, are proposed during Phase 1. During Phase 2, engineering plans will be completed to 100% and the project will be implemented. If the Phase 1 project scope of work changes to include ground disturbance, additional environmental review will be required.

This Phase 1 project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001-01, Revision 1. Categorical Exclusions A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and A7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding. - jhelder - 09/22/2023 22:09:59 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
a4	(a4) Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to: (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions. (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities.	Yes
a7	(a7) The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to: (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation. (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys. (c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure.	Yes

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0022-CA (4482-618-022) (1)

Title: City of Lindsay Seven Critical Facility Backup Power Generators (Phase 1)

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project is located in a non-attainment area	CAA: The project is in Tulare County that is within a nonattainment area for PM-2.5 (1997, 2006, 2012) and 8-Hour Ozone (2008, 2015) according to the U.S. Environmental Protection Agency (USEPA). Based on the scope of work, the potential emissions from project activities are clearly below "de minimis" thresholds for the General Conformity Rule. Thus, the project is exempt from a conformity determination. See Condition. - jhelder - 09/22/2023 22:20:48 GMT
	Completed	Coordination required with applicable state administering agency - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	This Phase 1 project is for non-ground disturbing engineering/design activities and environmental studies only, which do not involve potential impacts to the floodplain. See Attached Map. - jhelder - 09/22/2023 22:22:22 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	This Phase 1 project is for non-ground disturbing engineering/design activities and environmental studies only, which do not involve potential impacts to wetlands. See Attached Map. - jhelder - 09/22/2023 22:27:01 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	No Low income or minority population in, near or affected by the project - Review concluded	EO12898: This project has been determined to have limited or no potential to affect minority or low-income populations according to Exemptions VI.h (Planning-related activities) and VI.m (Architectural and engineering costs) in Step 1 of the EO 12898 Interim Guidance,

18:03:58

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0022-CA (4482-618-022) (1)

Title: City of Lindsay Seven Critical Facility Backup Power Generators (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
			dated September 2023. FEMA has no further EO 12898 responsibilities with regard to these activities. - jhelder - 09/22/2023 22:30:24 GMT
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	A No Effect Memorandum has been prepared as it has been determined that the proposed actions would result in No Effect to federally listed species or designated critical habitat. Consultation with the US Fish and Wildlife Service and/or the National Marine Fisheries Service is not required. See attached No Effect Memorandum. - jhelder - 09/22/2023 22:11:10 GMT
	Completed	No effect to species or designated critical habitat (See comments for justification) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
Fish and Wildlife Coordination Act (FWCA)	Completed	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Not type of activity with potential to affect historic properties - Review concluded	Pursuant to Stipulation I.A.7.f (Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), the California State Historic Preservation Officer (SHPO), and the California Governor's Office of Emergency Services (Cal OES), signed October 29, 2019, FEMA has determined that the undertaking as described will have no potential to effect historic properties. Thus, the undertaking does not require SHPO review, and FEMA has no further Section 106 responsibilities in accordance with 36 CFR 800.3(a)(1). - jhelder - 09/22/2023 22:10:52 GMT

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0022-CA (4482-618-022) (1)

Title: City of Lindsay Seven Critical Facility Backup Power Generators (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

CAA: The Applicant is responsible for complying with all applicable subparts of the Clean Air Act. The Applicant must coordinate with the California Air Resources Board to determine any permitting requirements. Copies of any permits/authorizations, or consultation documentation must be forwarded to FEMA for inclusion in the administrative record. Failure to comply with these conditions may jeopardize the receipt of federal funding.

Source of condition: Clean Air Act (CAA)

Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Standard Mitigation Grant Program (HMGP) Conditions

FEMA Region IX, August, 2018

The following list applies to Recipients and Subrecipients accepting HMGP funds from the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS):

1. **Applicable Federal, State, and Local Laws and Regulations.** The Recipient/Subrecipient must comply with all applicable Federal, State, and Local laws and regulations, regardless of whether they are on this list or other project documents. DHS financial assistance Recipients and Subrecipients are required to follow the provisions of the State HMGP Administrative Plan, applicable Hazard Mitigation Assistance Uniform Guidance, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in Title 2 of the Code of Federal Regulations (CFR) Part 200, adopted by DHS in 2 CFR 3002.
2. **Financial Management Systems.** The Recipient and Subrecipient must maintain financial management systems to account for and track funds, as referenced in 2 CFR 200.302.
3. **Match or Cost Share.** Non-federal match or cost share must comply with 2 CFR 200.306, the scope of work (SOW), and any agreements among the Subrecipient, the Recipient, and FEMA.
4. **Budget Changes.** Unanticipated adjustments are permitted within the approved total cost. However, if costs exceed the federal share, the Subrecipient must notify the Governor's Authorized Representative (GAR) of overruns before implementation. The GAR shall submit a written request for approval to FEMA Region IX. The subaward must continue to meet HMGP requirements, including cost effectiveness and cost share. Refer to 2 CFR 200.308 for additional information.
5. **Real Property and Land.** The acquisition, use, and disposition must comply with 2 CFR 200.311.
6. **Equipment.** The acquisition, use, and disposition must comply with 2 CFR 200.313.
7. **Supplies.** Upon project completion, FEMA must be compensated for unused supplies, exceeding \$5,000 (fair market value), and not needed for other federal programs. Refer to 2 CFR 200.314.
8. **Procurement.** Procurement procedures must be in conformance with 2 CFR 200.318-320.
9. **Monitoring and Reporting Program Performance.** The Recipient and Subrecipient must submit quarterly progress reports, as referenced in the 2 CFR 200.328 and State HMGP Administrative Plan.
10. **Records Retention.** In accordance with 2 CFR 200.333, financial/ programmatic records related to expenditures must be maintained at least 3 years after the date of Recipient's final expenditure report.
11. **Enforcement and Termination.** If the Recipient or Subrecipient fails to comply with the award or subaward terms, whether stated in a Federal statute or regulation, the State HMGP Administrative Plan, subapplication, a notice of award, an assurance, or elsewhere, FEMA may take one or more of the actions outlined in 2 CFR 200.338, including termination or partial termination of the award or subaward outlined in 2 CFR 200.339.
12. **Allowable Costs.** Funds are to be used for allowable costs in compliance with 2 CFR 200.403, the approved SOW, and any agreements among the Subrecipient, Recipient, and FEMA.

13. **Non-Federal Audit.** The Recipient and Subrecipient are responsible for obtaining audits in accordance with the Single Audit Act of 1984, in compliance with 2 CFR 200.501.
14. **Debarred and Suspended Parties.** Recipients and Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR 180. These regulations restrict federal financial assistance awards, subawards, and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the federal assistance programs or activities.
15. **Equipment Rates.** Rates claimed for use of Subrecipient-owned equipment in excess of the FEMA-approved rates must be approved under State guidelines issued by the State Comptroller's Office or must be certified by the Recipient to include only those costs attributable to equipment usage less any fixed overhead and/or profit.
16. **Duplication of Funding between Public Assistance (PA) and HMGP.** Funding for PA Section 406 and HMGP Section 404 are permitted on the same facility/location, but the activities identified under each program must be distinct with separately accounted funds. At closeout, FEMA may adjust the funding to ensure the Subrecipient was reimbursed for eligible work from only one funding source.
17. **Historic Properties and Cultural Resources.** In compliance with 2 CFR 800, if a potential historic property or cultural resource is discovered during construction, the Subrecipient must cease work in the area and take all reasonable measures to avoid or minimize harm to the discovered property/resource. During construction, the Subrecipient will monitor ground disturbance activity, and if any potential archeological resources are discovered, will immediately cease work in that area, and notify the Recipient and FEMA. Construction in the area may resume with FEMA's written approval after FEMA's consultation, if applicable, with the State Historic Preservation Officer (SHPO).
18. **NEPA and Changes to the Scope of Work (SOW).** To comply with the National Environmental Policy Act (NEPA), and other Laws and Executive Orders, any change to the approved SOW shall be re-evaluated before implementation. Construction associated with a SOW change, prior to FEMA approval, may be ineligible for funding. Acceptance of federal funding requires environmental permits and clearances in compliance with all appropriate federal, state and local laws, and failure to comply may jeopardize funding.

Within their authority, the Recipient and Subrecipient must use of all practicable means, consistent with other essential policies, to create and maintain productive harmony for people and nature, and fulfill the social, economic, and other needs of present and future generations of Americans.

\\R9li8a1\mitdata\$\05. HMA Grants Management\02. HMGP\HMGP Standard Conditions\Standard HMGP Conditions, August 2018.docx



Cal OES ID No: _____

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE _____ OF THE _____
 (Governing Body) (Name of Applicant)

THAT _____, OR
 (Title of Authorized Agent)

_____, OR
 (Title of Authorized Agent)

 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____,
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the _____, a public entity established under the
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



Please check the appropriate box below

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): _____

Passed and approved this ___ day of _____, 20___

 (Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
 (Name) (Title)

_____, do hereby certify that the above is a true and
 (Name of Applicant)

correct copy of a resolution passed and approved by the _____
 (Governing Body)

of the _____ on the _____ day of _____, 20___.
 (Name of Applicant)

 (Signature)

 (Title)



Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted resolution is older than three (3) years from the last date of approval, is invalid, or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on pages 1 and 2. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California.

Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants for which they have applied. There are two ways of completing this section:

1. **Titles Only:** The titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by either a cover letter naming the Authorized Agents by name and title, or the Cal OES AA Names document. The supporting document can be completed by any authorized person within the Agency (e.g., administrative assistant, the Authorized Agent, secretary to the Director). It does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document, or their title changes.



Checking Universal or Disaster-Specific Box: A Universal resolution is effective for all past disasters and for those declared up to three (3) years following the date of approval. Upon expiration it is no longer effective for new disasters, but it remains in effect for disasters declared prior to expiration. It remains effective until the disaster goes through closeout unless it is superseded by a newer resolution.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents. A minimum of three (3) approving board members must be listed. If less than three are present, meeting minutes must be attached in order to verify a quorum was met.

Certification Section:

Name and Title: This is the individual in attendance who recorded the creation and approval of this resolution.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member. If a person holds two positions (such as City Manager and Secretary to the Board) and the City Manager is to be listed as an Authorized Agent, then that person could sign the document as Secretary to the Board (not City Manager) to eliminate "Self-Certification."



STAFF REPORT

TO: Lindsay City Council
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager
DEPARTMENT: City Manager, Finance, Human Resources
ITEM NO.: 8.5
MEETING DATE: January 09, 2024

ACTION & RECOMMENDATION

Consider the Approval of Resolution No. 24-02, A Resolution of the City Council of the City of Lindsay Approving a New Salary Schedule in Compliance with California State Mandated Minimum Wage and Minimum Salary Law Effective January 01, 2024, as well as the Lindsay City Employees' Association Base Wage Increase Effective the First Full Pay Period including January 01, 2024, Approved via Resolution No. 23-33.

City Staff recommends that the City Council pass and adopt Resolution No. 24-02 to ensure compliance with State of California State Mandated Minimum Wage and Minimum Salary as well as the Lindsay City Employees' Association Base Wage Increase.

BACKGROUND | ANALYSIS

The State of California sets minimum wage requirements for all industries. On January 01, 2024, California minimum wage for all employers increased to \$16.00/hour. On January 01, 2024, California minimum wage for exempt employees increased to \$66,560 annually. Attached to this report is a new and updated salary schedule that reflects the State of California wage requirements.

On August 08, 2023, the Lindsay City Council approved Resolution No. 23-33, entering into a memorandum of understanding (MOU) by and between the City of Lindsay and the Lindsay City Employees' Association. Said MOU approved a two percent (2%) base wage increase effective the first full pay period including January 01, 2024.

FISCAL IMPACT

The wage increases referenced within this report were accounted for and incorporated into the adopted Fiscal Year 2023 – 2024 Operating Budget and will be sourced from account funds accordingly.

ATTACHMENTS

- Current Hourly and Annual Salary Schedules
- Proposed Hourly and Annual Salary Schedule effective January 01, 2024
- Resolution No. 24-02



City of Lindsay

Hourly Salary Schedule
FY 2023/2024

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Unrepresented	Part-Time Seasonal	Interns/Seasonal	\$ 15.50	\$ 15.50	\$ 15.50	\$ 15.50	\$ 15.50	\$ 15.50	\$ 15.50
Non-Exempt	Unrepresented	Part-Time	Recreation - Lifeguard	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23	\$ 19.14	\$ 20.10	\$ 21.11
Non-Exempt	Unrepresented	Part-Time	Recreation I	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23	\$ 19.14	\$ 20.10	\$ 21.11
Non-Exempt	SEIU	Full-Time	Maintenance	\$ 16.07	\$ 16.87	\$ 17.71	\$ 18.60	\$ 19.53	\$ 20.50	\$ 21.53
Non-Exempt	SEIU	Full-Time	Account Clerk I	\$ 16.07	\$ 16.87	\$ 17.71	\$ 18.60	\$ 19.53	\$ 20.50	\$ 21.53
Non-Exempt	SEIU	Full-Time	Code Enforcement Officer	\$ 16.07	\$ 16.87	\$ 17.71	\$ 18.60	\$ 19.53	\$ 20.50	\$ 21.53
Non-Exempt	SEIU	Full-Time	Records Clerk	\$ 16.22	\$ 17.03	\$ 17.88	\$ 18.77	\$ 19.71	\$ 20.70	\$ 21.73
Non-Exempt	SEIU	Full-Time	Maintenance Senior I	\$ 16.22	\$ 17.03	\$ 17.88	\$ 18.77	\$ 19.71	\$ 20.70	\$ 21.73
Non-Exempt	Unrepresented	Part-Time	Lead Lifeguard	\$ 16.75	\$ 17.59	\$ 18.47	\$ 19.39	\$ 20.36	\$ 21.38	\$ 22.45
Non-Exempt	SEIU	Full-Time	Community Development Specialist	\$ 17.46	\$ 18.34	\$ 19.25	\$ 20.21	\$ 21.23	\$ 22.29	\$ 23.40
Non-Exempt	SEIU	Full-Time	Administrative Secretary	\$ 17.46	\$ 18.34	\$ 19.25	\$ 20.21	\$ 21.23	\$ 22.29	\$ 23.40
Non-Exempt	SEIU	Full-Time	Utility Operator Trainee	\$ 17.60	\$ 18.47	\$ 19.40	\$ 20.37	\$ 21.39	\$ 22.46	\$ 23.58
Non-Exempt	SEIU	Full-Time	Pool Manager	\$ 18.00	\$ 18.90	\$ 19.85	\$ 20.84	\$ 21.88	\$ 22.97	\$ 24.12
Non-Exempt	Confidential Employee	Full-Time	Executive Assistant/Deputy City Clerk	\$ 20.20	\$ 21.21	\$ 22.27	\$ 23.38	\$ 24.55	\$ 25.78	\$ 27.06
Non-Exempt	SEIU	Part-Time	Records/IT Clerk	\$ 20.20	\$ 21.21	\$ 22.27	\$ 23.38	\$ 24.55	\$ 25.78	\$ 27.06
Non-Exempt	SEIU	Full-Time	Maintenance Senior II	\$ 20.48	\$ 21.51	\$ 22.58	\$ 23.71	\$ 24.90	\$ 26.14	\$ 27.45
Non-Exempt	SEIU	Full-Time	Animal Control Officer	\$ 20.48	\$ 21.51	\$ 22.58	\$ 23.71	\$ 24.90	\$ 26.14	\$ 27.45
Non-Exempt	SEIU	Full-Time	Community Services Officer	\$ 20.48	\$ 21.51	\$ 22.58	\$ 23.71	\$ 24.90	\$ 26.14	\$ 27.45
Non-Exempt	SEIU	Full-Time	Account Clerk III	\$ 20.58	\$ 21.61	\$ 22.69	\$ 23.83	\$ 25.02	\$ 26.27	\$ 27.58
Non-Exempt	SEIU	Full-Time	Utility Operator I	\$ 24.76	\$ 25.99	\$ 27.29	\$ 28.66	\$ 30.09	\$ 31.59	\$ 33.17
Non-Exempt	SEIU	Full-Time	Engineering Technician	\$ 25.57	\$ 26.85	\$ 28.19	\$ 29.60	\$ 31.08	\$ 32.64	\$ 34.27
Non-Exempt	SEIU	Full-Time	Assistant City Planner	\$ 25.57	\$ 26.85	\$ 28.19	\$ 29.60	\$ 31.08	\$ 32.64	\$ 34.27
Non-Exempt	SEIU	Full-Time	Building Inspector I	\$ 25.57	\$ 26.85	\$ 28.19	\$ 29.60	\$ 31.08	\$ 32.64	\$ 34.27
Exempt	Unrepresented	Full-Time	Administrative Supervisor	\$ 31.00	\$ 32.55	\$ 34.18	\$ 35.89	\$ 37.68	\$ 39.56	\$ 41.54
Exempt	Unrepresented	Full-Time	City Clerk/Assistant to the City Manager	\$ 31.00	\$ 32.55	\$ 34.18	\$ 35.89	\$ 37.68	\$ 39.56	\$ 41.54
Exempt	Unrepresented	Full-Time	Maintenance Senior III	\$ 31.00	\$ 32.55	\$ 34.18	\$ 35.89	\$ 37.68	\$ 39.56	\$ 41.54
Exempt	Unrepresented	Full-Time	Human Resources Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.28
Exempt	Unrepresented	Full-Time	Planning Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	Finance & Accounting Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	IT Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	Executive Projects Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	City Services Manager/Inspector	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Non-Exempt	SEIU	Full-Time	Utility Operator II	\$ 34.46	\$ 36.18	\$ 37.99	\$ 39.89	\$ 41.88	\$ 43.98	\$ 46.17
Exempt	Unrepresented	Full-Time	City Services Deputy Director	\$ 34.80	\$ 36.54	\$ 38.37	\$ 40.29	\$ 42.30	\$ 44.41	\$ 46.64
Non-Exempt	SEIU	Full-Time	Utility Operator III	\$ 38.92	\$ 40.87	\$ 42.91	\$ 45.06	\$ 47.31	\$ 49.68	\$ 52.16

*All hourly rates are based on a 40-hour work week.

Fire Personnel

Fire Rate										
Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 15.50	\$ 16.28	\$ 17.09	\$ 17.94	\$ 18.84	\$ 19.78	\$ 20.77
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 22.06	\$ 23.16	\$ 24.32	\$ 25.54	\$ 26.81	\$ 28.15	\$ 29.56

Administrative Rate

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 21.70	\$ 22.79	\$ 23.92	\$ 25.12	\$ 26.38	\$ 27.70	\$ 29.08
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 29.42	\$ 30.89	\$ 32.44	\$ 34.06	\$ 35.76	\$ 37.55	\$ 39.43

*Fire personnel will convert to a 56-hour work week upon completion of their training.

*Fire personnel are paid based on whether they are on the 56-hour per week average schedule or the 40-hour per week schedule.

*Holiday pay will still be paid out based on the 40-hour per week rate, regardless of whether an employee is on a 56-hour per week average schedule or a 40-hour per week schedule.

Public Safety Personnel

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	LPOA	Full-Time	Public Safety Officer	\$ 25.37	\$ 26.64	\$ 27.97	\$ 29.37	\$ 30.84	\$ 32.38	\$ 34.00
Non-Exempt	LPOA	Full-Time	Police Corporal	\$ 27.98	\$ 29.38	\$ 30.85	\$ 32.39	\$ 34.01	\$ 35.71	\$ 37.50
Non-Exempt	LPOA	Full-Time	Public Safety Sergeant	\$ 30.89	\$ 32.43	\$ 34.06	\$ 35.76	\$ 37.55	\$ 39.42	\$ 41.40
Exempt	Unrepresented	Full-Time	Public Safety Lieutenant	\$ 41.35	\$ 43.42	\$ 45.59	\$ 47.87	\$ 50.26	\$ 52.77	\$ 55.41

Contract Personnel

Category	Bargaining Unit	Type	Title	Minimum	Maximum
Exempt	Unrepresented	Full-Time	City Manager	\$ 55.05	\$ 80.00
Exempt	Unrepresented	Full-Time	Director of Public Safety	\$ 41.46	\$ 70.00
Exempt	Unrepresented	Full-Time	Director of Finance	\$ 41.72	\$ 70.00
Exempt	Unrepresented	Full-Time	Director of City Services & Planning	\$ 36.17	\$ 70.00
Exempt	Unrepresented	Full-Time	Recreation Services Director	\$ 34.37	\$ 60.00



City of Lindsay

Annual Salary Schedule
FY 2023/2024

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Unrepresented	Part-Time Seasonal	Interns/Seasonal	\$ 32,240.00	\$ 32,240.00	\$ 32,240.00	\$ 32,240.00	\$ 32,240.00	\$ 32,240.00	\$ 32,240.00
Non-Exempt	Unrepresented	Part-Time	Recreation - Lifeguard	\$ 32,760.00	\$ 34,403.20	\$ 36,108.80	\$ 37,918.40	\$ 39,811.20	\$ 41,808.00	\$ 43,908.80
Non-Exempt	Unrepresented	Part-Time	Recreation I	\$ 32,760.00	\$ 34,403.20	\$ 36,108.80	\$ 37,918.40	\$ 39,811.20	\$ 41,808.00	\$ 43,908.80
Non-Exempt	SEIU	Full-Time	Maintenance	\$ 33,425.60	\$ 35,089.60	\$ 36,836.80	\$ 38,688.00	\$ 40,622.40	\$ 42,640.00	\$ 44,782.40
Non-Exempt	SEIU	Full-Time	Account Clerk I	\$ 33,425.60	\$ 35,089.60	\$ 36,836.80	\$ 38,688.00	\$ 40,622.40	\$ 42,640.00	\$ 44,782.40
Non-Exempt	SEIU	Full-Time	Code Enforcement Officer	\$ 33,425.60	\$ 35,089.60	\$ 36,836.80	\$ 38,688.00	\$ 40,622.40	\$ 42,640.00	\$ 44,782.40
Non-Exempt	SEIU	Full-Time	Records Clerk	\$ 33,737.60	\$ 35,422.40	\$ 37,190.40	\$ 39,041.60	\$ 40,996.80	\$ 43,056.00	\$ 45,198.40
Non-Exempt	SEIU	Full-Time	Maintenance Senior I	\$ 33,737.60	\$ 35,422.40	\$ 37,190.40	\$ 39,041.60	\$ 40,996.80	\$ 43,056.00	\$ 45,198.40
Non-Exempt	Unrepresented	Part-Time	Lead Lifeguard	\$ 34,840.00	\$ 36,587.20	\$ 38,417.60	\$ 40,331.20	\$ 42,348.80	\$ 44,470.40	\$ 46,696.00
Non-Exempt	SEIU	Full-Time	Community Development Specialist	\$ 36,316.80	\$ 38,147.20	\$ 40,040.00	\$ 42,036.80	\$ 44,158.40	\$ 46,363.20	\$ 48,672.00
Non-Exempt	SEIU	Full-Time	Administrative Secretary	\$ 36,316.80	\$ 38,147.20	\$ 40,040.00	\$ 42,036.80	\$ 44,158.40	\$ 46,363.20	\$ 48,672.00
Non-Exempt	SEIU	Full-Time	Utility Operator Trainee	\$ 36,608.00	\$ 38,417.60	\$ 40,352.00	\$ 42,369.60	\$ 44,491.20	\$ 46,716.80	\$ 49,046.40
Non-Exempt	SEIU	Full-Time	Pool Manager	\$ 37,440.00	\$ 39,312.00	\$ 41,288.00	\$ 43,347.20	\$ 45,510.40	\$ 47,777.60	\$ 50,169.60
Non-Exempt	Confidential Employee	Full-Time	Executive Assistant/Deputy City Clerk	\$ 42,016.00	\$ 44,116.80	\$ 46,321.60	\$ 48,630.40	\$ 51,064.00	\$ 53,622.40	\$ 56,284.80
Non-Exempt	SEIU	Part-Time	Records/IT Clerk	\$ 42,016.00	\$ 44,116.80	\$ 46,321.60	\$ 48,630.40	\$ 51,064.00	\$ 53,622.40	\$ 56,284.80
Non-Exempt	SEIU	Full-Time	Maintenance Senior II	\$ 42,598.40	\$ 44,740.80	\$ 46,966.40	\$ 49,316.80	\$ 51,792.00	\$ 54,371.20	\$ 57,096.00
Non-Exempt	SEIU	Full-Time	Animal Control Officer	\$ 42,598.40	\$ 44,740.80	\$ 46,966.40	\$ 49,316.80	\$ 51,792.00	\$ 54,371.20	\$ 57,096.00
Non-Exempt	SEIU	Full-Time	Community Services Officer	\$ 42,598.40	\$ 44,740.80	\$ 46,966.40	\$ 49,316.80	\$ 51,792.00	\$ 54,371.20	\$ 57,096.00
Non-Exempt	SEIU	Full-Time	Account Clerk III	\$ 42,806.40	\$ 44,948.80	\$ 47,195.20	\$ 49,566.40	\$ 52,041.60	\$ 54,641.60	\$ 57,366.40
Non-Exempt	SEIU	Full-Time	Utility Operator I	\$ 51,500.80	\$ 54,059.20	\$ 56,763.20	\$ 59,612.80	\$ 62,587.20	\$ 65,707.20	\$ 68,993.60
Non-Exempt	SEIU	Full-Time	Engineering Technician	\$ 53,185.60	\$ 55,848.00	\$ 58,635.20	\$ 61,568.00	\$ 64,646.40	\$ 67,891.20	\$ 71,281.60
Non-Exempt	SEIU	Full-Time	Assistant City Planner	\$ 53,185.60	\$ 55,848.00	\$ 58,635.20	\$ 61,568.00	\$ 64,646.40	\$ 67,891.20	\$ 71,281.60
Non-Exempt	SEIU	Full-Time	Building Inspector I	\$ 53,185.60	\$ 55,848.00	\$ 58,635.20	\$ 61,568.00	\$ 64,646.40	\$ 67,891.20	\$ 71,281.60
Exempt	Unrepresented	Full-Time	Administrative Supervisor	\$ 64,480.00	\$ 67,704.00	\$ 71,094.40	\$ 74,651.20	\$ 78,374.40	\$ 82,284.80	\$ 86,403.20
Exempt	Unrepresented	Full-Time	City Clerk/Assistant to the City Manager	\$ 64,480.00	\$ 67,704.00	\$ 71,094.40	\$ 74,651.20	\$ 78,374.40	\$ 82,284.80	\$ 86,403.20
Exempt	Unrepresented	Full-Time	Maintenance Senior III	\$ 64,480.00	\$ 67,704.00	\$ 71,094.40	\$ 74,651.20	\$ 78,374.40	\$ 82,284.80	\$ 86,403.20
Exempt	Unrepresented	Full-Time	Human Resources Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,328.00	\$ 85,404.80	\$ 89,668.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	Planning Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,328.00	\$ 85,404.80	\$ 89,668.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	Finance & Accounting Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,328.00	\$ 85,404.80	\$ 89,668.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	IT Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,328.00	\$ 85,404.80	\$ 89,668.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	Executive Projects Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,328.00	\$ 85,404.80	\$ 89,668.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	City Services Manager/Inspector	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,328.00	\$ 85,404.80	\$ 89,668.80	\$ 94,161.60
Non-Exempt	SEIU	Full-Time	Utility Operator II	\$ 71,676.80	\$ 75,254.40	\$ 79,019.20	\$ 82,971.20	\$ 87,110.40	\$ 91,478.40	\$ 96,033.60
Exempt	Unrepresented	Full-Time	City Services Deputy Director	\$ 72,384.00	\$ 76,003.20	\$ 79,809.60	\$ 83,803.20	\$ 87,984.00	\$ 92,372.80	\$ 97,011.20
Non-Exempt	SEIU	Full-Time	Utility Operator III	\$ 80,953.60	\$ 85,009.60	\$ 89,252.80	\$ 93,724.80	\$ 98,404.80	\$ 103,334.40	\$ 108,492.80

*All hourly rates are based on a 40-hour work week.

Fire Personnel

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 45,136.00	\$ 47,403.36	\$ 49,766.08	\$ 52,241.28	\$ 54,862.08	\$ 57,599.36	\$ 60,482.24
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 64,238.72	\$ 67,441.92	\$ 70,819.84	\$ 74,372.48	\$ 78,070.72	\$ 81,972.80	\$ 86,078.72

Administrative Rate

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 45,136.00	\$ 47,403.20	\$ 49,753.60	\$ 52,249.60	\$ 54,870.40	\$ 57,616.00	\$ 60,486.40
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 61,193.60	\$ 64,251.20	\$ 67,475.20	\$ 70,844.80	\$ 74,380.80	\$ 78,104.00	\$ 82,014.40

*Fire personnel will convert to a 56-hour work week upon completion of their training.

*Fire personnel are paid based on whether they are on the 56-hour per week average schedule or the 40-hour per week schedule.

*Holiday pay will still be paid out based on the 40-hour per week rate, regardless of whether an employee is on a 56-hour per week average schedule or a 40-hour per week schedule.

Public Safety Personnel

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	LPOA	Full-Time	Public Safety Officer	\$ 52,769.60	\$ 55,411.20	\$ 58,177.60	\$ 61,089.60	\$ 64,147.20	\$ 67,350.40	\$ 70,720.00
Non-Exempt	LPOA	Full-Time	Police Corporal	\$ 58,198.40	\$ 61,110.40	\$ 64,168.00	\$ 67,371.20	\$ 70,740.80	\$ 74,276.80	\$ 78,000.00
Non-Exempt	LPOA	Full-Time	Public Safety Sergeant	\$ 64,251.20	\$ 67,454.40	\$ 70,844.80	\$ 74,380.80	\$ 78,104.00	\$ 81,993.60	\$ 86,112.00
Exempt	Unrepresented	Full-Time	Public Safety Lieutenant	\$ 86,008.00	\$ 90,313.60	\$ 94,827.20	\$ 99,569.60	\$ 104,540.80	\$ 109,761.60	\$ 115,252.80

Contract Personnel

Category	Bargaining Unit	Type	Title	Minimum	Maximum
Exempt	Unrepresented	Full-Time	City Manager	\$ 114,504.00	\$ 166,400.00
Exempt	Unrepresented	Full-Time	Director of Public Safety	\$ 86,236.80	\$ 145,600.00
Exempt	Unrepresented	Full-Time	Director of Finance	\$ 86,777.60	\$ 145,600.00
Exempt	Unrepresented	Full-Time	Director of City Services & Planning	\$ 75,233.60	\$ 145,600.00
Exempt	Unrepresented	Full-Time	Recreation Services Director	\$ 71,489.60	\$ 124,800.00



City of Lindsay

Hourly Salary Schedule
FY 2023/2024 Effective 01.01.2024

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Unrepresented	Part-Time Seasonal	Interns/Seasonal	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00
Non-Exempt	Unrepresented	Part-Time	Recreation - Lifeguard	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.45	\$ 20.42	\$ 21.44
Non-Exempt	Unrepresented	Part-Time	Recreation I	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.45	\$ 20.42	\$ 21.44
Non-Exempt	SEIU	Full-Time	Maintenance	\$ 16.39	\$ 17.21	\$ 18.07	\$ 18.98	\$ 19.92	\$ 20.92	\$ 21.97
Non-Exempt	SEIU	Full-Time	Account Clerk I	\$ 16.39	\$ 17.21	\$ 18.07	\$ 18.98	\$ 19.92	\$ 20.92	\$ 21.97
Non-Exempt	SEIU	Full-Time	Code Enforcement Officer	\$ 16.39	\$ 17.21	\$ 18.07	\$ 18.98	\$ 19.92	\$ 20.92	\$ 21.97
Non-Exempt	SEIU	Full-Time	Records Clerk	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15	\$ 20.11	\$ 21.12	\$ 22.17
Non-Exempt	SEIU	Full-Time	Maintenance Senior I	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15	\$ 20.11	\$ 21.12	\$ 22.17
Non-Exempt	Unrepresented	Part-Time	Lead Lifeguard	\$ 16.75	\$ 17.59	\$ 18.47	\$ 19.39	\$ 20.36	\$ 21.38	\$ 22.45
Non-Exempt	SEIU	Full-Time	Community Development Specialist	\$ 17.81	\$ 18.70	\$ 19.63	\$ 20.62	\$ 21.65	\$ 22.73	\$ 23.87
Non-Exempt	SEIU	Full-Time	Administrative Secretary	\$ 17.81	\$ 18.70	\$ 19.63	\$ 20.62	\$ 21.65	\$ 22.73	\$ 23.87
Non-Exempt	SEIU	Full-Time	Utility Operator Trainee	\$ 17.95	\$ 18.85	\$ 19.79	\$ 20.78	\$ 21.82	\$ 22.91	\$ 24.06
Non-Exempt	SEIU	Full-Time	Pool Manager	\$ 18.36	\$ 19.28	\$ 20.24	\$ 21.25	\$ 22.32	\$ 23.43	\$ 24.60
Non-Exempt	Confidential Employee	Full-Time	Executive Assistant/Deputy City Clerk	\$ 20.60	\$ 21.63	\$ 22.72	\$ 23.85	\$ 25.04	\$ 26.30	\$ 27.61
Non-Exempt	SEIU	Part-Time	Records/IT Clerk	\$ 20.60	\$ 21.63	\$ 22.72	\$ 23.85	\$ 25.04	\$ 26.30	\$ 27.61
Non-Exempt	SEIU	Full-Time	Maintenance Senior II	\$ 20.89	\$ 21.93	\$ 23.03	\$ 24.18	\$ 25.39	\$ 26.66	\$ 27.99
Non-Exempt	SEIU	Full-Time	Animal Control Officer	\$ 20.89	\$ 21.93	\$ 23.03	\$ 24.18	\$ 25.39	\$ 26.66	\$ 27.99
Non-Exempt	SEIU	Full-Time	Community Services Officer	\$ 20.89	\$ 21.93	\$ 23.03	\$ 24.18	\$ 25.39	\$ 26.66	\$ 27.99
Non-Exempt	SEIU	Full-Time	Account Clerk III	\$ 20.99	\$ 22.04	\$ 23.14	\$ 24.30	\$ 25.52	\$ 26.79	\$ 28.13
Non-Exempt	SEIU	Full-Time	Utility Operator I	\$ 25.26	\$ 26.52	\$ 27.84	\$ 29.24	\$ 30.70	\$ 32.23	\$ 33.84
Non-Exempt	SEIU	Full-Time	Engineering Technician	\$ 26.08	\$ 27.39	\$ 28.75	\$ 30.19	\$ 31.70	\$ 33.29	\$ 34.95
Non-Exempt	SEIU	Full-Time	Assistant City Planner	\$ 26.08	\$ 27.39	\$ 28.75	\$ 30.19	\$ 31.70	\$ 33.29	\$ 34.95
Non-Exempt	SEIU	Full-Time	Building Inspector I	\$ 26.08	\$ 27.39	\$ 28.75	\$ 30.19	\$ 31.70	\$ 33.29	\$ 34.95
Exempt	Unrepresented	Full-Time	Administrative Supervisor	\$ 32.00	\$ 33.60	\$ 35.28	\$ 37.04	\$ 38.90	\$ 40.84	\$ 42.88
Exempt	Unrepresented	Full-Time	City Clerk/Assistant to the City Manager	\$ 32.00	\$ 33.60	\$ 35.28	\$ 37.04	\$ 38.90	\$ 40.84	\$ 42.88
Exempt	Unrepresented	Full-Time	Maintenance Senior III	\$ 32.00	\$ 33.60	\$ 35.28	\$ 37.04	\$ 38.90	\$ 40.84	\$ 42.88
Exempt	Unrepresented	Full-Time	Human Resources Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	Planning Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	Finance & Accounting Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	IT Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	Executive Projects Manager	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Exempt	Unrepresented	Full-Time	City Services Manager/Inspector	\$ 33.78	\$ 35.47	\$ 37.24	\$ 39.10	\$ 41.06	\$ 43.11	\$ 45.27
Non-Exempt	SEIU	Full-Time	Utility Operator II	\$ 35.15	\$ 36.91	\$ 38.75	\$ 40.69	\$ 42.72	\$ 44.86	\$ 47.10
Exempt	Unrepresented	Full-Time	City Services Deputy Director	\$ 34.80	\$ 36.54	\$ 38.37	\$ 40.29	\$ 42.30	\$ 44.41	\$ 46.64
Non-Exempt	SEIU	Full-Time	Utility Operator III	\$ 39.70	\$ 41.68	\$ 43.77	\$ 45.96	\$ 48.25	\$ 50.67	\$ 53.20

*All hourly rates are based on a 40-hour work week.

Fire Personnel

Fire Rate										
Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.45	\$ 20.42	\$ 21.44
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 21.01	\$ 22.06	\$ 23.16	\$ 24.32	\$ 25.54	\$ 26.81	\$ 28.16

Administrative Rate										
Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 21.70	\$ 22.79	\$ 23.92	\$ 25.13	\$ 26.39	\$ 27.71	\$ 29.09
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 29.42	\$ 30.89	\$ 32.44	\$ 34.06	\$ 35.76	\$ 37.55	\$ 39.43

*Fire personnel will convert to a 56-hour work week upon completion of their training.

*Fire personnel are paid based on whether they are on the 56-hour per week average schedule or the 40-hour per week schedule.

*Holiday pay will still be paid out based on the 40-hour per week rate, regardless of whether an employee is on a 56-hour per week average schedule or a 40-hour per week schedule.

*Reserve Firefighter will fall under Part-Time Seasonal category

Public Safety Personnel

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	LPOA	Full-Time	Public Safety Officer	\$ 25.37	\$ 26.64	\$ 27.98	\$ 29.37	\$ 30.84	\$ 32.38	\$ 34.00
Non-Exempt	LPOA	Full-Time	Police Corporal	\$ 27.98	\$ 29.38	\$ 30.85	\$ 32.39	\$ 34.01	\$ 35.70	\$ 37.49
Non-Exempt	LPOA	Full-Time	Public Safety Sergeant	\$ 30.89	\$ 32.43	\$ 34.06	\$ 35.76	\$ 37.55	\$ 39.43	\$ 41.40
Exempt	Unrepresented	Full-Time	Public Safety Lieutenant	\$ 41.35	\$ 43.42	\$ 45.59	\$ 47.87	\$ 50.26	\$ 52.77	\$ 55.41

*Reserve Police Officer will fall under Part-Time Seasonal category

Contract Personnel

Category	Bargaining Unit	Type	Title	Minimum	Maximum
Exempt	Unrepresented	Full-Time	City Manager	\$ 55.05	\$ 80.00
Exempt	Unrepresented	Full-Time	Director of Public Safety	\$ 41.46	\$ 70.00
Exempt	Unrepresented	Full-Time	Director of Finance	\$ 41.72	\$ 70.00
Exempt	Unrepresented	Full-Time	Director of City Services & Planning	\$ 36.17	\$ 70.00
Exempt	Unrepresented	Full-Time	Recreation Services Director	\$ 34.37	\$ 60.00



City of Lindsay
Annual Salary Schedule
FY 2023/2024 Effective 01.01.2024

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Unrepresented	Part-Time Seasonal	Interns/Seasonal	\$ 33,280.00	\$ 33,280.00	\$ 33,280.00	\$ 33,280.00	\$ 33,280.00	\$ 33,280.00	\$ 33,280.00
Non-Exempt	Unrepresented	Part-Time	Recreation - Lifeguard	\$ 33,280.00	\$ 34,944.00	\$ 36,691.20	\$ 38,521.60	\$ 40,456.00	\$ 42,473.60	\$ 44,595.20
Non-Exempt	Unrepresented	Part-Time	Recreation I	\$ 33,280.00	\$ 34,944.00	\$ 36,691.20	\$ 38,521.60	\$ 40,456.00	\$ 42,473.60	\$ 44,595.20
Non-Exempt	SEIU	Full-Time	Maintenance	\$ 34,091.20	\$ 35,796.80	\$ 37,585.60	\$ 39,478.40	\$ 41,433.60	\$ 43,513.60	\$ 45,697.60
Non-Exempt	SEIU	Full-Time	Account Clerk I	\$ 34,091.20	\$ 35,796.80	\$ 37,585.60	\$ 39,478.40	\$ 41,433.60	\$ 43,513.60	\$ 45,697.60
Non-Exempt	SEIU	Full-Time	Code Enforcement Officer	\$ 34,091.20	\$ 35,796.80	\$ 37,585.60	\$ 39,478.40	\$ 41,433.60	\$ 43,513.60	\$ 45,697.60
Non-Exempt	SEIU	Full-Time	Records Clerk	\$ 34,403.20	\$ 36,129.60	\$ 37,939.20	\$ 39,832.00	\$ 41,828.80	\$ 43,929.60	\$ 46,113.60
Non-Exempt	SEIU	Full-Time	Maintenance Senior I	\$ 34,403.20	\$ 36,129.60	\$ 37,939.20	\$ 39,832.00	\$ 41,828.80	\$ 43,929.60	\$ 46,113.60
Non-Exempt	Unrepresented	Part-Time	Lead Lifeguard	\$ 34,840.00	\$ 36,587.20	\$ 38,417.60	\$ 40,331.20	\$ 42,348.80	\$ 44,470.40	\$ 46,696.00
Non-Exempt	SEIU	Full-Time	Community Development Specialist	\$ 37,044.80	\$ 38,896.00	\$ 40,830.40	\$ 42,889.60	\$ 45,032.00	\$ 47,278.40	\$ 49,649.60
Non-Exempt	SEIU	Full-Time	Administrative Secretary	\$ 37,044.80	\$ 38,896.00	\$ 40,830.40	\$ 42,889.60	\$ 45,032.00	\$ 47,278.40	\$ 49,649.60
Non-Exempt	SEIU	Full-Time	Utility Operator Trainee	\$ 37,336.00	\$ 39,208.00	\$ 41,163.20	\$ 43,224.00	\$ 45,385.60	\$ 47,652.80	\$ 50,044.80
Non-Exempt	SEIU	Full-Time	Pool Manager	\$ 38,188.80	\$ 40,102.40	\$ 42,099.20	\$ 44,200.00	\$ 46,425.60	\$ 48,734.40	\$ 51,168.00
Non-Exempt	Confidential Employee	Full-Time	Executive Assistant/Deputy City Clerk	\$ 42,848.00	\$ 44,990.40	\$ 47,257.60	\$ 49,608.00	\$ 52,083.20	\$ 54,704.00	\$ 57,428.80
Non-Exempt	SEIU	Part-Time	Records/JIT Clerk	\$ 42,848.00	\$ 44,990.40	\$ 47,257.60	\$ 49,608.00	\$ 52,083.20	\$ 54,704.00	\$ 57,428.80
Non-Exempt	SEIU	Full-Time	Maintenance Senior II	\$ 43,451.20	\$ 45,614.40	\$ 47,902.40	\$ 50,294.40	\$ 52,811.20	\$ 55,452.80	\$ 58,219.20
Non-Exempt	SEIU	Full-Time	Animal Control Officer	\$ 43,451.20	\$ 45,614.40	\$ 47,902.40	\$ 50,294.40	\$ 52,811.20	\$ 55,452.80	\$ 58,219.20
Non-Exempt	SEIU	Full-Time	Community Services Officer	\$ 43,451.20	\$ 45,614.40	\$ 47,902.40	\$ 50,294.40	\$ 52,811.20	\$ 55,452.80	\$ 58,219.20
Non-Exempt	SEIU	Full-Time	Account Clerk III	\$ 43,659.20	\$ 45,843.20	\$ 48,131.20	\$ 50,544.00	\$ 53,081.60	\$ 55,723.20	\$ 58,510.40
Non-Exempt	SEIU	Full-Time	Utility Operator I	\$ 52,540.80	\$ 55,161.60	\$ 57,907.20	\$ 60,819.20	\$ 63,856.00	\$ 67,038.40	\$ 70,387.20
Non-Exempt	SEIU	Full-Time	Engineering Technician	\$ 54,246.40	\$ 56,971.20	\$ 59,800.00	\$ 62,795.20	\$ 65,936.00	\$ 69,243.20	\$ 72,696.00
Non-Exempt	SEIU	Full-Time	Assistant City Planner	\$ 54,246.40	\$ 56,971.20	\$ 59,800.00	\$ 62,795.20	\$ 65,936.00	\$ 69,243.20	\$ 72,696.00
Non-Exempt	SEIU	Full-Time	Building Inspector I	\$ 54,246.40	\$ 56,971.20	\$ 59,800.00	\$ 62,795.20	\$ 65,936.00	\$ 69,243.20	\$ 72,696.00
Exempt	Unrepresented	Full-Time	Administrative Supervisor	\$ 66,560.00	\$ 69,888.00	\$ 73,382.40	\$ 77,043.20	\$ 80,912.00	\$ 84,947.20	\$ 89,190.40
Exempt	Unrepresented	Full-Time	City Clerk/Assistant to the City Manager	\$ 66,560.00	\$ 69,888.00	\$ 73,382.40	\$ 77,043.20	\$ 80,912.00	\$ 84,947.20	\$ 89,190.40
Exempt	Unrepresented	Full-Time	Maintenance Senior III	\$ 66,560.00	\$ 69,888.00	\$ 73,382.40	\$ 77,043.20	\$ 80,912.00	\$ 84,947.20	\$ 89,190.40
Exempt	Unrepresented	Full-Time	Human Resources Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,228.00	\$ 85,104.00	\$ 89,068.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	Planning Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,228.00	\$ 85,104.00	\$ 89,068.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	Finance & Accounting Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,228.00	\$ 85,104.00	\$ 89,068.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	IT Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,228.00	\$ 85,104.00	\$ 89,068.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	Executive Projects Manager	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,228.00	\$ 85,104.00	\$ 89,068.80	\$ 94,161.60
Exempt	Unrepresented	Full-Time	City Services Manager/Inspector	\$ 70,262.40	\$ 73,777.60	\$ 77,459.20	\$ 81,228.00	\$ 85,104.00	\$ 89,068.80	\$ 94,161.60
Non-Exempt	SEIU	Full-Time	Utility Operator II	\$ 73,112.00	\$ 76,772.80	\$ 80,600.00	\$ 84,635.20	\$ 88,857.60	\$ 93,308.00	\$ 97,968.00
Exempt	Unrepresented	Full-Time	City Services Deputy Director	\$ 72,384.00	\$ 76,003.20	\$ 79,809.60	\$ 83,803.20	\$ 87,984.00	\$ 92,372.80	\$ 97,011.20
Non-Exempt	SEIU	Full-Time	Utility Operator III	\$ 82,576.00	\$ 86,694.40	\$ 91,041.60	\$ 95,596.80	\$ 100,360.00	\$ 105,393.60	\$ 110,656.00

*All hourly rates are based on a 40-hour work week.

Fire Personnel
Fire Rate

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 46,592.00	\$ 48,921.60	\$ 51,367.68	\$ 53,930.24	\$ 56,638.40	\$ 59,463.04	\$ 62,433.28
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 61,181.12	\$ 64,238.72	\$ 67,441.92	\$ 70,819.84	\$ 74,372.48	\$ 78,070.72	\$ 82,001.92

Administrative Rate

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	Fire	Full-Time	Fire Apparatus Engineer	\$ 45,136.00	\$ 47,403.20	\$ 49,753.60	\$ 52,270.40	\$ 54,891.20	\$ 57,636.80	\$ 60,507.20
Non-Exempt	Fire	Full-Time	Fire Lieutenant	\$ 61,193.60	\$ 64,251.20	\$ 67,475.20	\$ 70,844.80	\$ 74,380.80	\$ 78,104.00	\$ 82,014.40

*Fire personnel will convert to a 56-hour work week upon completion of their training.

*Fire personnel are paid based on whether they are on the 56-hour per week average schedule or the 40-hour per week schedule.

*Holiday pay will still be paid out based on the 40-hour per week rate, regardless of whether an employee is on a 56-hour per week average schedule or a 40-hour per week schedule.

*Reserve Firefighter will fall under Part-Time Seasonal category

Public Safety Personnel

Category	Bargaining Unit	Type	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Non-Exempt	LPOA	Full-Time	Public Safety Officer	\$ 52,769.60	\$ 55,411.20	\$ 58,198.40	\$ 61,089.60	\$ 64,147.20	\$ 67,350.40	\$ 70,720.00
Non-Exempt	LPOA	Full-Time	Police Corporal	\$ 58,198.40	\$ 61,110.40	\$ 64,168.00	\$ 67,371.20	\$ 70,740.80	\$ 74,256.00	\$ 77,979.20
Non-Exempt	LPOA	Full-Time	Public Safety Sergeant	\$ 64,251.20	\$ 67,454.40	\$ 70,844.80	\$ 74,380.80	\$ 78,104.00	\$ 82,014.40	\$ 86,112.00
Exempt	Unrepresented	Full-Time	Public Safety Lieutenant	\$ 86,008.00	\$ 90,313.60	\$ 94,827.20	\$ 99,569.60	\$ 104,540.80	\$ 109,761.60	\$ 115,252.80

*Reserve Police Officer will fall under Part-Time Seasonal category

Contract Personnel

Category	Bargaining Unit	Type	Title	Minimum	Maximum
Exempt	Unrepresented	Full-Time	City Manager	\$ 114,504.00	\$ 166,400.00
Exempt	Unrepresented	Full-Time	Director of Public Safety	\$ 86,236.80	\$ 145,600.00
Exempt	Unrepresented	Full-Time	Director of Finance	\$ 86,777.60	\$ 145,600.00
Exempt	Unrepresented	Full-Time	Director of City Services & Planning	\$ 75,233.60	\$ 145,600.00
Exempt	Unrepresented	Full-Time	Recreation Services Director	\$ 71,489.60	\$ 124,800.00



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

NUMBER 24-02

TITLE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING A NEW SALARY SCHEDULE IN COMPLIANCE WITH CALIFORNIA STATE MANDATED MINIMUM WAGE AND MINIMUM SALARY LAW EFFECTIVE JANUARY 01, 2024, AS WELL AS THE LINDSAY CITY EMPLOYEES' ASSOCIATION BASE WAGE INCREASE EFFECTIVE THE FIRST FULL PAY PERIOD INCLUDING JANUARY 01, 2024, APPROVED VIA RESOLUTION NO. 23-33

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on January 09, 2024, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

WHEREAS, the State of California's minimum wage on January 01, 2024 is set at \$16.00 per hour; and the State of California's minimum wage for exempt employees on January 01, 2024 is set at \$66,560 annually; and

WHEREAS, On September 26, 2023, the City Council approved Resolution No. 23-38, adopting the Fiscal Year 2023 – 2024 Operating Budget and the Fiscal Years 2024- - 2029 Five-Year Capital Improvement Plan, wherein City Council adopted State of California minimum wage pay increases effective January 01, 2024; and

WHEREAS, On August 08, 2023, the Lindsay City Council approved Resolution No. 23-33, entering into a memorandum of understanding (MOU) by and between the City of Lindsay and the Lindsay City Employees' Association. Said MOU approved a two percent (2%) base wage increase effective the first full pay period including January 01, 2024; and

WHEREAS, the City Council authorizes pay for all City Staff in accordance with each employee's step on the salary schedule for the position that employee holds; and

WHEREAS, Public Employees' Retirement Law Government Code Section 20636 for public agency members and CCR 570.5 sets requirements for publicly available pay rate schedules; and

WHEREAS, City Council hereby directs City Staff to publish the City of Lindsay adopted salary schedule.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City of Lindsay shall adjust employee salaries to conform to minimum wage laws effective January 01, 2024 and such adjustment is reflected in the salary schedule.

RESOLUTION NO. 24-02

Page 1 of 2



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

- SECTION 2. The salary schedule shall reflect the approved two percent (2%) base wage increase effective the first full pay period including January 01, 2024, for employees apart of the Lindsay City Employees’ Association.
- SECTION 3. The salary schedule attached hereto is hereby passed and adopted.
- SECTION 4. This Resolution shall be effective immediately upon its approval and adoption.
- SECTION 5. The Mayor, or presiding officer, is hereby authorized to affix their signature to the Resolution signifying its adoption by the City Council to the City of Lindsay, and the City Clerk, or their appointed deputy, is directed to attest thereto.

PASSED AND ADOPTED by the City Council of the City of Lindsay as follows:

MEETING DATE	January 09, 2024
MOTION	
SECOND MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.

FRANCESCA QUINTANA
CITY CLERK

HIPOLITO A. CERROS
MAYOR

RESOLUTION NO. 24-02
Page 2 of 2



STAFF REPORT

TO: Lindsay City Council
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager
DEPARTMENT: City Manager
ITEM NO.: 9.1
MEETING DATE: January 09, 2024

ACTION & RECOMMENDATION

Review & Discussion of City Council Handbook.

As requested by Mayor Cerros, this item is informational and presented only for the purpose of discussion. No City Council action is required at this time. However, Staff does recommend that the City Council conduct a review of the Handbook and provide Staff with any recommended amendments (should they have any).

BACKGROUND | ANALYSIS

The purpose of the City Council Handbook (herein referred to as “Handbook”) is to promote communication, understanding, fairness, and trust among the members of the Lindsay City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Lindsay. The City Council adopted the Handbook via Resolution.

On January 11, 2022, the Council adopted the Handbook via Resolution No. 22-05 which consisted of eleven (11) sections and two (2) appendices.

On February 14, 2023, the City Council amended the Handbook via Resolution No. 23-03.

The Handbook shall be amended by a majority vote of the City Council and may be updated administratively by the City Clerk in order to remain current with federal, state, and local law. All conduct of the City Council shall be in full compliance with State law, including the Ralph M. Brown Act.

FISCAL IMPACT

No fiscal impact associated with this action.

ATTACHMENTS

- Adopted City Council Handbook



City of Lindsay

City Council Handbook

Approved and Adopted:

01-11-2022 by Resolution 22-05

Amended:

02-14-2023 by Resolution 23-03

Last Updated: February 2023

Table of Contents

SECTION 1. GENERAL	3
SECTION 2. MAYOR AND MAYOR PRO TEM APPOINTMENT PROCESS	4
SECTION 3. COUNCIL ADMINISTRATIVE MATTERS	5
SECTION 4. COUNCIL INTERACTION WITH CITY MANAGER, STAFF, AND MEDIA	9
SECTION 5. MEETINGS.....	10
SECTION 6. POSTING NOTICE AND AGENDA	12
SECTION 7. AGENDA CONTENTS	13
SECTION 8. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS.....	16
SECTION 9. CLOSED SESSIONS.....	21
SECTION 10. DECORUM.....	23
SECTION 11. DISCLAIMER	23
APPENDIX A: OPEN & PUBLIC: A GUIDE TO THE RALPH M. BROWN ACT (LEAGUE OF CALIFORNIA CITIES)	24
APPENDIX B: ROSENBERG’S RULES OF ORDER (SIMPLE PARLIAMENTARY PROCEDURES FOR THE 21ST CENTURY).....	24
APPENDIX C: CITY OF LINDSAY SOCIAL MEDIA POLICY.....	24

SECTION 1. GENERAL

- 1.1 **Purpose.** The purpose of the City Council Handbook is to promote communication, understanding, fairness, and trust among the members of the Lindsay City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Lindsay.
- 1.2 **Values.** Council members shall represent the best interests of the City and community at large. Councilmembers shall treat fellow Councilmembers, members of the public, staff and consultants with respect, civility and courtesy. Councilmembers shall respect each other's individual points of view and right to disagree. When addressing the public in any way, Councilmembers shall make certain their opinions are expressed solely as their own, and do not necessarily reflect the opinions of any other Councilmember. Council members shall respect the decisions of the majority of the Council at all times.
- 1.3 **Code of Conduct.** Members of City Council shall abide by the following code of conduct.

Members shall:

Work for the common good of the people of the City of Lindsay and not for any private or personal interest.

Endeavor to treat all members of the public and issues before them in a fair and equitable manner.

Make impartial decisions, free of bribes, unlawful gifts, narrow political interests and financial or other personal interests that impair independence of judgment or action.

Decisions will be fair, objective, made in public (unless allowed or required to be made in closed session), and understandable.

Fully participate in their meetings and other public forums while demonstrating respect and courtesy to others, practicing civility and decorum in discussions and debate, listening courteously and attentively, and engaging in effective communication.

Act in an efficient manner, making decisions based upon research and facts in accordance with the Brown Act to allow full and equal participation in the public process.

Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members, staff or members of the public. Refrain from negative comments regarding any person or

group based on their race, ethnicity, sex, gender, sexual orientation, national origin, immigration status, religion, disability, age, marital status, or membership in any other protected category.

Respect and preserve the confidentiality of information provided to them concerning confidential matters of the City, and refrain from disclosing any information received confidentially without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.

Use their title only when conducting official City business, for informational purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

Respect established channels of communication with City staff, treat staff members professionally, and not attempt to pressure or influence discussions, recommendations, workloads, schedules or department priorities without the approval of a majority of the City Council providing direction directly to the City Manager.

In unofficial settings, members of City Council shall be clear in representing to the public, other agencies, and the media whether their comments or statements represent the official position of the City or a personal viewpoint.

- 1.4 Review. The City Council Handbook shall be amended by a majority vote of the City Council and may be updated administratively by the City Clerk in order to remain current with federal, state, and local law. It is recommended that a new Council conduct a review of the document within thirty days of its first regular meeting.
- 1.5 Ralph M. Brown Act. All conduct of the City Council shall be in full compliance with State law, including the Ralph M. Brown Act.

SECTION 2. MAYOR AND MAYOR PRO TEM APPOINTMENT PROCESS

- 2.1 Appointment of Mayor. The Council shall appoint from among their members a Mayor. Nominations shall be recorded by the City Clerk. The City Clerk will confirm acceptance of each nomination and put each nominee's name to a vote in the order of the nominations received. The Mayor shall serve a two-year term and serve as the Presiding Officer of the Council.
- 2.2 Appointment of Mayor Pro Tem. The Council shall appoint from among their members a Mayor Pro Tem. Nominations shall be recorded by the City Clerk.

The City Clerk will confirm acceptance of each nomination and put each nominee's name to a vote in the order of the nominations received. The Mayor Pro Tem shall serve a one-year term and fulfill the duties of the Mayor in their absence.

SECTION 3. COUNCIL ADMINISTRATIVE MATTERS

- 3.1 Oath of Office. The oath of office shall be administered to all Councilmembers prior to their assumption of office, at or before the first meeting in January following a general election, or within 30 days of a qualified person's appointment to fill a Council vacancy.
- 3.2 Reorganization. The reorganization of the Council shall occur at the first meeting in December, or as soon thereafter.
- 3.3 Seating Order. Following the reorganization of Council, the City Clerk shall designate the seating order for the Council dais. The Mayor Pro Tem shall always be seated immediately to the right of the Mayor.
- 3.4 Attendance. City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings unless unable. Councilmembers will notify the City Manager or the City Clerk if they will be absent from a meeting, or if they wish to participate via teleconference prior to the meeting. Should a member of the Council have two (2) absences without notice, a review of Council Committees will be prompted and added to the next Council meeting agenda.
- 3.5 Appointment of Vacancy. If a vacancy occurs less than 90 days prior to a regular election, no appointment shall be made and the vacancy will be filled through the regular election process. Should a vacancy occur more than 90 days prior to the next regular election at which council members are to be elected, the vacancy shall be filled by a majority vote of the remaining members of the City Council. The Council shall determine the process for appointment prior to the application process and in full accordance with State law.
- 3.6 Boards, Commissions, and Committees. The Council shall appoint representatives to committees, commissions, and boards as required by the governing bodies.

No later than the second regular meeting of January of each year, Council shall review all the appointments as provided in a list prepared by the City Clerk. The annual review will be conducted to fill vacancies or an expired term of office, and to consider removal of any appointee for cause, such as for failure to keep

Council informed of the Committee's activities, or for excessive absenteeism without good cause.

Each Councilmember shall commit themselves to serving as a representative on a minimum of one committee, commission, and/or board.

Councilmembers shall make a good faith effort to attend all meetings that require a quorum of the appointed members to convene a meeting.

If a Councilmember is unable to attend, they should notify their alternate and the City Clerk as far in advance of the meeting as possible.

Council representatives to such committees, commissions, or boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

The City Clerk will maintain and keep on file a list of Standing Committees, Ad Hoc Committees, regional agencies and organizations, and boards to which Councilmembers are appointed.

- 3.7 Reimbursement. The Council shall establish in the budget funding for conferences, meetings, training, and representation at ceremonial functions for the benefit of the City. Councilmembers shall attend these functions for purposes of improving comprehension of and proficiency in municipal affairs and/or legislative operations. Councilmembers shall be subject to the City's Administrative Policy and Procedures for travel and expenses reimbursement. Councilmembers shall not exceed travel expenses in the amount of \$2,500 per fiscal year. Should a Councilmember wish to exceed the \$2,500 amount allotted for travel per fiscal year, the request shall be placed on a regular meeting agenda and subject to approval by a majority of the Council.
- 3.8 Requests for City-Sanctioned Events or Use/Rental of City Facilities Outside of Normal Operation Hours. Any request for a City-sanctioned event to the City Council will be submitted as an agenda item and follow the timelines for submittal of agenda reports. Any request for a City-sanctioned event should include general information regarding the purpose and content of the event; anticipated event cost; information on the presenters; contact information; expected staff resources, and its overall benefit to the City. The request *must* be made during the 'Request for Future Items' portion of the regular City Council meeting. The request will be placed on the next meeting agenda and be subject to approval by a majority of the Council.

3.9 Trainings.

Ethics: Members of the City Council and commissions shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to their public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Tulare County or by completing online a state-approved public service ethics education program. An individual who serves on multiple legislative bodies needs only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions.

Brown Act: Members of the City Council and commissions shall receive training in the Ralph M. Brown Act as it relates to public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Tulare County or by completing an online education component. Additionally, each Councilmember shall be provided with a digital copy of the a guide to the Ralph M. Brown Act prior to their assumption of office.

Sexual Harassment Prevention: In addition, Council members shall receive two hours of sexual harassment prevention training every two years, per State law. New members must receive this training within their first six months of service.

- 3.10 Use of Electronic Devices During Council Meetings. Councilmembers shall not use electronic devices to send or receive communications regarding agenda items or to access information which other Councilmembers do not have equal access to during a meeting of the City Council at which they are in attendance. This does not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter.

- 3.11 Public Records. Councilmembers shall strive to use only their official City email account to conduct City business. The City shall provide Councilmembers with separate publicly owned devices such as tablets or cell phones for the conduct of City business.

If a request for records is received, a search that is reasonably calculated to locate responsive records will be conducted. Privacy concerns can and should be addressed on a case-by-case basis.

Social Media, AB 992, and the Brown Act. The City Council recognizes social media as a powerful tool for distributing important information and connecting with constituents. However, it is important to be mindful of how the regulations

set forth in the Brown Act and, more recently, AB 992 impact Councilmembers' use of social media.

Under AB 992, a public official may communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the legislative body's subject matter jurisdiction. However, these communications are only permissible so long as a majority of the members of the legislative body do not use any social media platform to "discuss among themselves" official business. Importantly, "discuss among themselves" has been broadly defined and arguably includes making posts, commenting, replying, sharing, reacting (e.g. "liking" a post) or using digital icons that express reactions, i.e., emojis.

The City council should abide by the provisions found within the City of Lindsay Social Media Policy.¹

Best practices include the following:

- a. Create a separate "business-only" account rather than using a personal account to distribute official information.
- b. Limit online interactions with other Councilmembers to avoid the perception of a "serial meeting" under the Brown Act.
- c. Avoid posting, responding, or interacting with posts that concern substantive agenda items or issues within subject matter jurisdiction.
- d. Do not block, unfriend, delete, or otherwise remove any social media user OR consider disabling the comment function altogether.

3.12 Conflict of Interest. The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding conflicts of interests and campaign receipts and expenditures.

A public official who holds an office specified in Government Code Section 87200, and who has a disqualifying financial interest in a decision, shall identify the conflict of interest or potential conflict of interest, and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in enough detail to be understood by the public. *Residential street addresses do not have to be disclosed.*

¹ Attached as Appendix C

- b. Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar and is not pulled for extended discussion.

In the event, that multiple Councilmembers disclose a disqualifying Conflict of Interest for the same matter and a quorum is not reached with the remaining Councilmembers, the City Attorney shall provide guidance as to the selection method for achieving quorum.

It is critical to note that compliance with the State's conflict of interest laws is each public official's personal responsibility. While the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. Further, the City Attorney represents the City and City Council as a whole and not individual Councilmembers. The only authority that can provide binding interpretations and possible immunity from civil or criminal liability on such matters is the Fair Political Practices Commission (FPPC).

SECTION 4. COUNCIL INTERACTION WITH CITY MANAGER, STAFF, AND MEDIA

- 4.1 City Manager. Councilmembers are free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Councilmembers shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy. Direction to City employees, other than the City Manager or City Attorney, is the sole prerogative of the City Manager.
- 4.2 Staff. The Council shall not abuse staff nor embarrass staff during open session, or at any other time. If a Councilmember has a question on a subject on the agenda, the Councilmember is encouraged to contact the City Manager, City Clerk, or Department Head prior to any meeting at which the subject may be discussed. This does not restrict Councilmembers from asking additional questions during a Council meeting. The Council shall treat staff members professionally, and not attempt to pressure or influence discussions, recommendations, workloads, schedules or department priorities without the approval of a majority of the City Council providing direction directly to the City Manager.
- 4.3 Media. Typically, the Mayor is the designated representative of the Council to speak on official City positions; however, the Mayor may at any time decline to

make a public statement and/or designate a speaker on their behalf. Any Councilmember may choose to comment to the media but should clearly distinguish between personal viewpoints and any official City position. Generally, press releases shall be prepared by City staff and routed to the City Manager for approval before release to the media. No member of the City Council shall issue any press release on behalf of the City without the express approval of the City Manager. The Councilmember appointed to the role of Mayor shall be clear in making oral or written public statements that they represent their personal viewpoint as the Mayor, or upon approval of a majority of the City Council, represent the viewpoint of the full City Council.

SECTION 5. MEETINGS

- 5.1 **Open to the 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.
- 5.2 **Quorum.** Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. A quorum must be present to begin a Council meeting, for any vote to be taken, and during any portion of a noticed public hearing. If less than three Councilmembers appear at a regular meeting, the Mayor, Mayor Pro Tem in the absence of the Mayor, any Councilmember in the absence of both the Mayor and Mayor Pro Tem, or in the absence of all Council Members, the City Clerk, shall adjourn the meeting to a stated day and hour or cancel the meeting due to the lack of a quorum.
- 5.3 **Broadcasting of City Council Meetings.** All regular City Council meetings shall be video-recorded and broadcast over an online video teleconferencing platform of the City's choice, unless the City is unable to do so due to unforeseen circumstances or circumstances beyond the City's control.
- 5.4 **Teleconferencing.** If circumstances prevent a Councilmember from being physically present during a City Council meeting, the member may choose to participate via teleconference pursuant to State Law. Participation via teleconference shall be considered sufficient to attain Council quorum.

At the start of any Council meeting during which a Councilmember participates via teleconference, the City Clerk must announce the name of the Councilmember who is participating remotely and record that information in the meeting minutes. No Councilmember shall be authorized to participate in a meeting via teleconference unless:

- a. The member notifies the City Manager and the City Clerk prior to the start of the meeting.
- b. The remote connection is established prior to the start of the meeting and continuous for the duration of the meeting.
- c. All persons present at the place of the meeting (including members of the public) can hear and speak to the person(s) participating remotely, and the person(s) participating remotely can hear and speak to all persons present at the place of the meeting, and to any other individual participating in the meeting via teleconference.

If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

A member who participates remotely retains their right to speak when recognized by the Presiding Officer, make or second any motion and cast votes.

- 5.5 Regular Meetings. As a matter of general principle, the City Council shall conduct its regular meetings at 6:00 p.m. on the second and fourth Tuesdays of each month in the City Council Chambers located at City Hall. The time, date, or place of a regular meeting may be altered as published in the Council agenda.
- 5.6 Adjournment. It shall be the policy of the City Council to adjourn meetings, including executive closed sessions, by 9:00 p.m. unless the Council elects to continue past the adjournment hour by unanimous consent of all Councilmembers in attendance, including any Councilmembers participating via teleconference. If at the hour of 9:00 p.m. the City Council has not concluded its business, the Council will review the balance of the agenda and determine by vote whether to continue any remaining items to the next regularly scheduled meeting or adjourn the meeting to another date and time pursuant to the procedures set forth in the Brown Act.
- 5.7 Successor Agency Meetings. The City Council also sits as Board Members of the Successor Agency to the dissolved Lindsay Redevelopment Agency and shall meet on an as-needed basis. The Mayor shall serve as Chairperson and the Mayor Pro Tem shall serve as the Vice Chairperson.
- 5.8 Special Meetings. Pursuant to Government Code Section 54956, a special meeting may only be called by the Mayor or a majority of the Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting. Notice requirements of the Brown Act shall be complied with for all meetings. 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.

- 5.9 Study Sessions. The City Council may choose to hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to attend to City business. Study sessions are scheduled to provide Councilmembers the opportunity to better understand a particular item.
- 5.10 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. Requests for a closed session should be made to the City Manager.

SECTION 6. POSTING NOTICE AND AGENDA

- 6.1 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. The City Clerk shall post each agenda for a City Council regular meeting no less than 72 hours in advance of the meeting and shall post each agenda for a special meeting no less than 24 hours in advance of the meeting online and in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting for each agenda. The City Clerk shall also post agenda packets, minutes and all legal notices for City Council meetings on the City's website. Copies shall also be available free of charge in the City Clerk's Office. Not later than the third day prior to said meeting, the City Clerk shall distribute the packet to each member of the City Council and place a packet for public review at the City Hall Bulletin Board. The agenda packet will also be made available to members of the press upon request and will be posted on the City's website. Any supplemental materials distributed to members of the City Council after the posting of the agenda will be available for public review in the City Clerk's Office and at the City Council meeting. If supplemental materials are made available to the members of the City Council at the meeting, a copy will be available for public review in the City Council Chambers. All supplemental materials shall be posted online after the meeting. The City Clerk shall not accept any agenda item or revised agenda item after established deadlines unless authorized by the City Manager.
- 6.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. Matters not included on the published agenda may not be discussed and acted upon unless otherwise authorized by State law or providing the City Council finds one of the following conditions is met: a) Four-fifths of the City Council determines that the subject

meets the criteria of "Emergency" as defined in Section M. b) Four-fifths of the City Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.

- 6.3 Location of Posting. The notice and agenda shall be posted on a bulletin board, publicly accessible, at City Hall, 251 E. Honolulu Street, Lindsay, California, and on the City website.

SECTION 7. AGENDA CONTENTS

- 7.2 Agenda Packets. Councilmembers are expected to review the agenda and all agenda packet materials, participate in discussions, and make an informed decision on the merits of the issues before them. The complete agenda packet for any regular, special, or study session meeting shall be made available to the public as required by law.
- a. Packet Preparation. No later than the Friday prior to the City Council Meeting, the City Clerk shall prepare the agenda packet, which shall include the agenda plus all of its corresponding agenda reports and attachments. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered. Reports carried over as Old Business shall be reproduced again at the City Manager's discretion.
- 7.3 Limitation to Act Only on Items on the Agenda. No action shall be taken on any matter not on the posted agenda, subject only to the exception whereupon a majority of the Council determines the existence of an "emergency situation" as defined by state law.
- 7.4 "Emergency Matter". In accordance with State Law, an emergency matter arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the City Council determines that: 1) a work stoppage or other activity which severely impairs public health, safety, or both; 2) a crippling disaster which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.
- 7.5 "Timing" of Agenda. The City Clerk will "time" each agenda item 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. This includes a suggested maximum of 10 minutes for any presentations to Council.

- 7.6 Consent Calendar. The Consent Calendar may include routine and noncontroversial items. Items on the Consent Calendar are treated as one agenda item and shall be acted upon by a single vote of Council. A Councilmember may request an item be removed from the Consent Calendar. Councilmembers shall be given the opportunity to ask a clarifying question about a consent item or make a brief comment about an item without having to remove the item from the Consent Calendar.
- 7.7 Council Requests for Future Agenda Items. Council requests for future agenda items, can be called for by any Councilmember during the 'Request for Future Items' section of a regular meeting. Immediately following the request of an item, a vote will be taken on the item. If a majority of the City Council supports further study of the item, then a full staff analysis will be prepared within a reasonable time as determined by the City Manager unless otherwise directed by a majority of the City Council. Discussion shall be limited to whether an item should be added to an agenda, not the merit of the item.
- 7.8 Procedure for Bringing Matters before City Council.
- a. Requesting Matters for Placement on the Agenda. Matters requested by City staff are approved by the City Manager. Agenda reports shall be reviewed by the City Manager. The City Manager can recommend that the matter be referred to the City Council or back to the originating department for adherence to required form, additional analysis, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions. The City Manager determines the placement and timing of items on the Agenda.
 - b. Emergency and Non-Agendized Items. Emergency and non-agendized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies that severely impair the public health and/or safety qualify for emergency meetings. Adding an emergency item requires a four-fifths vote of the Council. Emergency items are very rare. More likely, after the agenda is posted, an item arises that the City Council would like to act on. Nonagendized items may be added to the agenda only if the City Council makes findings that 1) the need to consider the item arose after the posting of the agenda; and 2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of City Council are present, the findings require a unanimous vote of those present.

- c. Scheduling Public Hearings Mandated by State, Federal, or Local Statute. The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.
- d. Submission of Agenda Items. Except for Old Business, as a condition to placing an item on the agenda, agenda items from departments, shall be furnished to the City Clerk at a time established by the City Manager. The City Manager has set a deadline of 12:00 p.m. on Monday eight days prior to the regular City Council Meeting at which the item is to be presented. If Monday falls on a holiday, the agenda item shall be submitted to the City Clerk on the preceding Thursday, twelve days before a meeting.
- e. Proclamations. Ceremonial proclamations are often requested of the City in recognition of an event or individual. Certificates and Proclamations may be sent directly to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Council's discretion. Proclamations may be approved by the Mayor, Two (2) Members of the City Council, or the City Manager (for routine items). Proclamations or certificates of recognition will **not** be issued for: Political Campaigns or Endorsements of Political Candidates, individuals with no direct relationship to the City of Lindsay, or individuals contrary to City policies or any applicable law or regulation. City Council Members will have the opportunity for rebuttal of a proclamation immediately following its reading.
- f. Formal City Council Positions. Formal support or opposition by the City Council for any form of a legislative platform, specific legislation or other matters shall be approved by a majority of the City Council. Any individual Councilmember may request the Mayor for approval to add an item to the agenda for consideration. The Mayor shall report out at a City Council Meeting, any statements made representing the viewpoint of the full City Council. The City Council shall not take action on any matter that has no direct effect on the local affairs of the City of Lindsay and over which the City, as a California municipal corporation, has no jurisdiction. The requesting Councilmember shall furnish with the request, proposed language in the form of a letter, resolution, or other documentation that provides a direct connection or effect on the City of Lindsay.
- g. Scheduling a Presentation. Any requests for a presentation, can be called for by any Councilmember during the 'Request for Future Items' section of a regular meeting. Immediately following the request of a presentation,

a vote will be taken on the item. If a majority of the City Council supports the presentation, then the presentation will be scheduled within a reasonable time as determined by the City Manager unless otherwise directed by a majority of the City Council. Discussion shall be limited to whether a presentation should be added to an agenda, not the merit of the item. Members of the public may also request a presentation in writing to the City Clerk of City Manager. Staff shall present the written request to the Council at the meeting following the written request. A vote will be taken on the item.

SECTION 8. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

- 8.1 Sergeant-at-Arms. The Chief of Police their designee shall serve as the Sergeant-at-Arms of the Council meetings, and shall be in attendance when requested by the Presiding Officer. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at council meetings. The Mayor may call a recess if a speaker or group of speakers become unruly and/or interferes with the orderly conduct of the meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the City Council meetings. Upon instructions of the Mayor or a majority of the City Council, it shall be the duty of the Sergeant-of-Arms, or any officer present, to escort outside or place under arrest any person who violates the order and decorum of the meeting, and cause them as necessary, to be prosecuted under the provisions of applicable law. Effective January 1, 2022, Senate Bill (SB) 1100 Section 54957.95 pertaining to orderly conduct of open meetings will be in effect.
- 8.2 Parliamentarian. The City Clerk shall be designated as Parliamentarian for the City Council proceedings to advise the Presiding Officer, within the limitations imposed by *Rosenberg's Rules of Order* and in consultation with the City Attorney.
- 8.3 Presiding Officer. The Mayor shall serve as the Presiding Officer of the Council. As Presiding Officer, the Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable, the Mayor Pro Tem shall run the meeting. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be selected by the Councilmembers present for the duration of one meeting only.
- 8.4 Responsibilities of the Presiding Officer.
- a. The Presiding Officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum

contained herein are observed. The Presiding Officer shall maintain control of communication between Councilmembers and among Council, staff and public.

- b. Communication with Councilmembers
 - i. Councilmembers shall request the floor from the Presiding Officer before speaking.
 - ii. When one member of the Council has the floor and is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.
- c. Communication with Members of the Public Addressing the Council
 - i. The Presiding Officer shall open the floor for public comment as appropriate.
 - ii. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Councilmembers and among Councilmembers and members of the public.
 - iii. Members of the public shall direct their questions and comments to the Council, not to staff.

8.5 Rules of Order. The City Council adopts no specific rules of order except those listed herein. 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 so that a motion can more easily be made that considers what appears to be the majority position.
- b. All motions except nominations 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.

8.6 Public Hearing Procedures. Generally, public hearings are to be conducted in the following order:

- a. Presentation of Staff Report.
- b. Questions by Council and/or Staff.

- c. Presiding Officer Opens Hearing.
- d. Public Testimony.
 - i. Public Hearings shall be conducted with such time necessary for a fair and reasonable oral testimony; it is the City's policy not to institute time limits for public testimony under Public Hearing matters.
- e. Presiding Officer Closes Hearing.
 - i. Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the Council to reopen the hearing.
 - ii. No main motions may be made by a Councilmember until after a hearing is closed for public comment.
- f. Discussion by Council.
- g. Action by Council.

8.7 Public Comment.

- a. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment. Comments shall be limited to three (3) minutes per person, with thirty (30) minutes for the total comment period, unless otherwise indicated by the Presiding Officer.
- b. Upon addressing the Council, each speaker is requested, but not required, to state their name.
- c. Councilmembers shall be respectful of the speakers and shall not enter into a debate with any member of the public. Cross-exchange, including follow-up questions, between the Council and the public should be limited to the extent possible during Public Comment.
- d. The public may also choose to submit a written comment. Public comments received via email, postal mail, or hand-delivered to the City Clerk will be distributed to the Council and incorporated into the official minutes; however, they will not be read aloud in open session.
- e. A group of speakers may designate a single speaker to represent the group. The designated speaker would be given the time which would have been allocated to others (to a maximum of 10 minutes) to speak. Individuals wanting to delegate time to another must be present at the

meeting and must indicate their desire to cede time to a single individual by notifying the City Clerk.

- f. The Presiding Officer or Parliamentarian have the right to ask a member of the public to step down if over the allotted time or if comments are not germane.
 - g. Unless prior arrangements have been made by a member of the public with the City Clerk by the Friday preceding the Tuesday council meeting at 5:00 P.M., audiovisual materials of any kind will not be permitted during Public Comment.
 - h. Alternative methods of addressing the Council shall be allowed for persons who do not speak English or those who require other accommodations. Requests for accommodation should be made with the City Clerk.
 - i. State law provides that Council can take action only on such matters that have been noticed at least 72 hours in advance of the meeting, unless special circumstances are found to exist. As a result, substantive discussion or formal action by the Council on non-agendized items is not allowed under Public Comment.
- 8.8 Voting and Motions. Councilmembers will have the opportunity to ask questions of staff, comment on, and discuss any agendized item in order to help form a consensus before a motion is offered. After such discussion, any Councilmember may make a motion. Before the motion can be considered or discussed, it must be seconded; a motion that does not receive a second is considered a “dead” motion.
- Unless any Councilmember calls for separate votes in advance, any item on the Agenda with related sub-parts shall be treated as one agenda item and voted on in one motion.
- 8.9 Abstaining from a Vote. Any council member who abstains from voting without a valid reason shall be deemed to have voted with the majority on that particular issue. Any council member who publicly announces that they are abstaining from voting on a particular matter for specified and valid reasons shall not subsequently be allowed to withdraw that abstention.
- 8.10 Tie Votes. If a tie vote results at a time when less than all members of the Council who may legally participate in the matter are present, the matter may be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council. Otherwise, tie votes shall be lost motions.

8.11 Discussion.

- a. Speaking More Than Once. 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 Councilmember has already spoken, other Councilmembers wishing to speak shall then be recognized. It is not necessary for all City Councilmembers to speak or give their viewpoints if another Councilmember has already addressed their concerns.
- b. Relevancy of Discussion. All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Councilmembers shall avoid repetition and strive to move the discussion along. Arguments, for or against a measure, should be stated as concisely as possible.

A motion, its nature, or consequences, may be debated vigorously. It is never permissible to attack the motives, character, or personality of a Councilmember either directly or by innuendo or implication. It is the duty of the Presiding Officer to instantly rule out of order any Councilmember who engages in personal attacks.

It is the responsibility of each Councilmember to maintain an open mind on all issues during discussion and deliberation.

- c. Duties of Councilmembers. Promptly at the time and the date of each regular meeting, members of the City Council shall take their regular stations in the Council Chambers and the business of the City Council shall be taken up for consideration and disposition.
- d. Presiding Officer's Duties During Discussion. The Presiding Officer has the responsibility of controlling and expediting the discussion. A Councilmember 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 Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.
- e. After the Vote. Once a majority of the Council has approved a motion, no further discussion shall be made.

8.12 Councilmember Respect. Councilmembers shall abide by the majority decision of the Council, even if in the minority. All members of the Council, including those serving as Mayor and Mayor Pro Tem, have equal votes. No Councilmember has more power than any other, and all shall be treated with equal respect.

SECTION 9. CLOSED SESSIONS

9.1 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 Lindsay financially. Therefore, closed sessions shall be held from time to time in accordance with the law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

9.2 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 Councilmembers and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

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

9.3 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 and grounds for censure.

9.4 Agenda. The agenda for a closed session will contain that information required to be disclosed pursuant to the Ralph M. Brown Act.

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

9.6 Rules of Decorum.

- a. 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 Councilmembers to disagree. Councilmembers shall strive to make each other feel comfortable and safe to express their points of view. All Councilmembers have the right to insist upon strict adherence to this rule.

- b. Prior to a vote, the Presiding Officer shall ensure that the motion is clearly stated and clearly understood by all Councilmembers.
- c. Decorum by Councilmembers. While the City Council is in session, Councilmembers must respect the Presiding Officer's authority to conduct each meeting and preserve order and decorum. A member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the City Council nor disturb any member while speaking, nor refuse to obey the orders of the Council, or the Mayor, except as otherwise herein provided. Members shall make the public feel welcome, value each other's time and respect each other's opportunity to speak while attempting to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority.

9.7 Conduct of Meeting.

- a. The Presiding Officer will call the closed session to order.
- b. The Presiding Officer 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 Councilmember, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

9.8 Public Disclosure After Final Action.

- a. 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, as directed by the Ralph M. Brown Act. B. The report will state only the action taken and the vote. Unless authorized by the majority of the City

Council, the report will not make representations as to the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 10. DECORUM

- 10.1 Councilmembers. 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. Councilmembers shall accord the utmost courtesy to each other, City employees, and the public. When speaking, a Councilmember's tone should remain neutral and non-verbal communication aspects should be considerate and polite.
- 10.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council.
- 10.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.
- 10.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the City Hall Chambers which disrupts City Council meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the chambers.

SECTION 11. DISCLAIMER

To the extent a matter is not covered by the Handbook, the Presiding Officer in consultation with the City Clerk and/or City Attorney may make a ruling. Any such ruling may not violate the Charter of the City of Lindsay, the Lindsay Municipal Code, or statutory provisions that may govern a particular matter.

If any rule, guideline, or policy contained herein is in conflict with the provisions of the Charter or the Lindsay Municipal Code, such rule shall be deemed invalid or modified to conform to the Charter or Lindsay Municipal Code. Such invalidity shall not affect other rules, guidelines, or policies contained herein which can be given effect without the invalid rule, guideline, or policy, and to this end these rules, guidelines, and policies are severable. Any deviation from the City Council Handbook shall not, alone, invalidate the approval of any matter.

**APPENDIX A: OPEN & PUBLIC: A GUIDE TO THE RALPH M. BROWN ACT
(LEAGUE OF CALIFORNIA CITIES)**

**APPENDIX B: ROSENBERG'S RULES OF ORDER (SIMPLE PARLIAMENTARY
PROCEDURES FOR THE 21ST CENTURY)**

APPENDIX C: CITY OF LINDSAY SOCIAL MEDIA POLICY

Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016



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A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

CHAPTER 1: IT IS THE PEOPLE’S BUSINESS	5
CHAPTER 2: LEGISLATIVE BODIES.....	11
CHAPTER 3: MEETINGS.....	17
CHAPTER 4: AGENDAS, NOTICES, AND PUBLIC PARTICIPATION	29
CHAPTER 5: CLOSED SESSIONS.....	41
CHAPTER 6: REMEDIES	55

TABLE OF CONTENTS

CHAPTER 1: IT IS THE PEOPLE’S BUSINESS	5
The right of access	6
Broad coverage	6
Narrow exemptions	7
Public participation in meetings	7
Controversy	8
Beyond the law — good business practices.....	8
Achieving balance	9
Historical note	9
CHAPTER 2: LEGISLATIVE BODIES.....	11
What is a “legislative body” of a local agency?	12
What is <u>not</u> a “legislative body” for purposes of the Brown Act?	14
CHAPTER 3: MEETINGS.....	17
Brown Act meetings.....	18
Six exceptions to the meeting definition	18
Collective briefings.....	21
Retreats or workshops of legislative bodies.....	21
Serial meetings.....	21
Informal gatherings	24
Technological conferencing	24
Location of meetings.....	25
CHAPTER 4: AGENDAS, NOTICES, AND PUBLIC PARTICIPATION	29
Agendas for regular meetings.....	30
Mailed agenda upon written request.....	31
Notice requirements for special meetings	32
Notices and agendas for adjourned and continued meetings and hearings	32
Notice requirements for emergency meetings	32
Notice of compensation for simultaneous or serial meetings	33
Educational agency meetings	33
Notice requirements for tax or assessment meetings and hearings.....	33

Non-agenda items.....	34
Responding to the public	34
The right to attend and observe meetings	35
Records and recordings	36
The public’s place on the agenda	37

CHAPTER 5: CLOSED SESSIONS 41

Agendas and reports.....	42
Litigation.....	43
Real estate negotiations	45
Public employment	46
Labor negotiations	47
Labor negotiations — school and community college districts	48
Other Education Code exceptions	48
Joint Powers Authorities	48
License applicants with criminal records	49
Public security.....	49
Multijurisdictional law enforcement agency	49
Hospital peer review and trade secrets.....	49
Other legislative bases for closed session.....	50
Who may attend closed sessions	50
The confidentiality of closed session discussions	50

CHAPTER 6: REMEDIES 55

Invalidation	56
Applicability to Past Actions	57
Civil action to prevent future violations.....	57
Costs and attorney’s fees	58
Criminal complaints	58
Voluntary resolution.....	59





Chapter 1

IT IS THE PEOPLE’S BUSINESS

The right of access.....	6
Broad coverage.....	6
Narrow exemptions.....	7
Public participation in meetings.....	7
Controversy.....	8
Beyond the law — good business practices.....	8
Achieving balance.....	9
Historical note.....	9

Chapter 1

IT IS THE PEOPLE'S BUSINESS



The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

*"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."*¹

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

*"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."*²

The Brown Act's other unchanged provision is a single sentence:

*"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."*³

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.⁴

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.⁵

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

Public participation in meetings

In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public's participation is further enhanced by the Brown Act's requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

PRACTICE TIP: Think of the government's house as being made of glass. The curtains may be drawn only to further the public's interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately — such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely

to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.⁶ Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly;
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency's right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.



An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws — such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

ENDNOTES:

- 1 California Government Code section 54950
- 2 California Constitution, Art. 1, section 3(b)(1)
- 3 California Government Code section 54953(a)
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2).
- 5 California Government Code section 54952.2(b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533
- 6 California Government Code section 54953.7

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.



Chapter 2

LEGISLATIVE BODIES

What is a “legislative body” of a local agency? 12

What is not a “legislative body” for purposes of the Brown Act? 14

Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines “legislative body” broadly to include just about every type of decision-making body of a local agency.¹



What is a “legislative body” of a local agency?

A “legislative body” includes:

- **The “governing body”** of a local agency² and certain of its subsidiary bodies; “or any other local body created by state or federal statute.”² This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A “local agency” is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision or other local public agency.³ A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.⁴ The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.⁵ Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.⁶

- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.⁷ Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate; and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.⁸

- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.⁹ Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee “shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.¹⁰ “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹¹
- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity; or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.¹² These include some nonprofit corporations created by local agencies.¹³ If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.¹⁴ When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.¹⁵

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

Q: The local chamber of commerce is funded in part by the city. The mayor sits on the chamber’s board of directors. Is the chamber board a legislative body subject to the Brown Act?

A: *Maybe. If the chamber’s governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*

Q: If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

A: *Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital)

first leased under Health and Safety Code subsection 32121(p) after January 1, 1994, which exercises “material authority” delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.¹⁶

What is not a “legislative body” for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.¹⁷ Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.¹⁸
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.¹⁹

Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

A. *No, because the committee has not been established by formal action of the legislative body.*

Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

A. *Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.*

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.²⁰
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.²¹
- County central committees of political parties are also not Brown Act bodies.²²

ENDNOTES:

1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127

- 2 California Government Code section 54952(a) and (b)
- 3 California Government Code section 54951; Health and Safety Code section 34173(g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
- 4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550
- 5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990)
- 6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354, 362
- 7 California Government Code section 54952.1
- 8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805
- 9 California Government Code section 54952(b)
- 10 79 Ops.Cal.Atty.Gen. 69 (1996)
- 11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793
- 12 California Government Code section 54952(c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)
- 13 California Government Code section 54952(c)(1)(A); *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300; *Epstein v. Hollywood Entertainment Dist. II Business Improvement District* (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002)
- 14 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal. App.4th 287, 300 fn. 5
- 15 "The Brown Act, Open Meetings for Local Legislative Bodies," California Attorney General's Office (2003), p. 7
- 16 California Government Code section 54952(d)
- 17 California Government Code section 54952(b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.
- 18 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129
- 19 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973)
- 20 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879
- 21 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513
- 22 59 Ops.Cal.Atty.Gen. 162, 164 (1976)

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Chapter 3

MEETINGS

Brown Act meetings	18
Six exceptions to the meeting definition.....	18
Collective briefings.....	21
Retreats or workshops of legislative bodies.....	21
Serial meetings	21
Informal gatherings.....	24
Technological conferencing.....	24
Location of meetings	25

Chapter 3

MEETINGS



The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: "... and any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body."¹ The term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.²

Brown Act meetings

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **"Regular meetings"** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.³
- **"Special meetings"** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24-hour posting requirements.⁴
- **"Emergency meetings"** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.⁵
- **"Adjourned meetings"** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.⁶

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:⁷

Individual Contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.



Community Meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

"I see we have four distinguished members of the city council at our meeting tonight," said the chair of the Environmental Action Coalition. "I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?"

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

- Q.** The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?
- A.** Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.



Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency; and (2) a legislative body of another local agency.⁸ Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside

from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

Q. The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?

A. *No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.*

Q. The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?

A. *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.*

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).⁹

Q. The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?

A. *She may attend, but only as an observer; she may not participate.*

Social or Ceremonial Events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.¹⁰ This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

Retreats or workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or team building and group dynamics.¹¹



Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority. The Brown Act provides that "[a] majority of the members of a legislative body shall not, outside a meeting ... use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."¹² The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a “daisy chain” or a “hub and spoke” sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated, or taken action on an item within the legislative body’s subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, and D and so on (the spokes), until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body or one of its members,



communicates with a majority of members (the spokes) one-by-one for discussion, deliberation, or a decision on a proposed action.¹³ Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members’ respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of

the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”¹⁴

The Brown Act has been violated, however, if several one-on-one meetings or conferences leads to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.¹⁵

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.¹⁶ Such a memo, however, may be a public record.¹⁷

The phone call was from a lobbyist. “Say, I need your vote for that project in the south area. How about it?”

“Well, I don’t know,” replied Board Member Aletto. “That’s kind of a sticky proposition. You sure you need my vote?”

“Well, I’ve got Bradley and Cohen lined up and another vote leaning. With you I’d be over the top.”

Moments later, the phone rings again. “Hey, I’ve been hearing some rumbles on that south area project,” said the newspaper reporter. “I’m counting noses. How are you voting on it?”

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating

a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."¹⁸ Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."

"Glad to be of assistance," replied the planning director. "I'm sure Council Member Jones is OK with these changes. How are you leaning?"

"Well," said Council Member Kim, "I'm leaning toward approval. I know that two of my colleagues definitely favor approval."

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two of her colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

- Q.** The agency's website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?
- A.** Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.
- Q.** A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?
- A.** No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply to all” button that may inadvertently result in a Brown Act violation.

Informal gatherings

Often members are tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.¹⁹ A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an opportunity to attend, hear, or participate in the deliberations of members.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop’s Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive’s presence in no way lessens the potential for a violation of the Brown Act.

Q. The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?

A. *Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.*



Technological conferencing

Except for certain nonsubstantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But, in an effort to keep up with information age technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.²⁰ While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

“Teleconference” is defined as “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either

audio or video, or both.”²¹ In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:²²

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction;
- Additional teleconference locations may be made available for the public;
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?

A. *She may not participate or vote because she is not in a noticed and posted teleconference location.*

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.²³

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:²⁴

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property that cannot be conveniently brought into the local agency’s territory, provided the meeting is limited to items relating to that real or personal property;

Q. The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice;
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction;
- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or
- Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.²⁵

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential

employee from another district.²⁶ A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.²⁷

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.²⁸



Endnotes:

- 1 California Government Code section 54952.2(a)
- 2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870
- 3 California Government Code section 54954(a)
- 4 California Government Code section 54956
- 5 California Government Code section 54956.5
- 6 California Government Code section 54955
- 7 California Government Code section 54952.2(c)
- 8 California Government Code section 54952.2(c)(4)
- 9 California Government Code section 54952.2(c)(6)
- 10 California Government Code section 54953.1
- 11 “*The Brown Act*,” California Attorney General (2003), p. 10
- 12 California Government Code section 54952.2(b)(1)
- 13 *Stockton Newspaper Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95
- 14 California Government Code section 54952.2(b)(2)
- 15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518
- 16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 17 California Government Code section 54957.5(a)
- 18 California Government Code section 54952.2(b)(2)
- 19 California Government Code section 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964)
- 20 California Government Code section 54953(b)(1)
- 21 California Government Code section 54953(b)(4)
- 22 California Government Code section 54953
- 23 California Government Code section 54954(b)
- 24 California Government Code section 54954(b)(1)-(7)
- 25 94 Ops.Cal.Atty.Gen. 15 (2011)
- 26 California Government Code section 54954(c)
- 27 California Government Code section 54954(d)
- 28 California Government Code section 54954(e)

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Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION

Agendas for regular meetings	30
Mailed agenda upon written request	31
Notice requirements for special meetings	32
Notices and agendas for adjourned and continued meetings and hearings	32
Notice requirements for emergency meetings	32
Notice of compensation for simultaneous or serial meetings	33
Educational agency meetings	33
Notice requirements for tax or assessment meetings and hearings	33
Non-agenda items	34
Responding to the public	34
The right to attend and observe meetings	35
Records and recordings	36
The public's place on the agenda	37

Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.”¹ The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this

provision to require posting in a location accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.² This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.³ While posting an agenda on an agency’s Internet website will not, by itself, satisfy the “freely accessible” requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.⁴

Q. May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city’s website or if the website was not operational during part or all of the 72-hour period preceding the meeting?

A. *At a minimum, the Brown Act calls for “substantial compliance” with all agenda posting requirements, including posting to the agency website.⁵ Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties which cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.⁶ This inquiry requires a fact-specific examination of whether the agency or its legislative body made “reasonably effective efforts to notify interested persons of a public meeting” through online posting and other available means.⁷ The Attorney General’s opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public*

awareness, among other factors.⁸ The City Attorneys' Department has taken the position that obvious website technical difficulties do not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

The agenda must state the meeting time and place and must contain "a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session."⁹ Special care should be taken to describe on the agenda each distinct action to be taken by the legislative body, and avoid overbroad descriptions of a "project" if the "project" is actually a set of distinct actions that must each be separately listed on the agenda.¹⁰

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street; and
- Consideration of contract with ABC Consulting.

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read "consideration of a contract with ABC Consulting in the amount of \$50,000 for traffic engineering services regarding traffic on Eighth Street."*

Q. The agenda includes an item entitled City Manager's Report, during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

A. *Yes, so long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.¹¹



Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed.

Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda — with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: (1) at a site that is freely accessible to the public, and (2) on the agency's website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.¹²

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.¹³ If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.¹⁴ A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.¹⁵

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.¹⁶ News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.



News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces: (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.¹⁷

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member’s official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.¹⁸ However, they are generally consistent with the Brown Act. An item is probably void if not posted.¹⁹ A school district board must also adopt regulations to make sure the public can place matters affecting the district’s business on meeting agendas and to address the board on those items.²⁰

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.²¹ Though written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments as those are governed by the California Constitution, Article XIII C or XIII D, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.²² As a practical matter, the Constitution’s notice requirements have preempted this section of the Brown Act.



Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:²³

- When a majority decides there is an “emergency situation” (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: 1) that there is an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities.²⁴ However, caution should be used to avoid any discussion or action on such items.



Council Member Jefferson: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street — are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council’s agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public’s right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise “fulfill any condition precedent” to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.²⁵

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.²⁶ This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.²⁷

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.²⁸

Action by secret ballot, whether preliminary or final, is flatly prohibited.²⁹

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.³⁰

Q: The agenda calls for election of the legislative body’s officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A: *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt proceedings.³¹ Ejection is justified only when audience members actually disrupt the proceedings.³² If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.³³

Records and recordings

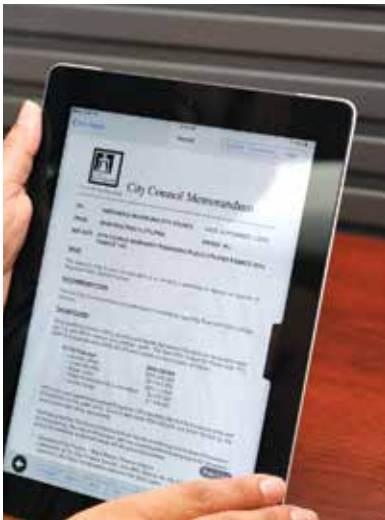
The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.³⁴ A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.³⁵

Q: In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

A: *No. The memorandum is a privileged attorney-client communication.*

Q: In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

A: *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*



A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A non-exempt or otherwise privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location.³⁶ A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.³⁷

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.³⁸ The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.³⁹



In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.⁴⁰

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.⁴¹

The public's place on the agenda

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.⁴²

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But the Brown Act provides no immunity for defamatory statements.⁴³

PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record, but must respect a speaker's desire for anonymity.

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.*



The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.⁴⁴

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.⁴⁵

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.⁴⁶

Endnotes:

- 1 California Government Code section 54954.2(a)(1)
- 2 78 Ops.Cal.Atty.Gen. 327 (1995)
- 3 88 Ops.Cal.Atty.Gen. 218 (2005)
- 4 California Government Code sections 54954.2(a)(1) and 54954.2(d)
- 5 California Government Code section 54960.1(d)(1)
- 6 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262
- 7 *North Pacifica LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432
- 8 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262, Slip Op. at p. 8
- 9 California Government Code section 54954.2(a)(1)
- 10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of CEQA action (mitigated negative declaration) without specifically listing it on the agenda violates Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis.)

- 11 California Government Code section 54954.1
- 12 California Government Code sections 54956(a) and (c)
- 13 California Government Code section 54955
- 14 California Government Code section 54954.2(b)(3)
- 15 California Government Code section 54955.1
- 16 California Government Code section 54956.5
- 17 California Government Code section 54952.3
- 18 Education Code sections 35144, 35145 and 72129
- 19 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196
- 20 California Education Code section 35145.5
- 21 California Government Code section 54954.6
- 22 See Cal.Const.Art.XIIIC, XIIID and California Government Code section 54954.6(h)
- 23 California Government Code section 54954.2(b)
- 24 California Government Code section 54954.2(a)(2)
- 25 California Government Code section 54953.3
- 26 California Government Code section 54961(a); California Government Code section 11135(a)
- 27 California Government Code section 54952.2(c)(2)
- 28 California Government Code section 54953(b)
- 29 California Government Code section 54953(c)
- 30 California Government Code section 54953(c)(2)
- 31 California Government Code section 54957.9.
- 32 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed towards mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit “insolent” remarks by members of the public absent actual disruption).
- 33 California Government Code section 54957.9
- 34 California Government Code section 54957.5
- 35 California Government Code section 54957.5(d)
- 36 California Government Code section 54957.5(b)
- 37 California Government Code section 54957.5(c)
- 38 California Government Code section 54953.5(b)
- 39 California Government Code section 54957.5(d)
- 40 California Government Code section 54953.5(a)
- 41 California Government Code section 54953.6
- 42 California Government Code section 54954.3(a)
- 43 California Government Code section 54954.3(c)
- 44 California Government Code section 54954.3(b); *Chaffee v. San Francisco Public Library Com.* (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)
- 45 California Government Code section 54954.3(a)
- 46 California Government Code section 54954.3(a)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.





Chapter 5

CLOSED SESSIONS

Agendas and reports.....	42
Litigation.....	43
Real estate negotiations	45
Public employment	46
Labor negotiations	47
Labor negotiations — school and community college districts.....	48
Other Education Code exceptions.....	48
Joint Powers Authorities.....	48
License applicants with criminal records	49
Public security.....	49
Multijurisdictional law enforcement agency	49
Hospital peer review and trade secrets	49
Other legislative bases for closed session	50
Who may attend closed sessions	50
The confidentiality of closed session discussions.....	50

Chapter 5

CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.¹



As summarized in Chapter 1 of this Guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.² The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. As an example, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.³

In this chapter, the grounds for convening a closed session are called "exceptions" because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),⁴ the Brown Act does not authorize closed sessions for other contract negotiations.

Agendas and reports

Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption.⁵ An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session item or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.⁶

The Brown Act supplies a series of fill in the blank sample agenda descriptions for various types of authorized closed sessions, which provide a "safe harbor" from legal attacks. These sample

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor's Office.⁷

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.⁸

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session and the action taken.⁹ The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.¹⁰

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential "minute book" be kept to record actions taken at closed sessions.¹¹ If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.¹² A court may order the disclosure of minute books for the court's review if a lawsuit makes sufficient claims of an open meeting violation.

Litigation

There is an attorney/client relationship, and legal counsel may use it to protect the confidentiality of privileged written and oral communications to members of the legislative body — outside of meetings. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.¹³

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.¹⁴ The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body's conferring with its own legal counsel and required support staff.¹⁵ For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.¹⁶

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

The California Attorney General has opined that if the agency’s attorney is not a participant, a litigation closed session cannot be held.¹⁷ In any event, local agency officials should always consult the agency’s attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.¹⁸

Existing litigation

- Q.** May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?
- A.** Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local



agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.¹⁹

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on “existing facts and circumstances” as defined by the Brown Act.²⁰ The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the “existing facts and

circumstances” must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff.

Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency’s rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed

session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.²¹ Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A "lease" includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body's negotiator on price and terms of payment.²² Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.²³



Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase "price and terms of payment" in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of "price and terms of payment." Others take a narrower, more literal view of the phrase.*

The agency's negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern²⁴ and the names of the parties with whom its negotiator may negotiate.²⁵

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person, as soon as the agency is informed of it.²⁶

"Our population is exploding, and we have to think about new school sites," said Board Member Jefferson.

"Not only that," interjected Board Member Tanaka, "we need to get rid of a couple of our older facilities."

"Well, obviously the place to do that is in a closed session," said Board Member O'Reilly. "Otherwise we're going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar."

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

Public employment

The Brown Act authorizes a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee.”²⁷ The purpose of this exception — commonly referred to as the “personnel exception” — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.²⁸ The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.²⁹ That authority may be delegated to a subsidiary appointed body.³⁰

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,³¹ and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.³² The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.³³ If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.³⁴

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.³⁵

- Q.** Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?
- A.** *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.³⁶ An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. Examples of the latter include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.³⁷ Action on individuals who are not “employees” must also be public — including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee's ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.³⁸ However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.³⁹

"I have some important news to announce," said Mayor Garcia. "We've decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we've negotiated six months severance pay."

"Unfortunately, that has some serious budget consequences, so we've had to delay phase two of the East Area Project."

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager's evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,⁴⁰ on employee salaries and fringe benefits for both represented ("union") and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an "employee" includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.⁴¹

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.⁴²

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.⁴³ The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization;
2. A meeting of a mediator with either side;
3. A hearing or meeting held by a fact finder or arbitrator; and
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.⁴⁴

Public participation under the Rodda Act also takes another form.⁴⁵ All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.⁴⁶ The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.⁴⁷

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.⁴⁸ Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.⁴⁹

Joint Powers Authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.⁵⁰

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

License applicants with criminal records

A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.⁵¹

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.⁵² Action taken in closed session with respect to such public security issues is not reportable action.



Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.⁵³

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.⁵⁴

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.⁵⁵

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.

A "trade secret" is defined as information which is not generally known to the public or competitors and which: 1) "derives independent economic value, actual or potential" by virtue of its restricted knowledge; 2) is necessary to initiate a new hospital service or program or facility; and 3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district's dissolution.⁵⁶



Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to carefully review the Brown Act to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including: a response to a confidential final draft audit report from the Bureau of State Audits,⁵⁷ consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,⁵⁸ hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medi-Cal services,⁵⁹ discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations

concerning rates of payment,⁶⁰ and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.⁶¹

PRACTICE TIP: Meetings are either open or closed. There is nothing “in between.”⁶²

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official role in the closed session subject matters must be excluded from closed sessions.⁶³

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency’s advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.⁶⁴ It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.⁶⁵ Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.⁶⁶

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information received during a closed session regarding pending litigation,⁶⁷ though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.⁶⁸ In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief; and, if the breach is a willful disclosure of confidential information, the remedies include disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.⁶⁹

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure: 1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; 2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or 3) is information that is not confidential.⁷⁰

The interplay between these possible sanctions and an official’s first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

“I want the press to know that I voted in closed session against filing the eminent domain action,” said Council Member Chang.

“Don’t settle too soon,” reveals Council Member Watson to the property owner, over coffee. “The city’s offer coming your way is not our bottom line.”

The first comment to the press may be appropriate if it is a part of an action taken by the City Council in closed session that must be reported publicly.⁷¹ The second comment to the property owner is not — disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

ENDNOTES:

- 1 California Government Code section 54962
- 2 California Constitution, Art. 1, section 3
- 3 61 Ops.Cal.Atty.Gen. 220 (1978); but see California Government Code section 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations, and other related matters).
- 4 California Government Code section 54957.1
- 5 California Government Code section 54954.5
- 6 California Government Code section 54954.2
- 7 California Government Code section 54954.5
- 8 California Government Code sections 54956.9 and 54957.7
- 9 California Government Code section 54957.1(a)
- 10 California Government Code section 54957.1(b)
- 11 California Government Code section 54957.2
- 12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal.Code Regs. section 18707
- 13 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 14 California Government Code section 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
- 15 82 Ops.Cal.Atty.Gen. 29 (1999)
- 16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471
- 17 “The Brown Act,” California Attorney General (2003), p. 40
- 18 California Government Code section 54956.9(g)
- 19 *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172
- 20 Government Code section 54956.9(e)
- 21 California Government Code section 54957.1
- 22 California Government Code section 54956.8
- 23 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904; see also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner and timing of consideration and other items that cannot be disclosed without revealing price and terms).
- 24 73 Ops.Cal.Atty.Gen. 1 (1990)
- 25 California Government Code sections 54956.8 and 54954.5(b)
- 26 California Government Code section 54957.1(a)(1)
- 27 California Government Code section 54957(b)
- 28 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).
- 29 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002)
- 30 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty. Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.

- 31 California Government Code section 54957(b)(3)
- 32 88 Ops.Cal.Atty.Gen. 16 (2005)
- 33 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860
- 34 California Government Code section 54957(b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges, when there was a public evidentiary hearing prior to closed session).
- 35 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87
- 36 *Moreno v. City of King* (2005) 127 Cal.App.4th 17
- 37 California Government Code section 54957
- 38 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165
- 39 California Government Code section 54957.1(a)(5)
- 40 California Government Code section 54957.6
- 41 California Government Code section 54957.6(b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not “employees” of the district).
- 42 California Government Code section 54957.6; and 51 Ops.Cal.Atty.Gen. 201 (1968)
- 43 California Government Code section 54957.1(a)(6)
- 44 California Government Code section 3549.1
- 45 California Government Code section 3540
- 46 California Government Code section 3547
- 47 California Education Code section 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).
- 48 California Education Code section 72122
- 49 California Education Code section 60617
- 50 California Government Code section 54956.96
- 51 California Government Code section 54956.7
- 52 California Government Code section 54957
- 53 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354
- 54 California Government Code section 54957.8
- 55 California Government Code section 54962
- 56 California Health and Safety Code section 32106
- 57 California Government Code section 54956.75
- 58 California Government Code section 54956.81
- 59 California Government Code section 54956.86
- 60 California Government Code section 54956.87
- 61 California Government Code section 54956.95
- 62 46 Ops.Cal.Atty.Gen. 34 (1965)
- 63 82 Ops.Cal.Atty.Gen. 29 (1999)

- 64 Government Code section 54963
- 65 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327; see also California Government Code section 54963.
- 66 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 67 80 Ops.Cal.Atty.Gen. 231 (1997)
- 68 76 Ops.Cal.Atty.Gen. 289 (1993)
- 69 California Government Code section 54963
- 70 California Government Code section 54963
- 71 California Government Code section 54957.1

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Chapter 6

REMEDIES

Invalidation.....	56
Applicability to Past Actions	57
Civil action to prevent future violations	57
Costs and attorney’s fees	58
Criminal complaints.....	58
Voluntary resolution.....	59

Chapter 6

REMEDIES



Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials' interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.¹ Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites to the wrong Brown Act section, but adequately advises the public that the Board will meet with legal counsel to discuss potential litigation in closed session;²
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendaized items are acted on by the governing body during a meeting.³ The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed.

Although just about anyone has standing to bring an action for invalidation,⁴ the challenger must show prejudice as a result of the alleged violation.⁵ An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.⁶

Applicability to Past Actions

Any interested person, including the district attorney, may file a civil action to determine whether past actions of a legislative body occurring on or after January 1, 2013 constitute violations of the Brown Act and are subject to a mandamus, injunction, or declaratory relief action.⁷ Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a “cease and desist” letter to the legislative body, clearly describing the past action and the nature of the alleged violation.⁸ The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.⁹ If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, a lawsuit may be filed within 60 days.¹⁰

The legislative body’s unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.¹¹ The unconditional commitment must be substantially in the form set forth in the Brown Act.¹² No legal action may thereafter be commenced regarding the past action.¹³ However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.¹⁴

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.¹⁵

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.



It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.¹⁶ Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.¹⁷

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

Costs and attorney's fees

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.¹⁸ When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.¹⁹

Criminal complaints

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.²⁰

A criminal violation has two components. The first is that there must be an overt act — a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.²¹

"Action taken" is not only an actual vote, but also a collective decision, commitment or promise by a majority of the legislative body to make a positive or negative decision.²² If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.²³ In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member "to deprive the public of information to which the member knows or has reason to know the public is entitled" by the Brown Act.²⁴

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.²⁵ There is no case law to support this view; if anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.²⁶

Voluntary resolution

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

ENDNOTES:

- 1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); 54956 (special meetings); and 54956.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 54960.1.
- 2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198
- 3 California Government Code section 54960.1 (b) and (c)(1)
- 4 *McKee v. Orange Unified School District* (2003) 110 Cal. App.4th 1310, 1318-1319
- 5 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561
- 6 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118
- 7 Government Code Section 54960.2(a); Senate Bill No. 1003, Section 4 (2011-2012 Session)
- 8 Government Code Sections 54960.2(a)(1), (2)
- 9 Government Code Section 54960.2(b)



- 10 Government Code Section 54960.2(a)(4)
- 11 Government Code Section 54960.2(c)(2)
- 12 Government Code Section 54960.2(c)(1)
- 13 Government Code Section 54960.2(c)(3)
- 14 Government Code Section 54960.2(d)
- 15 Government Code Section 54960.2(e)
- 16 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 916 & fn.6
- 17 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36
- 18 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein
- 19 California Government Code section 54960.5
- 20 California Government Code section 54959. A misdemeanor is punishable by a fine of up to \$1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
- 21 California Government Code section 54959
- 22 California Government Code section 54952.6
- 23 61 Ops.Cal.Atty.Gen.283 (1978)
- 24 California Government Code section 54959
- 25 California Government Code section 1222 provides that “[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”
- 26 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.

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Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



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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.

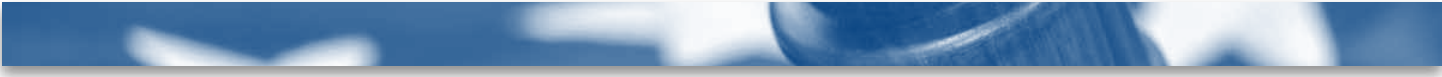


TABLE OF CONTENTS

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.



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City of Lindsay
Social Media Policy

Adopted on 08/09/2022 via Resolution No. 22-48

Overview

This policy establishes guidelines for the establishment and use by the City of Lindsay of social media sites (including but not limited to Facebook and Instagram) as a means of conveying City of Lindsay (“City”) information to its citizens.

The intended purpose behind establishing City of Lindsay social media sites is to disseminate information from the City, about the City, to its citizens. The City of Lindsay has an overriding interest in deciding what is “spoken” on behalf of the City on City social media sites.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, Facebook, Instagram, YouTube, Twitter, LinkedIn, and blogs. For purposes of this policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on a City of Lindsay social media site, either as its own post or attached to another post.

General Policy

1. The establishment and use by any City department of City social media sites are subject to approval by the City Manager or his/her designees. All City of Lindsay social media sites shall be administered by City of Lindsay designated staff.
2. City social media sites should make clear on their respective profile pages that they are maintained by the City of Lindsay and that they follow the City’s Social Media Policy.
3. Wherever possible, City social media sites should link back to the official City of Lindsay website for forms, documents, online services and other information necessary to conduct business with the City of Lindsay.
4. Designated staff will monitor content on City social media sites to ensure adherence to both the City’s Social Media Policy and the interest and goals of the City of Lindsay.
5. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the City Clerk for a reasonable period of time, including the time, date and identity of the poster, when available.
6. These guidelines must be displayed to users or made available by hyperlink.

7. The City will approach the use of social media tools as consistently as possible, enterprise wide.
8. The City of Lindsay's website at <https://www.lindsay.ca.us/> will remain the City's primary and predominant internet presence.
9. All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
10. City social media sites are subject to the California Public Records Act. Any content maintained in a social media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
11. Employees representing the City government via City social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies.
12. This Social Media Policy may be revised at any time.
13. Comments on topics or issues not within the jurisdictional purview of the City of Lindsay may be removed.
14. Any posts deemed to be offensive, derogatory, hostile, or anything that is construed as discriminatory on the basis of race, sex, disability, or religion will be removed.
15. The City does not endorse any links or advertisements that may show up on its Facebook page.

Comment Policy

By posting or commenting on the City of Lindsay's Facebook page, or other City of Lindsay social media, you agree to the terms of use of the City of Lindsay's social media comment policy as provided herein.

1. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. The City of Lindsay Facebook and other social media pages are intended to be "family friendly," so please keep your comments clean by following these simple rules. In addition to keeping it family friendly, we require that you follow our posting guidelines here. Please note that we utilize Facebook's automatic content filtering feature. All City of Lindsay social media content is subject to monitoring.
3. The intended purpose behind establishing City of Lindsay social media sites is to disseminate information from the City, about the City, to its citizens.

4. Comments containing any of the following inappropriate forms of content shall not be permitted on City of Lindsay social media sites and are subject to removal and/or restriction by designated staff.
 - a. Comments not related to the original topic, including random or unintelligible comments; Profane, obscene, violent, or pornographic content and/or language;
 - b. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;
 - c. Defamatory or personal attacks;
 - d. Threats to any person or organization;
 - e. Comments in support of, or in opposition to, any political campaigns or ballot measures;
 - f. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 - g. Conduct in violation of any federal, state or local law;
 - h. Encouragement of illegal activity;
 - i. Information that may tend to compromise the safety or security of the public or public systems; or
 - j. Content that violates a legal ownership interest, such as a copyright, of any party.
 - k. Harassment or content which constitutes and/or facilitates stalking;
 - l. Content which violates the right to privacy;
 - m. Encouragement of violence;
 - n. Repetitive content;
 - o. Comments which may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers;
 - p. Posts or comments that contain any external links.
5. A comment posted by a member of the public on any City of Lindsay social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Lindsay, nor do such comments necessarily reflect the opinions or policies of the City of Lindsay.
6. The City of Lindsay reserves the right to deny access to City of Lindsay social media sites for any individual, who violates the City of Lindsay's Social Media Policy, at any time and without prior notice.

7. Comments posted to City of Lindsay social media pages will be monitored and inappropriate content as defined above will be removed as soon as possible and without prior notice. Please note, comments posted to pages are monitored and our Facebook settings will automatically hide a comment if profanity is used within the post.
8. If you need to contact the Lindsay Police Department, please call their front desk at (559) 562-2511, or if it is an emergency, call 911 and ask for assistance. While comments posted on the City's social media pages are monitored, posting a comment is neither the recommended nor best way to contact the City or Lindsay Police Department.
9. Departments shall monitor their social media sites for comments requesting responses from the City and for comments in violation of this policy.
10. All comments posted to any City of Lindsay Facebook site are bound by Facebook's Statement of Rights and Responsibilities and Community Standards, located at www.facebook.com/terms.php, and www.facebook.com/communitystandards, respectfully. The City of Lindsay reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities and/or Community Standards to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.
11. By posting or commenting on the City of Lindsay social media platforms you agree to our terms of use. You participate by your own choice, taking personal responsibility for your comments, your username and any information you provide therein.



STAFF REPORT

TO: Lindsay City Council
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager
DEPARTMENT: City Manager
ITEM NO.: 9.2
MEETING DATE: January 09, 2024

ACTION & RECOMMENDATION

Formation of Economic Development Ad-Hoc Committee.

As requested by Mayor Cerros, this item is informational and presented only for the purpose of discussion. No City Council action is required at this time. However, the City Council is asked to consider the formation of an Economic Development Ad-Hoc Committee.

BACKGROUND | ANALYSIS

The City Council is asked to consider the formation of an Economic Development Ad-Hoc Committee. Should the Council indicate that they would like to proceed, City Staff asks that they provide direction on the following:

- Number of committee members
- Committee goals and objectives
- Preferred dates and times for meetings
- Number of committee meetings
- Committee composition criteria
- Committee application process (if any)

FISCAL IMPACT

No fiscal impact associated with this action.

ATTACHMENTS

- None



STAFF REPORT

TO: Lindsay City Council
 FROM: Francesca Quintana, City Clerk & Assistant to the City Manager
 DEPARTMENT: City Manager
 ITEM NO.: 10.1
 MEETING DATE: January 09, 2024

ACTION & RECOMMENDATION

Review Existing Appointments and Consider the Approval of Appointment of Council Member Representatives to Boards, Agencies, and Committees.

City Staff recommends that Council consider their level of involvement, their schedule, and consider if appointments should be re-assigned based on Council Member’s interests.

BACKGROUND | ANALYSIS

The City Council last appointed representatives to various boards, agencies, and committees in December of 2022. Staff is notifying Council of these appointments and asking them to consider their level of involvement, their schedule, and consider if appointments should be re-assigned based on Council Member’s interests. Maintaining active representation is critical to the long-term success of the City.

Table 1: Boards, Agencies, and Committees Appointments (effective December 12, 2023)

BOARDS, AGENCIES, AND COMMITTEES APPOINTMENTS (EFFECTIVE DECEMBER 12, 2023)

Board, Agency, or Committee Name	Meeting Time	Council Member Representative	Council Member Representative Alternate
Integrated Regional Water Management (IRWM)	First Tuesday of every month at 9:00 AM	Mayor Cerros	Council Member Flores
East Kaweah Groundwater Sustainability Agency (EKGSA)	Fourth Monday of the first month of every quarter at 3:00 PM	Mayor Cerros	Council Member Sanchez
Tulare County Association of Government (TCAG) Board of Governors	Third Monday of every month at 1:00 PM	Mayor Cerros	Council Member Caudillo
Tulare County Regional Transit Agency (TCRTA) Board of Directors	Third Monday of every month at 6:00 PM	Mayor Cerros	Council Member Sanchez
Lindsay Wellness Center Programming Committee	Quarterly on Monday's at 6:00 PM	Mayor Pro Tem Serna <i>*Per Committee establishment, two (2) Council Members are required</i>	Council Member Sanchez <i>*Per Committee establishment, two (2) Council Members are required</i>
Healthy Kids Healthy Lindsay	Quarterly, select Weekday's at 3:30 PM	Mayor Cerros <i>*Per Committee Bylaws, the Mayor is automatically the Board Member</i>	Mayor Pro Tem Serna <i>*Per Committee Policy, the Mayor Pro Tem is automatically the Alternate Board Member</i>
Tulare County City Selection Committee	Quarterly, select Weekday's at 4:00 PM, or on an as-needed basis	Mayor Cerros <i>*Per committee Bylaws, the Mayor is automatically the selected member</i>	Council Member Flores
Friday Night Market Operations Ad-Hoc Oversight Committee	As-needed basis	Council Member Caudillo <i>*Per Agreement with Market Operator, two (2) Council Member Representatives are needed</i>	Mayor Cerros <i>*Per Agreement with Market Operator, two (2) Council Member Representatives are needed</i>
San Joaquin Valley (SJV) Air Pollution Control District Special City Selection Committee	As-needed basis, typically in the evenings	Mayor Cerros	None
Tulare County Council of Cities	Bimonthly, Third Wednesday at 4:00 PM, or on an as-needed basis	Council Member Flores	Mayor Cerros
City Sign Ordinance Ad-Hoc Committee	Three (3) times throughout the year, or on an as-needed basis, typically in the evenings	Mayor Cerros <i>*Per Committee establishment, two (2) Council Members are required</i>	Council Member Sanchez <i>*Per Committee establishment, two (2) Council Members are required</i>
City Water Ad-Hoc Committee	Three (3) times throughout the year, or on an as-needed basis, typically in the evenings	Mayor Cerros <i>*Per Committee establishment, two (2) Council Members are required</i>	Council Member Sanchez <i>*Per Committee establishment, two (2) Council Members are required</i>

FISCAL IMPACT

No fiscal impact associated with this action.

ATTACHMENTS

- Boards, Agencies, and Committees Appointments Table

BOARDS, AGENCIES, AND COMMITTEES APPOINTMENTS

(EFFECTIVE DECEMBER 12, 2023)

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San Joaquin Valley (SVJ) Air Pollution Control District Special City Selection Committee	As-needed basis, typically in the evenings	Mayor Cerros	None
Tulare County Council of Cities	Bimonthly, Third Wednesday at 4:00 PM, or on an as-needed basis	Council Member Flores	Mayor Cerros
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