



# 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 10, 2023, at 6:00 PM in person and via webinar. The webinar address for members of the public is <https://zoom.us/j/99279557087>.

Persons with disabilities who may need assistance should contact the City Clerk at least 24 hours prior to the meeting at (559) 562-7102 ext. 8034 or via email at [lindsay.cityclerk@lindsay.ca.us](mailto:lindsay.cityclerk@lindsay.ca.us).

## 1. CALL TO ORDER

## 2. ROLL CALL

## 3. PLEDGE

Led by Council Member Sanchez.

## 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. PRESENTATION ITEMS

### 8.1 Lindsay High School Associated Student Body (ASB) Update

*Presented by Jennifer Gonzales, Lindsay High School ASB Representative*

### 8.2 Fiscal Year 2022-2023 Q1 & Q2 Budget Update

*Presented by Juana Espinoza, Director of Finance*

### 8.3 Lindsay Department of Public Safety Update

*Presented by Chief Rick Carrillo, Director of Public Safety*

## 9. CONSENT CALENDAR

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

- 9.1 Minutes from December 13, 2022, Regular Meeting (pp. 4 – 11)
- 9.2 Warrant List for December 05, 2022, through December 31, 2022 (pp. 12 – 22)
- 9.3 Treasurers Report for December 2022 (p. 23 - 23)
- 9.4 Consider Approval of **Resolution 23-01**, A Resolution of the City Council of the City of Lindsay Proclaiming a Local Emergency, Ratifying the Proclamation of a State Emergency by Governor Newsom on March 4, 2020, and Authorizing a Hybrid Meeting Format of the Legislative Bodies of the City of Lindsay to Allow Attendance In Person or Teleconference Pursuant to Government Code Section 54953(e)(3). (pp. 24 – 28)
- 9.5 Second Reading of **Ordinance No. 604**, An Ordinance of the City of Lindsay Amending Titles One (1) Through Eighteen (18) of the Lindsay Municipal Code to Set the Approval of Municipal Fees and Charges for Various Municipal Services via City Council Resolution, and Repealing all other Ordinances Relative to the Setting of Municipal Fees and Charges Thereto, and Authorization to Waive Full Reading of Said Ordinance and Authorize Reading by Title Only (pp. 29 – 48)

## 10. ACTION ITEMS

- 10.1 Consider the Approval of the West Hermosa Street Corridor and Neighborhood Enhancement Plan Draft (pp. 49 – 154)  
*Presented by Jacob Leon, KTUA*
- 10.2 Consider the Approval of Job Descriptions for the Utility Operator Trainee, Utility Operator I, Utility Operator II, and Utility Operator III Job Positions (pp. 155 – 175)  
*Presented by Neyba Amezcua, Director of City Services & Planning*
- 10.3 Consider the Appointment of Delegates for the 2023 Lindsay Sister City Committee Trip (p. 176)  
*Presented by Joseph M. Tanner, City Manager*
- 10.4 Discussion and Direction Regarding the Linda Vista Rehabilitation Project (pp. 177 – 178)  
*Presented by Neyba Amezcua, Director of City Services & Planning*
- 10.5 Consider the Approval of **Resolution 23-02**, Approving a Contract with Lew Edwards Group (LEG) to Provide Planning, Communication, and Engagement Services for Quality-of-Life Vision, and Approving a Contract with Fairbank, Maslin, Maullin, Metz & Associates (FM3) to Conduct a Quality of Life/Satisfaction Survey for the City of Lindsay, and Authorize City Manager to Execute Any Documents Thereto (pp. 179 – 192)

*Presented by Joseph M. Tanner, City Manager*

**11. DISCUSSION ITEMS**

11.1 2023-2025 City Council Goals, Strategies, and Action Plan (pp. 193 – 200)

*Presented by Joseph M. Tanner, City Manager*

11.2 Amendments to City Council Handbook and Review of City Charter (pp. 201 – 332)

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

**12. EXECUTIVE (CLOSED) SESSION**

12.1 Public Employee Performance Evaluation – City Manager

Pursuant to Cal Gov. Code § 54957(b)(1)

**13. REQUEST FOR FUTURE ITEMS**

**14. 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](http://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.



**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 13, 2022, at 6:00 PM in person and via webinar. The webinar address for members of the public is <https://zoom.us/j/99279557087>.

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**1. CALL TO ORDER**

**2. PLEDGE**

Led by Mayor CAUDILLO.

**3. ROLL CALL**

3.1 Oath of Office for Elected Councilmembers (pp. 5 – 6)

Yolanda Flores (p. 5)

Rosaena Sanchez (p. 6)

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

<b>Present</b>	Council Member Serna Council Member Flores Mayor Pro Tem Cerros Mayor Caudillo Council Member Sanchez
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**4. CITY COUNCIL REORGANIZATION**

4.1 Selection of Mayor for a Two-Year Term Commencing on December 13, 2022 (p. 7)

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

- *No public comments were received via teleconference or in person.*
- *Council Member SANCHEZ nominated Mayor Pro Tem CERROS, Council Member FLORES seconded the nomination.*
- *Mayor Pro Tem CERROS accepted the nomination.*
- *No further nominations were received.*

<b>Motion to Appoint Council Member CERROS as Mayor</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ

SANCHEZ	FLORES	(5-0)	AYE	AYE	AYE	AYE	AYE
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4.2 Selection of Mayor Pro Tem for a One-Year Term Commencing on December 13, 2022

(p. 8)

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

- *No public comments were received via teleconference or in person.*
- *Council Member SANCHEZ nominated Council Member FLORES, and Mayor CERROS seconded the nomination.*
- *Council Member FLORES accepted the nomination.*
- *Council Member CAUDILLO nominated Council Member SANCHEZ, and Mayor CERROS seconded the nomination.*
- *Council Member SANCHEZ did not accept the nomination.*
- *No further nominations were received.*

<b>Motion to Appoint Council Member FLORES as Mayor Pro Tem</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
SANCHEZ	CERROS	(4-1)	AYE	AYE	NAY	AYE	AYE

4.3 Review Existing Appointments and Consider the Approval of Appointment of Council Member Representatives to Boards, Agencies, and Committees (pp. 9 – 12)

*Presented by Geselle Arellano, Executive Assistant/Deputy City Clerk*

<b>Motion to Approve Item 4.3 with New Appointments</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(5-0)	AYE	AYE	AYE	AYE	AYE

**5. APPROVAL OF AGENDA**

<b>Motion to Approve Agenda</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(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.

- No Public Comment in-person or via teleconference.

## **7. COUNCIL REPORT**

- Council Member SERNA reported that he attended the Hospital Guild Fundraiser, Wellness Center Programming Committee Meeting, Christmas Lighting Festival, Christmas Parade, and a Luncheon with Assemblyman Devon Mathis.
- Mayor Pro Tem FLORES reported she attended and enjoyed the Christmas Lighting Festival, Christmas Parade, and LPOA Santa Night/Toy Drive. FLORES thanked everyone for their part in voting in the recent election.
- Mayor CERROS reported that he attended the City Employee Appreciation Mixer, and thanked City Staff for their efforts to better the community. CERROS attended the Christmas Lighting Festival and Christmas Parade. CERROS reported that he, along with the Lindsay Chamber of Commerce helped Council Member CAUDILLO fundraise for the Christmas Door Decorating Contest. CERROS reported that he attended the Tulare County Regional Transit Agency meeting and promoted the expansion of transportation efforts.
- Council Member CAUDILLO reported that she attended the Hospital Guild Fundraiser. CAUDILLO reported that the deadline to submit an application for the Christmas Door Decorating Contest is on December 16<sup>th</sup>.
- Council Member SANCHEZ reported she attended the City Employee Appreciation Mixer. SANCHEZ thanked City Staff, Volunteers, and China's Alley for their hard work in putting the event together. SANCHEZ reported that the Employee Mixer raffle raised \$250 and that all proceeds will go towards the Military Banner Program. SANCHEZ attended the Christmas Lighting Festival and thanked all involved for their hard work in the event. SANCHEZ reported that she had a great time at the LPOA Santa Night/Toy Drive and thanked all involved in putting the event together. SANCHEZ thanked the Lindsay Chamber of Commerce for putting on the Christmas Parade as well as the Key Club and FBLA Volunteers. SANCHEZ thanked Lindsay Starbucks for hosting the Holiday First Responders event. SANCHEZ reported that the School Resource Officers have received two new police cruiser vehicles. SANCHEZ congratulated Officer Duron for her completion of field training. SANCHEZ reported that Rite-Aid is still offering COVID-19 vaccines. SANCHEZ thanked everyone for their part in voting in the recent election.

## **8. CITY MANAGER REPORT**

- CITY MANAGER reported that City Staff is undergoing customer service training.
- CITY MANAGER reported he attended Assemblyman Devon Mathis' event's focus group focused on public safety issues.
- CITY MANAGER reported that City Staff has received Well 11 and Water Feasibility Study drafts, and City Staff is planning to bring those drafts before Council in January.
- CITY MANAGER reported he would be presenting the City Council Goals and work plan in the new year, and that there will be much talk about water.

- CITY MANAGER reported that free COVID-19 test kits are available at the Lindsay Wellness Center.

## 9. RECOGNITION ITEMS

- 9.1 Proclamation in Honor of the Lindsay Police Officer’s Association’s (LPOA) Annual Santa Night (p. 13)
- 9.2 Fifteen (15) Year Service Award Presentation  
*Presented to Sergeant Kevin Riley*  
*Presented by Chief Rick Carrillo, Director of Public Safety*

## 10. PRESENTATION ITEMS

- 10.1 Introduction of Public Safety Officer Matt McMillan  
*Presented by Chief Rick Carrillo, Director of Public Safety*
- 10.2 Lindsay Sister City Committee Presentation (pp. 14 – 47)  
*Presented by Carolina Serna and Laura Cortes*

## 11. CONSENT CALENDAR

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

- 11.1 Minutes from November 08, 2022, Regular Meeting (pp. 48 – 52)
- 11.2 Warrant List for November 01, 2022, through December 04, 2022 (pp. 53 – 64)
- 11.3 Treasurers Report for November 2022 (p. 65)
- 11.4 Consider the Minute Order Renewal of Property Lease Agreement between the City of Lindsay and Lexsay’s Simple Sack Lunch and Authorize City Manager to Execute Any Documents Thereto (pp. 66 – 80)
- 11.5 Consider the Minute Order Approval of the City Council Regular Meeting Schedule for January – December 2023 (pp. 81 – 82)
- 11.6 Notification of Participation in the Federal Excess Property Acquisition Program (1033 Program) through the Defense Logistic Agency’s Law Enforcement Support Office (LESO) (pp. 83 – 85)
- 11.7 Consider the Approval of **Resolution 22-60**, A Resolution of the City Council of the City of Lindsay Authorizing Wage and Related Benefits for Employees of the Mid-Management Group (pp. 86 – 93)
- 11.8 Consider the Approval of **Resolution 22-61**, A Resolution of the City Council of the City of Lindsay Authorizing Salary Schedule Changes in Compliance with State-Mandated Minimum Wage and Minimum Salary Law Effective January 01, 2023 (pp. 94 – 100)

- 11.9 Consider the Minute Order Approval of **Resolution 22-62**, A Resolution of the Lindsay City Council of the City of Lindsay Accepting the 2022 Municipal Election Results as Certified by the Tulare County Registrar of Voters (pp. 101 – 108)
- 11.10 Notification of Cooperative Fire Protection Agreement Between the County of Tulare and City of Lindsay For Automatic Aid and Use of Radio Frequencies (pp. 109 – 119)
- 11.11 Consider the Approval of **Resolution 22-63**, A Resolution of the City Council of the City of Lindsay, Authorizing the Purchase and Sale Agreement for the Property Located at 100 E. Honolulu Street, Lindsay, CA 93247 (APN 205-236-014), And Finding that the Acquisition is Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to Section 15301 of The CEQA Guidelines, Authorizing Close of Escrow, and Authorizing City Manager to Execute Any Documents Thereto (pp. 120 – 128)
- 11.12 Consider the Approval of **Resolution 22-64**, A Resolution of the City Council of the City of Lindsay Authorizing the Withdrawal from the Central San Joaquin Valley Risk Management Authority (CSJVRMA) (pp. 129 – 131)
- 11.13 Consider Approval of **Resolution 22-66**, A Resolution of the City Council of the City of Lindsay Proclaiming a Local Emergency, Ratifying the Proclamation of a State Emergency by Governor Newsom on March 4, 2020, and Authorizing a Hybrid Meeting Format of the Legislative Bodies of the City of Lindsay to Allow Attendance In Person or Teleconference Pursuant to Government Code Section 54953(e)(3). (pp. 132 – 136)
- Item 11.1 was pulled for discussion. Council Member CAUDILLO wanted it to be known on record that she did not request Item 11.3 to be placed on the November 08, 2022, Regular City Council Meeting agenda.
  - Item 11.2 was pulled for discussion. Council Member CAUDILLO inquired about the \$21,824.70 charge for Kaylor Landscaping. DIRECTOR OF FINANCE explained that the City will be looking into lower cost alternatives for the next year.
  - Item 11.7 was pulled for discussion. Council Member SERNA requested that this item be pulled from the consent calendar and voted on separately.
  - Item 11.8 was pulled for discussion. Council Member CAUDILLO. CITY MANAGER explained that this is simply a minimum wage increase to follow state law.

<b>Motion to Approve Consent Calendar with Item 11.7 Omitted</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	SANCHEZ	(5-0)	AYE	AYE	AYE	AYE	AYE



<b>Motion to Approve Item 11.7</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(3-2)	NAY	AYE	NAY	AYE	AYE

## 12. PUBLIC HEARINGS

12.1 First Reading of **Ordinance No. 604**, An Ordinance of the City of Lindsay Amending Titles One (1) Through Eighteen (18) of the Lindsay Municipal Code to Set the Approval of Municipal Fees and Charges for Various Municipal Services via City Council Resolution, and Repealing all other Ordinances Relative to the Setting of Municipal Fees and Charges Thereto, and Authorization to Waive Full Reading of Said Ordinance and Authorize Reading by Title Only (pp. 137 – 157)

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

- Mayor opened the public hearing at 7:43 PM.
- In-person public comment received from Mercy Herrera, she stated that she was in favor of setting the approval of fees via Resolution.
- Receiving no further comments, the Mayor closed the public hearing at 7:45 PM.

<b>Motion to Approve Item 12.1</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(5-0)	AYE	AYE	AYE	AYE	AYE

12.2 Consider the Approval of **Resolution 22-65**, A Resolution of the City Council of the City of Lindsay Adopting a New Citywide Fee Schedule, Establishing and Amending Municipal Fees and Charges for Various Municipal Services, and Repealing all other Resolutions Relative to Municipal Fees and Charges Thereto (pp. 158 – 252)

*Presented by Tony Thrasher, Willdan Financial Services*

- Mayor opened the public hearing at 8:11 PM.
- In-person public comment from Mercy Herrera, she stated that she agreed that current fees need to be reviewed, studied, and updated.
- Receiving no further comments, the Mayor closed the public hearing at 8:13 PM.

<b>Motion to Approve Item 12.2</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
FLORES	SERNA	(5-0)	AYE	AYE	AYE	AYE	AYE

**13. ACTION ITEMS**

13.1 Consider the Approval of Second Amendment to Professional Services Agreement to Provide Professional Consulting and Related Services by and between Retail Strategies, LLC and the City of Lindsay and Authorize City Manager to Execute Any Documents Thereto (pp. 253 – 255)

*Presented by Joseph M. Tanner, City Manager*

<b>Motion to Approve Item 13.1</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(5-0)	AYE	AYE	AYE	AYE	AYE

13.2 Consider the Approval of **Resolution 22-67**, A Resolution of the City Council of the City of Lindsay, County of Tulare, State of California, Authorizing the Purchase and Sale Agreement, Deed of Trust, and Covenant Agreement for the Property Located at 365 Sweetbriar Avenue, Lindsay, CA 93247 (APN’s 205-293-011 and 205-293-015) Commonly Referred to as McDermont Field House, Finding that the Acquisition is Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to Section 15312 of the CEQA Guidelines, and Authorizing City Manager to Execute Any Documents Thereto (pp. 256 – 304)

*Presented by Joseph M. Tanner, City Manager*

<b>Motion to Approve Item 13.2</b>							
1 <sup>st</sup>	2 <sup>nd</sup>	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	FLORES	(5-0)	AYE	AYE	AYE	AYE	AYE

**14. EXECUTIVE (CLOSED) SESSION**

14.1 Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation Pursuant to Cal. Gov. Code §54956.9(d)(2): 1 Case

- No reportable action out of closed session.

**15. REQUEST FOR FUTURE ITEMS**

- Council Member CAUDILLO requested a review of the City Council Handbook and Charter.
- Council Member SANCHEZ requested an update regarding the vacant buildings downtown.

## **16. ADJOURNMENT**

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Check#	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>21738</b>						<b>(\$90.00)</b>
	400 - WELLNESS CENTER	07/29/22	6897	VALERIE RUBALCAVA	REFUND SWIM LESSONS	(90.00)
<b>21878</b>						<b>(\$750.00)</b>
	400 - WELLNESS CENTER	08/22/22	6923	J. ENGLAND CONSTRUC	CLEAN EXTERIOR GUTT	(750.00)
<b>22546</b>						<b>\$357.36</b>
	400 - WELLNESS CENTER	12/09/22	3023	AAA SECURITY, INC.	12/3/22 GUARD SERVI	357.36
<b>22547</b>						<b>\$1,444.00</b>
	101 - GENERAL FUND	12/09/22	6504	ADVENTIST HEALTH TO	OCT. TOXICOLOGY SRV	1,444.00
<b>22548</b>						<b>\$2,669.54</b>
	101 - GENERAL FUND	12/09/22	6907	ALL VALLEY UNIFORMS	CS POLOS W/BADGE&NA	388.89
	101 - GENERAL FUND	12/09/22	6907	ALL VALLEY UNIFORMS	SILVER TIE & BLK TI	18.55
	101 - GENERAL FUND	12/09/22	6907	ALL VALLEY UNIFORMS	UNIFORMS	1,350.10
	101 - GENERAL FUND	12/09/22	6907	ALL VALLEY UNIFORMS	UNIFORMS	300.35
	101 - GENERAL FUND	12/09/22	6907	ALL VALLEY UNIFORMS	WHT POLOS W/LOGO&NA	611.65
<b>22549</b>						<b>\$441.86</b>
	101 - GENERAL FUND	12/09/22	6979	ALMA ROCHA & HECTOR	#PSC05972	441.86
<b>22550</b>						<b>\$485.00</b>
	779 - 00-HOME-0487	12/09/22	5644	AMERICAN BANKERS IN	A. ANDRADE 87057287	485.00
<b>22551</b>						<b>\$945.68</b>
	101 - GENERAL FUND	12/09/22	6600	AMERICAN HERITAGE L	DEC. ACCIDENT PLAN	945.68
<b>22552</b>						<b>\$295.00</b>
	101 - GENERAL FUND	12/09/22	3898	AMERICAN INCORPORAT	SEMI ANNUAL HVAC SR	295.00
<b>22553</b>						<b>\$200.00</b>
	400 - WELLNESS CENTER	12/09/22	6950	ANA CARRETERO	NOV. ZUMBA CLASSES	200.00
<b>22554</b>						<b>\$50.00</b>
	400 - WELLNESS CENTER	12/09/22	6097	ANGELICA BERMUDEZ	NOV. ZUMBA CLASSES	50.00
<b>22555</b>						<b>\$28.24</b>
	101 - GENERAL FUND	12/09/22	5457	AUTO ZONE COMMERCIA	FUEL & OIL MIX, BRU	28.24
<b>22556</b>						<b>\$8,994.28</b>
	101 - GENERAL FUND	12/09/22	5381	AWAKE SKATE SHOP	JACKETS	971.87
	101 - GENERAL FUND	12/09/22	5381	AWAKE SKATE SHOP	DOUBLE SIDED BANNER	8,022.41
<b>22557</b>						<b>\$1,500.00</b>
	400 - WELLNESS CENTER	12/09/22	6689	BUILDING MAINTENANC	OCT. CLEANING SERVI	1,500.00
<b>22558</b>						<b>\$87.00</b>
	400 - WELLNESS CENTER	12/09/22	5013	BUZZ KILL PEST CONT	MONTHLY PEST SERVIC	87.00
<b>22559</b>						<b>\$380.00</b>
	101 - GENERAL FUND	12/09/22	2220	MARI CARRILLO	X-MAS LIGHT RENTALS	380.00
<b>22560</b>						<b>\$76.82</b>
	101 - GENERAL FUND	12/09/22	076	CENTRAL VALLEY BUSI	DECAL-ADMINISTRATIO	76.82
<b>22561</b>						<b>\$1,850.00</b>
	400 - WELLNESS CENTER	12/09/22	5930	CHRIS ALLARD	SERVICE ELLIPTICALS	1,850.00
<b>22562</b>						<b>\$800.00</b>
	400 - WELLNESS CENTER	12/09/22	5930	CHRIS ALLARD	NOVEMBER PM VISITS	800.00
<b>22563</b>						<b>\$800.00</b>
	400 - WELLNESS CENTER	12/09/22	5930	CHRIS ALLARD	PM VISITS 12/13&12/	800.00
<b>22564</b>						<b>\$2,947.05</b>
	600 - CAPITAL IMPROVEMENT	12/09/22	2548	CIVICWELL	4-428 HERMOSA CORRI	2,947.05
<b>22565</b>						<b>\$860.00</b>
	400 - WELLNESS CENTER	12/09/22	6090	CLEAN CUT LANDSCAPE	W.C. NOV. LANDSCAPI	860.00
<b>22566</b>						<b>\$35.06</b>
	101 - GENERAL FUND	12/09/22	6549	COLANTUONO, HIGHSMI	OCT. UUT UNDER COLL	35.06
<b>22567</b>						<b>\$126.00</b>
	101 - GENERAL FUND	12/09/22	2319	COMPUTER SYSTEMS PL	11/30/22 ANTIVIRUS	63.00
	101 - GENERAL FUND	12/09/22	2319	COMPUTER SYSTEMS PL	7/29/22 ANTIVIRUS	63.00
<b>22568</b>						<b>\$136.50</b>
	101 - GENERAL FUND	12/09/22	102	CULLIGAN	#53249 H.R. NOV. 20	28.50
	101 - GENERAL FUND	12/09/22	102	CULLIGAN	#53249 C.M. NOV. 20	10.50
	101 - GENERAL FUND	12/09/22	102	CULLIGAN	#53249 F.D. NOV. 20	50.75
	400 - WELLNESS CENTER	12/09/22	102	CULLIGAN	860 N. SEQUOIA	46.75
<b>22569</b>						<b>\$601.00</b>
	101 - GENERAL FUND	12/09/22	316	DEPT OF JUSTICE	OCT. FINGERPRINTS	128.00
	101 - GENERAL FUND	12/09/22	316	DEPT OF JUSTICE	OCT. FINGERPRINTS	473.00

<b>22570</b>						<b>\$2,584.00</b>
	781 - CAL HOME RLF	12/09/22	2540	DEPT.OF HOUSING & C	11/30 CALHOME TO HC	2,584.00
<b>22571</b>						<b>\$1,116.08</b>
	700 - CDBG REVOLVING LN FUND	12/09/22	2540	DEPT.OF HOUSING & C	11/30/22 CDBG TO HC	1,116.08
<b>22572</b>						<b>\$8,438.51</b>
	720 - HOME REVOLVING LN FUND	12/09/22	2540	DEPT.OF HOUSING & C	11/30/22 HOME TO HC	8,438.51
<b>22573</b>						<b>\$150.00</b>
	101 - GENERAL FUND	12/09/22	6366	DJ RENE SALAZAR	CHRISTMAS EMPLOYEE	150.00
<b>22574</b>						<b>\$5,105.00</b>
	101 - GENERAL FUND	12/09/22	119	DOUG DELEO WELDING	BELL CONCRETE FNDN	1,701.67
	101 - GENERAL FUND	12/09/22	119	DOUG DELEO WELDING	BELL CONCRETE FNDN	1,701.67
	101 - GENERAL FUND	12/09/22	119	DOUG DELEO WELDING	BELL CONCRETE FNDN	1,701.66
<b>22575</b>						<b>\$21.84</b>
	101 - GENERAL FUND	12/09/22	6666	EDNA HUBBARD	FX115 CALCULATOR	21.84
<b>22576</b>						<b>\$50.00</b>
	400 - WELLNESS CENTER	12/09/22	6973	ELIZABETH GUND	NOV 2022 YOGA CLASS	50.00
<b>22577</b>						<b>\$1,059.00</b>
	779 - 00-HOME-0487	12/09/22	5284	FARMERS	R. GUTIERREZ 220 HE	1,059.00
<b>22578</b>						<b>\$7,500.00</b>
	101 - GENERAL FUND	12/09/22	3051	EUGENE GARCIA	MATTER:LABOR	7,500.00
<b>22579</b>						<b>\$14.81</b>
	552 - WATER	12/09/22	6980	GAYTAN, ELISEO	REFUND CLOSED UB AC	14.81
<b>22580</b>						<b>\$125.00</b>
	400 - WELLNESS CENTER	12/09/22	6093	GFIT	NOV. CHAIR CLASSES	125.00
<b>22581</b>						<b>\$11,363.77</b>
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:CITY CLERK	1,042.08
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:CITY COUNCIL	1,366.67
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:CITY MANAGER	4,836.51
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:CITY SERVICE	119.58
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:CITY	51.25
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:LABOR RELATI	31.25
	101 - GENERAL FUND	12/09/22	5647	GRISWOLD,LASSALLE,C	MATTER:POLICE DEPT.	3,916.43
<b>22582</b>						<b>\$50.00</b>
	101 - GENERAL FUND	12/09/22	6604	HIPOLITO CERROS	DEC. COUNCIL STIPEN	50.00
<b>22583</b>						<b>\$20.00</b>
	779 - 00-HOME-0487	12/09/22	2437	KEMPER	J. CORTEZ 106415610	20.00
<b>22584</b>						<b>\$44,022.95</b>
	600 - CAPITAL IMPROVEMENT	12/09/22	6799	KTU&A PLANNING & LA	WEST HERMOSA CORRID	15,444.06
	600 - CAPITAL IMPROVEMENT	12/09/22	6799	KTU&A PLANNING & LA	WEST HERMOSA CORRID	18,771.17
	600 - CAPITAL IMPROVEMENT	12/09/22	6799	KTU&A PLANNING & LA	WEST HERMOSA CORRID	3,787.72
	600 - CAPITAL IMPROVEMENT	12/09/22	6799	KTU&A PLANNING & LA	WEST HERMOSA CORRID	6,020.00
<b>22585</b>						<b>\$6,754.00</b>
	101 - GENERAL FUND	12/09/22	4076	LIEBERT CASSIDY WHI	MATTER:LI012-00001	569.00
	101 - GENERAL FUND	12/09/22	4076	LIEBERT CASSIDY WHI	MATTER:LI012-00005	3,132.50
	101 - GENERAL FUND	12/09/22	4076	LIEBERT CASSIDY WHI	MATTER:LI012-00007	3,052.50
<b>22586</b>						<b>\$2,936.35</b>
	101 - GENERAL FUND	12/09/22	4067	LINCOLN NAT'L INSUR	DEC. 2022 DENTAL PL	2,936.35
<b>22587</b>						<b>\$3,018.17</b>
	101 - GENERAL FUND	12/09/22	4067	LINCOLN NAT'L INSUR	NOV. 2022 DENTAL PL	3,018.17
<b>22588</b>						<b>\$1,194.85</b>
	101 - GENERAL FUND	12/09/22	4067	LINCOLN NAT'L INSUR	DEC. 2022 LIFE PLAN	1,194.85
<b>22589</b>						<b>\$2,069.39</b>
	101 - GENERAL FUND	12/09/22	4067	LINCOLN NAT'L INSUR	NOV. 2022 LIFE PLAN	2,069.39
<b>22590</b>						<b>\$1,661.18</b>
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	P.S.	14.90
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	P.S.	275.50
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	P.S.	41.31
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	P.S.	8.69
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	CITY SERVICES	30.06
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	CITY YARD	29.87
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	GRAFFITI	21.73
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	BUILDING	159.34
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	STREETS	79.39
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	LANSCAPING	103.01
	101 - GENERAL FUND	12/09/22	1422	LINDSAY TRUE VALUE	PARKS	476.96
	400 - WELLNESS CENTER	12/09/22	1422	LINDSAY TRUE VALUE	W.C.	118.16
	552 - WATER	12/09/22	1422	LINDSAY TRUE VALUE	WATER	138.56
	553 - SEWER	12/09/22	1422	LINDSAY TRUE VALUE	WWTP	163.70
<b>22591</b>						<b>\$175.00</b>
	101 - GENERAL FUND	12/09/22	5424	LINDSAY VETERINARY	11/14/22 ANIMAL SRV	70.00
	101 - GENERAL FUND	12/09/22	5424	LINDSAY VETERINARY	11/7/22 ANIAML SERV	105.00

<b>22592</b>						<b>\$515.78</b>
	779 - 00-HOME-0487	12/09/22	2153	ANDREA LOPEZ	REFUND SURPLUS OF I	515.78
<b>22593</b>						<b>\$1,800.00</b>
	400 - WELLNESS CENTER	12/09/22	6260	LLEON SERVICES	DEC. CHEMICAL BALAN	1,800.00
<b>22594</b>						<b>\$150.00</b>
	400 - WELLNESS CENTER	12/09/22	6499	MARGARITA BENITEZ B	NOV. ZUMBA CLASSES	150.00
<b>22595</b>						<b>\$125.00</b>
	400 - WELLNESS CENTER	12/09/22	6599	MARIA EDWARDS	NOV. FITNESS CLASSE	125.00
<b>22596</b>						<b>\$525.66</b>
	400 - WELLNESS CENTER	12/09/22	6550	MARIO SAGREDO ELECT	EMERGENCY EXIT LIGH	525.66
<b>22597</b>						<b>\$150.00</b>
	400 - WELLNESS CENTER	12/09/22	6807	MARISOL DIAZ VELASQ	NOV. SPIN&POUND CLA	150.00
<b>22598</b>						<b>\$25.06</b>
	552 - WATER	12/09/22	6981	MORALES BELLO, ROSA	REFUND CLOSED UB AC	25.06
<b>22599</b>						<b>\$260.00</b>
	101 - GENERAL FUND	12/09/22	4323	OASIS	P.S. MONITOR SYSTEM	105.00
	101 - GENERAL FUND	12/09/22	4323	OASIS	P.S. UPGRADED ALARM	155.00
<b>22600</b>						<b>\$13.95</b>
	101 - GENERAL FUND	12/09/22	1565	OACYS.COM INC	DOMAIN PARKING & DN	13.95
<b>22601</b>						<b>\$1,662.70</b>
	552 - WATER	12/09/22	6498	PACWEST DIRECT	11/7/22 UB LASER PR	831.35
	553 - SEWER	12/09/22	6498	PACWEST DIRECT	11/7/22 UB LASER PR	831.35
<b>22602</b>						<b>\$213.97</b>
	552 - WATER	12/09/22	6982	PARRA, MARIA CABELL	REFUND CLOSED UB AC	213.97
<b>22603</b>						<b>\$91,142.83</b>
	101 - GENERAL FUND	12/09/22	6368	PNC EQUIPMENT FINAN	FIRE TRUCK PRINCIPA	70,512.87
	101 - GENERAL FUND	12/09/22	6368	PNC EQUIPMENT FINAN	FIRE TRUCK INTEREST	20,629.96
<b>22604</b>						<b>\$65.00</b>
	400 - WELLNESS CENTER	12/09/22	1497	PORTERVILLE LOCK &	W.C. LOCK FUNCTION	65.00
<b>22605</b>						<b>\$784.92</b>
	101 - GENERAL FUND	12/09/22	285	QUILL CORPORATION	SIGN HERE TABS	36.95
	101 - GENERAL FUND	12/09/22	285	QUILL CORPORATION	DATASTICK PRO 32GB	59.64
	101 - GENERAL FUND	12/09/22	285	QUILL CORPORATION	ENVELOPES CLASP 6X9	22.86
	101 - GENERAL FUND	12/09/22	285	QUILL CORPORATION	OFFICE SUPPLIES	289.25
	400 - WELLNESS CENTER	12/09/22	285	QUILL CORPORATION	CLR X WIPES & FOLDER	376.22
<b>22606</b>						<b>\$50.00</b>
	101 - GENERAL FUND	12/09/22	6602	RAMIRO SERNA	DEC. COUNCIL STIPEND	50.00
<b>22607</b>						<b>\$75.00</b>
	101 - GENERAL FUND	12/09/22	6603	RAMONA CAUDILLO	DEC. COUNCIL STIPEN	75.00
<b>22608</b>						<b>\$50.00</b>
	101 - GENERAL FUND	12/09/22	5511	ROSAENA SANCHEZ	DEC. COUNCIL STIPEN	50.00
<b>22609</b>						<b>\$137.15</b>
	101 - GENERAL FUND	12/09/22	298	SAVE MART SUPERMARK	FLU SHOT CLINIC SNA	55.26
	101 - GENERAL FUND	12/09/22	298	SAVE MART SUPERMARK	FLU SHOT CLINIC WAT	7.24
	101 - GENERAL FUND	12/09/22	298	SAVE MART SUPERMARK	BREAKROOM SUPPLIES	74.65
<b>22610</b>						<b>\$375.00</b>
	400 - WELLNESS CENTER	12/09/22	3208	SHANNON PATTERSON	NOV. AEROBICS CLASS	250.00
	400 - WELLNESS CENTER	12/09/22	3208	SHANNON PATTERSON	NOV. LEAP PLANNING	125.00
<b>22611</b>						<b>\$5,304.42</b>
	400 - WELLNESS CENTER	12/09/22	310	SOUTHERN CA. EDISON	740 SEQUOIA AVE	5,304.42
<b>22612</b>						<b>\$793.38</b>
	779 - 00-HOME-0487	12/09/22	3634	STATE FARM	S. PEREZ 417 MEMORY	793.38
<b>22613</b>						<b>\$337.65</b>
	400 - WELLNESS CENTER	12/09/22	6703	STERICYCLE INC	10/17-8150452563 SH	112.55
	400 - WELLNESS CENTER	12/09/22	6703	STERICYCLE INC	10/31-8150741598 SH	112.55
	400 - WELLNESS CENTER	12/09/22	6703	STERICYCLE INC	11/14-8151027541 SH	112.55
<b>22614</b>						<b>\$12,446.33</b>
	101 - GENERAL FUND	12/09/22	144	THE GAS COMPANY	185 N. GALE HILL	545.66
	101 - GENERAL FUND	12/09/22	144	THE GAS COMPANY	140 N. MIRAGE	368.16
	101 - GENERAL FUND	12/09/22	144	THE GAS COMPANY	251 E. HONOLULU	780.30
	400 - WELLNESS CENTER	12/09/22	144	THE GAS COMPANY	740 SEQUOIA AVE-POO	10,306.50
	400 - WELLNESS CENTER	12/09/22	144	THE GAS COMPANY	740 SEQUOIA-BLDG	445.71

<b>22615</b>						<b>\$2,613.60</b>
	101 - GENERAL FUND	12/09/22	5747	UNITED STAFFING	11/13/22 JULISSA LU	691.20
	101 - GENERAL FUND	12/09/22	5747	UNITED STAFFING	11/20/22 JULISSA LU	853.20
	101 - GENERAL FUND	12/09/22	5747	UNITED STAFFING	11/6/22 JULISSA LUN	788.40
	400 - WELLNESS CENTER	12/09/22	5747	UNITED STAFFING	11/20/22 LIZETTE AN	280.80
<b>22616</b>						<b>\$38.35</b>
	779 - 00-HOME-0487	12/09/22	4045	VILLA JESUS & MELIS	REFUND SURPLUS OF I	38.35
<b>22617</b>						<b>\$17,000.00</b>
	552 - WATER	12/09/22	6783	WEBB MUNICIPAL FINA	DELINQUENT WATER CH	1,666.67
	553 - SEWER	12/09/22	6783	WEBB MUNICIPAL FINA	DELINQUENT SEWER CH	1,666.67
	553 - SEWER	12/09/22	6783	WEBB MUNICIPAL FINA	SEWER OP & MAINT CH	5,000.00
	554 - REFUSE	12/09/22	6783	WEBB MUNICIPAL FINA	DELINQUENT TRASH CH	1,666.66
	554 - REFUSE	12/09/22	6783	WEBB MUNICIPAL FINA	REFUSE COLLECT ENRO	7,000.00
<b>22618</b>						<b>\$50.00</b>
	101 - GENERAL FUND	12/09/22	4068	YOLANDA FLORES	DEC. COUNCIL STIPEN	50.00
<b>22619</b>						<b>\$100.00</b>
	400 - WELLNESS CENTER	12/09/22	5912	YVETTE DURAN	NOV. POUND CLASSES	100.00
<b>22620</b>						<b>\$150.00</b>
	101 - GENERAL FUND	12/13/22	447	SHERIFF'S CIVIL DIV	DED:0530 GARNISHMNT	150.00
<b>22621</b>						<b>\$495.69</b>
	101 - GENERAL FUND	12/13/22	4660	CITY OF LINDSAY	DED:052 WELLNESS	21.69
	101 - GENERAL FUND	12/13/22	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	474.00
<b>22622</b>						<b>\$84.72</b>
	101 - GENERAL FUND	12/13/22	3192	SEIU LOCAL 521	DED:DUES UNION DUES	84.72
<b>22623</b>						<b>\$7,053.81</b>
	101 - GENERAL FUND	12/13/22	6452	GREAT-WEST TRUST	DED:0500 DEF COMP	2,576.24
	101 - GENERAL FUND	12/13/22	6452	GREAT-WEST TRUST	DED:ROTH ROTH	346.64
	101 - GENERAL FUND	12/13/22	6452	GREAT-WEST TRUST	DED:151 DEFERCOMP	2,905.50
	101 - GENERAL FUND	12/13/22	6452	GREAT-WEST TRUST	DED:0555 DC LOANPAY	1,225.43
<b>22624</b>						<b>\$41.58</b>
	101 - GENERAL FUND	12/13/22	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	41.58
<b>22625</b>						<b>\$94.59</b>
	101 - GENERAL FUND	12/13/22	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	94.59
<b>22626</b>						<b>\$397.38</b>
	101 - GENERAL FUND	12/13/22	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	397.38
<b>22627</b>						<b>\$141.00</b>
	101 - GENERAL FUND	12/16/22	447	SHERIFF'S CIVIL DIV	DED:0530 GARNISHMNT	141.00
<b>22628</b>						<b>\$495.69</b>
	101 - GENERAL FUND	12/16/22	4660	CITY OF LINDSAY	DED:052 WELLNESS	21.69
	101 - GENERAL FUND	12/16/22	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	474.00
<b>22629</b>						<b>\$52.27</b>
	101 - GENERAL FUND	12/16/22	3192	SEIU LOCAL 521	DED:DUES UNION DUES	52.27
<b>22630</b>						<b>\$6,932.87</b>
	101 - GENERAL FUND	12/16/22	6452	GREAT-WEST TRUST	DED:0500 DEF COMP	2,652.56
	101 - GENERAL FUND	12/16/22	6452	GREAT-WEST TRUST	DED:ROTH ROTH	396.64
	101 - GENERAL FUND	12/16/22	6452	GREAT-WEST TRUST	DED:151 DEFERCOMP	2,943.66
	101 - GENERAL FUND	12/16/22	6452	GREAT-WEST TRUST	DED:0555 DC LOANPAY	940.01
<b>22631</b>						<b>\$41.58</b>
	101 - GENERAL FUND	12/16/22	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	41.58
<b>22632</b>						<b>\$55.37</b>
	101 - GENERAL FUND	12/16/22	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	55.37
<b>22633</b>						<b>\$420.93</b>
	101 - GENERAL FUND	12/16/22	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	420.93
<b>22634</b>						<b>\$677.61</b>
	101 - GENERAL FUND	12/21/22	2873	ADVANTAGE ANSWERING	12/1/22-12/31/22	169.40
	101 - GENERAL FUND	12/21/22	2873	ADVANTAGE ANSWERING	12/1/22-12/31/22	169.41
	552 - WATER	12/21/22	2873	ADVANTAGE ANSWERING	12/1/22-12/31/22	169.40
	553 - SEWER	12/21/22	2873	ADVANTAGE ANSWERING	12/1/22-12/31/22	169.40
<b>22635</b>						<b>\$619.00</b>
	101 - GENERAL FUND	12/21/22	6504	ADVENTIST HEALTH TO	NOV. TOXICOLOGY SRV	619.00
<b>22636</b>						<b>\$605.10</b>
	400 - WELLNESS CENTER	12/21/22	1858	ALL PRO FIRE AND SA	POOL-DRY CHEMICAL	365.10
	400 - WELLNESS CENTER	12/21/22	1858	ALL PRO FIRE AND SA	W.C.-DRY&WATER CHEM	240.00
<b>22637</b>						<b>\$1,500.00</b>
	101 - GENERAL FUND	12/21/22	6717	ALL TRAFFIC SOLUTIO	APP,TRAFFIC SUITE,M	1,500.00
<b>22638</b>						<b>\$490.00</b>
	101 - GENERAL FUND	12/21/22	3898	AMERICAN INCORPORAT	LIBRARY-S/A HVAC SV	490.00

<b>22639</b>						<b>\$767.66</b>
	101 - GENERAL FUND	12/21/22	020	ANDERSON FENCE COMP	REPAIR DAMAGED FENC	767.66
<b>22640</b>						<b>\$6,060.19</b>
	552 - WATER	12/21/22	6630	AQUA-METRIC SALES,	AUTO GUN RF & EXT	6,060.19
<b>22641</b>						<b>\$281.68</b>
	101 - GENERAL FUND	12/21/22	3428	AT&T MOBILITY	H.R. 287297286867 D	40.24
	101 - GENERAL FUND	12/21/22	3428	AT&T MOBILITY	C.M. 287297286867 D	40.24
	101 - GENERAL FUND	12/21/22	3428	AT&T MOBILITY	F.D. 287297286867 D	40.24
	101 - GENERAL FUND	12/21/22	3428	AT&T MOBILITY	P.S. 287297286867 D	80.48
	101 - GENERAL FUND	12/21/22	3428	AT&T MOBILITY	C.S. 287297286867 D	40.24
	400 - WELLNESS CENTER	12/21/22	3428	AT&T MOBILITY	W.C. 287297286867 D	40.24
<b>22642</b>						<b>\$671.64</b>
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	3329661549WIPER BLA	(13.03)
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	DURALAST WIPER BLAD	13.03
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	SILVER STAR BULBS	40.88
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	LIGHT TOWER2&3 BATT	131.18
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	TRUCK88-WP SWITCH	7.60
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	LIGHT TOWER1-BATTER	163.90
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	LIGHT TOWER2&3 BATT	131.19
	101 - GENERAL FUND	12/21/22	5457	AUTO ZONE COMMERCIA	LAWN & GARDEN BATTE	10.88
	552 - WATER	12/21/22	5457	AUTO ZONE COMMERCIA	MOTOR OIL & FILTER	98.77
	552 - WATER	12/21/22	5457	AUTO ZONE COMMERCIA	TRUCK28-OIL & FILTE	87.24
<b>22643</b>						<b>\$312.00</b>
	101 - GENERAL FUND	12/21/22	5013	BUZZ KILL PEST CONT	150 N. MIRAGE	133.00
	101 - GENERAL FUND	12/21/22	5013	BUZZ KILL PEST CONT	157 N. MIRAGE #CL15	33.00
	101 - GENERAL FUND	12/21/22	5013	BUZZ KILL PEST CONT	476 N. MT VERNON	50.00
	886 - SAMOA	12/21/22	5013	BUZZ KILL PEST CONT	SAMOA #CLSAMOA	43.00
	887 - SWEETBRIER TOWNHOUSES	12/21/22	5013	BUZZ KILL PEST CONT	SWEETBRIER HOMES	53.00
<b>22644</b>						<b>\$1,620.00</b>
	101 - GENERAL FUND	12/21/22	6351	CANON FINANCIAL SER	H.R. 12/1/22-12/31/	270.00
	101 - GENERAL FUND	12/21/22	6351	CANON FINANCIAL SER	C.M. 12/1/22-12/31/	270.00
	101 - GENERAL FUND	12/21/22	6351	CANON FINANCIAL SER	F.D. 12/1/22-12/31/	270.00
	101 - GENERAL FUND	12/21/22	6351	CANON FINANCIAL SER	P.S. 12/1/22-12/31/	270.00
	101 - GENERAL FUND	12/21/22	6351	CANON FINANCIAL SER	C.S. 12/1/22-12/31/	270.00
	400 - WELLNESS CENTER	12/21/22	6351	CANON FINANCIAL SER	W.C. 12/1/22-12/31/	270.00
<b>22645</b>						<b>\$111,430.00</b>
	101 - GENERAL FUND	12/21/22	075	CSJVRMA	WORKER'S COMP PROGR	66,011.00
	101 - GENERAL FUND	12/21/22	075	CSJVRMA	BUSINESS TRAVEL ACC	244.00
	101 - GENERAL FUND	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.87
	101 - GENERAL FUND	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.87
	101 - GENERAL FUND	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.87
	261 - GAS TAX FUND	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.87
	400 - WELLNESS CENTER	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.88
	552 - WATER	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.88
	553 - SEWER	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.88
	554 - REFUSE	12/21/22	075	CSJVRMA	LIABILITY PROGRAM	5,646.88
<b>22646</b>						<b>\$5,450.00</b>
	261 - GAS TAX FUND	12/21/22	1702	CENTRAL VALLEY SWEE	NOV. STREET SWEEPIN	5,450.00
<b>22647</b>						<b>\$332.92</b>
	400 - WELLNESS CENTER	12/21/22	6500	CHARTER COMMUNICATI	DEC. W.C. INTERNET	332.92
<b>22648</b>						<b>\$1,025.93</b>
	101 - GENERAL FUND	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.66
	101 - GENERAL FUND	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.66
	101 - GENERAL FUND	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.66
	101 - GENERAL FUND	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.66
	101 - GENERAL FUND	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.65
	101 - GENERAL FUND	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.65
	305 - COVID-19 EMERGENCY FUND	12/21/22	5832	CINTAS CORPORATION	10/5/22 DISNFCT/CLN	64.17
	305 - COVID-19 EMERGENCY FUND	12/21/22	5832	CINTAS CORPORATION	11/2/22 DISNFCT/CLN	64.17
	305 - COVID-19 EMERGENCY FUND	12/21/22	5832	CINTAS CORPORATION	11/30/22 DISNFCT/CL	64.17
	552 - WATER	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.65
	552 - WATER	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.65
	553 - SEWER	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.65
	553 - SEWER	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.65
	553 - SEWER	12/21/22	5832	CINTAS CORPORATION	9/15/22 JUAN G. BOO	166.28
	554 - REFUSE	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.65
	554 - REFUSE	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.65
	556 - VITA-PAKT	12/21/22	5832	CINTAS CORPORATION	11/23/22 UNIFORMS	47.65
	556 - VITA-PAKT	12/21/22	5832	CINTAS CORPORATION	11/30/22 UNIFORMS	47.65



<b>22649</b>					<b>\$674.00</b>	
	101 - GENERAL FUND	12/21/22	279	CITY OF PORTERVILLE	NOV. ANIMAL SERVICE	674.00
<b>22650</b>					<b>\$2,845.33</b>	
	883 - SIERRA VIEW ASSESSMENT	12/21/22	6090	CLEAN CUT LANDSCAPE	SIERRA VIEW ESTATES	1,129.00
	884 - HERITAGE ASSESSMENT DIST	12/21/22	6090	CLEAN CUT LANDSCAPE	HERITAGE PARK	274.00
	887 - SWEETBRIER TOWNHOUSES	12/21/22	6090	CLEAN CUT LANDSCAPE	SAMOA TOWNHOMES	133.00
	887 - SWEETBRIER TOWNHOUSES	12/21/22	6090	CLEAN CUT LANDSCAPE	SWEETBRIER/HERMOSA	475.00
	888 - PARKSIDE	12/21/22	6090	CLEAN CUT LANDSCAPE	PARKSIDE ESTATES	197.00
	889 - SIERRA VISTA ASSESSMENT	12/21/22	6090	CLEAN CUT LANDSCAPE	SIERRA VISTA ESTATE	83.33
	890 - MAPLE VALLEY ASSESSMENT	12/21/22	6090	CLEAN CUT LANDSCAPE	MAPLE VALLEY	45.00
	891 - PELOUS RANCH	12/21/22	6090	CLEAN CUT LANDSCAPE	PELOUS RANCH	509.00
<b>22651</b>					<b>\$6,938.93</b>	
	101 - GENERAL FUND	12/21/22	4322	CO OF TULARE-INFORM	20230168-RADIO SRVC	4,696.43
	101 - GENERAL FUND	12/21/22	4322	CO OF TULARE-INFORM	20230173-RADIO SRVC	2,242.50
<b>22652</b>					<b>\$5,588.13</b>	
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	#1179748FUEL CAP,AX	589.93
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	#1226737 ROTATE TIR	20.00
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	#1366703POP OUT PAN	315.00
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	#1366704TIRES,ALIGN	1,454.34
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	LIC#1336705 BATTERY	195.70
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	LIC#1342693 TIRES	1,187.22
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	LIC#1405530 TIRE	289.75
	101 - GENERAL FUND	12/21/22	6672	COLBY'S TIRE,TOWING	LIC#1606856 TIRES	494.94
	553 - SEWER	12/21/22	6672	COLBY'S TIRE,TOWING	TRUCK#46-TIRES	1,041.25
<b>22653</b>					<b>\$7,057.50</b>	
	600 - CAPITAL IMPROVEMENT	12/21/22	091	CONSOLIDATED TESTIN	HERMOSA ST IMPROVEM	7,057.50
<b>22654</b>					<b>\$337.69</b>	
	101 - GENERAL FUND	12/21/22	102	CULLIGAN	185 GALE HILL-LATE	0.69
	101 - GENERAL FUND	12/21/22	102	CULLIGAN	185 N GALE HILL	36.25
	101 - GENERAL FUND	12/21/22	102	CULLIGAN	C.S.-150 N. MIRAGE	29.25
	552 - WATER	12/21/22	102	CULLIGAN	18869 AVE 240	93.00
	552 - WATER	12/21/22	102	CULLIGAN	18899 AVE 240	139.50
	552 - WATER	12/21/22	102	CULLIGAN	23965 RD 188	31.00
	553 - SEWER	12/21/22	102	CULLIGAN	WWTP-23611 RD 196	8.00
<b>22655</b>					<b>\$225.00</b>	
	400 - WELLNESS CENTER	12/21/22	3911	DEPARTMENT OF INDUS	INSPECT DATE 11/30/	225.00
<b>22656</b>					<b>\$1,737.50</b>	
	700 - CDBG REVOLVING LN FUND	12/21/22	2540	DEPT.OF HOUSING & C	12/15/22 CDBG TO HC	1,737.50
<b>22657</b>					<b>\$7,251.76</b>	
	720 - HOME REVOLVING LN FUND	12/21/22	2540	DEPT.OF HOUSING & C	12/15/22 HOME TO HC	7,251.76
<b>22658</b>					<b>\$34.29</b>	
	101 - GENERAL FUND	12/21/22	119	DOUG DELEO WELDING	#22235 CUTOFF WHEEL	5.84
	101 - GENERAL FUND	12/21/22	119	DOUG DELEO WELDING	#23324 CUTOFF WHEEL	13.96
	552 - WATER	12/21/22	119	DOUG DELEO WELDING	1/8"X2" SS NIPPLE	14.49
<b>22659</b>					<b>\$183.82</b>	
	101 - GENERAL FUND	12/21/22	633	ENTENMANN-ROVIN CO	BADGE, LEATHER CASE	183.82
<b>22660</b>					<b>\$1,472.40</b>	
	101 - GENERAL FUND	12/21/22	6681	FRANCESCA QUINTANA	MEAL & TRAVEL STIPE	1,472.40
<b>22661</b>					<b>\$59.12</b>	
	101 - GENERAL FUND	12/21/22	1450	FRESNO OXYGEN & WEL	D,E,SML,MED CYLINDE	59.12
<b>22662</b>					<b>\$13,321.00</b>	
	552 - WATER	12/21/22	137	FRIANT WATER AUTHOR	FKC OM&R ROUTINE CO	2,097.00
	552 - WATER	12/21/22	137	FRIANT WATER AUTHOR	MRCCP FY2023 QTR2	11,224.00
<b>22663</b>					<b>\$1,401.96</b>	
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2650	23.26
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2652	46.51
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2656	46.50
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2662	61.50
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	562-2512	162.23
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2650	23.26
	101 - GENERAL FUND	12/21/22	6010	FRONTIER COMMUNICAT	209-042-9309	1.99
	552 - WATER	12/21/22	6010	FRONTIER COMMUNICAT	209-150-2936	84.64
	552 - WATER	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2650	23.26
	552 - WATER	12/21/22	6010	FRONTIER COMMUNICAT	562-1552	114.67
	552 - WATER	12/21/22	6010	FRONTIER COMMUNICAT	562-7131	150.06
	553 - SEWER	12/21/22	6010	FRONTIER COMMUNICAT	209-150-3621	119.43
	553 - SEWER	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2650	23.26
	553 - SEWER	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2654	46.51
	553 - SEWER	12/21/22	6010	FRONTIER COMMUNICAT	209-151-2655	46.51
	553 - SEWER	12/21/22	6010	FRONTIER COMMUNICAT	559-562-6317	109.92
	553 - SEWER	12/21/22	6010	FRONTIER COMMUNICAT	562-7132	318.45

<b>22664</b>						<b>\$2,732.98</b>
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	#122662-COOLANT,ANT	914.07
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	#1366706-THROTTLE CL	158.30
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	#1389807-COOLING FA	561.75
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	L#1400762-OIL CHANG	395.69
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	LIC#1366703 BATTERY	251.85
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	LIC#1366703-LIGHTBU	29.60
	101 - GENERAL FUND	12/21/22	148	GOMEZ AUTO & SMOG	LIC#1366864ROTORS&B	421.72
<b>22665</b>						<b>\$250.00</b>
	101 - GENERAL FUND	12/21/22	6604	HIPOLITO CERROS	DEC. COUNCIL STIPEN	250.00
<b>22666</b>						<b>\$145.00</b>
	101 - GENERAL FUND	12/21/22	5657	INTERNATIONAL CODE	POPULATION <50,000	145.00
<b>22667</b>						<b>\$650.00</b>
	101 - GENERAL FUND	12/21/22	6346	JEFF PFEIFFER	SQUIRREL TREATMENT	425.00
	101 - GENERAL FUND	12/21/22	6346	JEFF PFEIFFER	OLIVE BOWL SQUIRREL	225.00
<b>22668</b>						<b>\$3,800.00</b>
	101 - GENERAL FUND	12/21/22	6983	JESUS IBARRA	LPD CONCRETE PATIO	3,800.00
<b>22669</b>						<b>\$1,035.00</b>
	553 - SEWER	12/21/22	5335	JUAN GOMEZ	WWTP-OPERATIONS	1,035.00
<b>22670</b>						<b>\$72,396.56</b>
	101 - GENERAL FUND	12/21/22	6100	KEENAN & ASSOCIATES	JAN. COMPLETE CARE	(428.00)
	101 - GENERAL FUND	12/21/22	6100	KEENAN & ASSOCIATES	JAN. PPO 250 ACTIVE	61,275.01
	101 - GENERAL FUND	12/21/22	6100	KEENAN & ASSOCIATES	JAN. PPO 500 ACTIVE	8,656.62
	101 - GENERAL FUND	12/21/22	6100	KEENAN & ASSOCIATES	JAN. PPO 250 RETIRE	2,892.93
<b>22671</b>						<b>\$2,456.10</b>
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	OCT. LATE FEES	49.84
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	PUBLIC SAFETY	404.73
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	PUBLIC SAFETY	367.91
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	CITY SERVICES	64.49
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	PARKS	152.29
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	CITY SERVICES	173.86
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	BUILDING	398.18
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	STREET	273.99
	101 - GENERAL FUND	12/21/22	1422	LINDSAY TRUE VALUE	LANDSCAPING	122.29
	261 - GAS TAX FUND	12/21/22	1422	LINDSAY TRUE VALUE	SIGNS	22.82
	400 - WELLNESS CENTER	12/21/22	1422	LINDSAY TRUE VALUE	WELLNESS CENTER	33.64
	552 - WATER	12/21/22	1422	LINDSAY TRUE VALUE	WATER	362.65
	553 - SEWER	12/21/22	1422	LINDSAY TRUE VALUE	WWTP	29.41
<b>22672</b>						<b>\$280.00</b>
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	11/15/22 CAST.#2532	25.00
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	11/29/22 EXAMINATIO	45.00
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	12/12/22 CAST.#2532	25.00
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	12/2/22 #253244	45.00
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	12/2/22 CAST.#25324	25.00
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	12/2/22 EUTH 46-90#	75.00
	101 - GENERAL FUND	12/21/22	5424	LINDSAY VETERINARY	12/8/22 SPAY#253250	40.00
<b>22673</b>						<b>\$12,810.35</b>
	101 - GENERAL FUND	12/21/22	6550	MARIO SAGREDO ELECT	FIRE DEPT PATIO-LIG	872.02
	101 - GENERAL FUND	12/21/22	6550	MARIO SAGREDO ELECT	CITY HALL-WALL PACK	810.96
	101 - GENERAL FUND	12/21/22	6550	MARIO SAGREDO ELECT	GFCIS ON MIRAGE ST	390.61
	101 - GENERAL FUND	12/21/22	6550	MARIO SAGREDO ELECT	SOCCER CLUB HOUSE	679.19
	400 - WELLNESS CENTER	12/21/22	6550	MARIO SAGREDO ELECT	WELLNESS-TOP FLOOR	9,867.57
	552 - WATER	12/21/22	6550	MARIO SAGREDO ELECT	WELL15-TRIPPED BREA	190.00
<b>22674</b>						<b>\$3,668.00</b>
	101 - GENERAL FUND	12/21/22	3638	MASCORRO PLUMBING	CITY HALL-WATER LIN	3,668.00
<b>22675</b>						<b>\$400.09</b>
	400 - WELLNESS CENTER	12/21/22	6985	NATIONAL PEN CO LLC	W.C. STYLUS GEL PEN	400.09
<b>22676</b>						<b>\$430.00</b>
	101 - GENERAL FUND	12/21/22	4365	NEYBA AMEZCUA	SANTA NIGHT RENTALS	430.00
<b>22677</b>						<b>\$1,151.64</b>
	552 - WATER	12/21/22	6673	PACE SUPPLY CORP	SMITH BLAIR REPAIR	354.53
	552 - WATER	12/21/22	6673	PACE SUPPLY CORP	N16 CONCRETE BOXES	458.79
	552 - WATER	12/21/22	6673	PACE SUPPLY CORP	REPAIR CLAMP ROMAC	338.32
<b>22678</b>						<b>\$1,661.10</b>
	552 - WATER	12/21/22	6498	PACWEST DIRECT	12/8/22 UB LASER PR	830.55
	553 - SEWER	12/21/22	6498	PACWEST DIRECT	12/8/22 UB LASER PR	830.55
<b>22679</b>						<b>\$2,000.00</b>
	101 - GENERAL FUND	12/21/22	272	PITNEY BOWES INC.	POSTAGE METER REFIL	2,000.00
<b>22680</b>						<b>\$78.08</b>
	400 - WELLNESS CENTER	12/21/22	1497	PORTERVILLE LOCK &	3 ORIGINAL KEYS	78.08

<b>22681</b>						<b>\$298.99</b>
	101 - GENERAL FUND	12/21/22	276	PORTERVILLE RECORDE	PUBLIC NOTICE FEE&C	159.08
	101 - GENERAL FUND	12/21/22	276	PORTERVILLE RECORDE	PUBLIC NOTICE ORD#6	139.91
<b>22682</b>						<b>\$2,197.68</b>
	101 - GENERAL FUND	12/21/22	3036	PRO FORCE LAW ENFOR	TASERS	2,197.68
<b>22683</b>						<b>\$5,664.75</b>
	600 - CAPITAL IMPROVEMENT	12/21/22	4618	PROVOST & PRITCHARD	TULARE&FOOTHILL INT	505.50
	600 - CAPITAL IMPROVEMENT	12/21/22	4618	PROVOST & PRITCHARD	HERMOSA ST REHAB	5,159.25
<b>22684</b>						<b>\$1,297.74</b>
	101 - GENERAL FUND	12/21/22	6444	PUBLIC AGENCY COALI	OCTOBER LATE FEE	1,297.74
<b>22685</b>						<b>\$16,312.90</b>
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE10-FOOTHILL RW	555.00
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE10-PALM TERRAC	1,407.00
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE11-1001 FRESNO	22.00
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE2-PARK ESTATES	1,093.30
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE4-MISSION ESTA	39.80
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE5-LINDSAY OAKS	60.50
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE5-SITE PLAN RE	125.00
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE6-1070 N PARKS	175.00
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE1-GEN ENGINEER	430.10
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE7-CITY LIMITS	653.00
	101 - GENERAL FUND	12/21/22	399	QUAD KNOFF,INC.	PHASE9-VITAPAK PROJ	939.50
	263 - TRANSPORTATION	12/21/22	399	QUAD KNOFF,INC.	PHASE8-TRANSIT CENT	355.20
	600 - CAPITAL IMPROVEMENT	12/21/22	399	QUAD KNOFF,INC.	PHASE5-SUPPLEMENTAL	857.50
	600 - CAPITAL IMPROVEMENT	12/21/22	399	QUAD KNOFF,INC.	PHASE6-PLANS,SPECS&	9,600.00
<b>22686</b>						<b>\$359.68</b>
	101 - GENERAL FUND	12/21/22	285	QUILL CORPORATION	CONDIMENT ORGANIZER	41.07
	101 - GENERAL FUND	12/21/22	285	QUILL CORPORATION	OPERATING SUPPLIES	294.70
	101 - GENERAL FUND	12/21/22	285	QUILL CORPORATION	XMAS LIGHTS FOR PODIUM	23.91
<b>22687</b>						<b>\$5,000.00</b>
	552 - WATER	12/21/22	6095	RALPH GUTIERREZ WAT	CPO WATER TREATMENT	2,500.00
	553 - SEWER	12/21/22	6095	RALPH GUTIERREZ WAT	CPO SEWER TREATMENT	2,500.00
<b>22688</b>						<b>\$200.00</b>
	101 - GENERAL FUND	12/21/22	6602	RAMIRO SERNA	DEC. COUNCIL STIPEN	200.00
<b>22689</b>						<b>\$175.00</b>
	101 - GENERAL FUND	12/21/22	6603	RAMONA CAUDILLO	DEC. COUNCIL STIPEN	175.00
<b>22690</b>						<b>\$535.00</b>
	101 - GENERAL FUND	12/21/22	3622	RLH FIRE PROTECTION	LIBRARY-FDC SIGN MI	535.00
<b>22691</b>						<b>\$0.00</b>
	552 - WATER	12/21/22	6984	ROBLES MARISSA	REFUND CLOSED UB AC	(19.41)
	552 - WATER	12/21/22	6984	ROBLES MARISSA	REFUND CLOSED UB AC	19.41
<b>22692</b>						<b>\$200.00</b>
	101 - GENERAL FUND	12/21/22	5511	ROSAENA SANCHEZ	DEC. COUNCIL STIPEN	200.00
<b>22693</b>						<b>\$7,704.10</b>
	552 - WATER	12/21/22	4555	THATCHER COMPANY IN	2022250902265CYLIND	(1,500.00)
	552 - WATER	12/21/22	4555	THATCHER COMPANY IN	20222550107665CHLOR	9,204.10
<b>22694</b>						<b>\$34,658.66</b>
	101 - GENERAL FUND	12/21/22	310	SOUTHERN CA. EDISON	600001505934-LATE F	215.96
	101 - GENERAL FUND	12/21/22	310	SOUTHERN CA. EDISON	600001505934	1,269.62
	101 - GENERAL FUND	12/21/22	310	SOUTHERN CA. EDISON	600001505934	1,580.33
	101 - GENERAL FUND	12/21/22	310	SOUTHERN CA. EDISON	600001505934	(60.95)
	101 - GENERAL FUND	12/21/22	310	SOUTHERN CA. EDISON	600001505934	(2,307.23)
	261 - GAS TAX FUND	12/21/22	310	SOUTHERN CA. EDISON	600001505934	5,938.46
	552 - WATER	12/21/22	310	SOUTHERN CA. EDISON	600001505934	18,189.74
	553 - SEWER	12/21/22	310	SOUTHERN CA. EDISON	598 MONTE VISTA DR	21.97
	553 - SEWER	12/21/22	310	SOUTHERN CA. EDISON	600001505934	45.73
	553 - SEWER	12/21/22	310	SOUTHERN CA. EDISON	WWTP-23611 RD 196	8,939.73
	556 - VITA-PAKT	12/21/22	310	SOUTHERN CA. EDISON	600001505934	221.30
	883 - SIERRA VIEW ASSESSMENT	12/21/22	310	SOUTHERN CA. EDISON	600001505934	(86.76)
	884 - HERITAGE ASSESSMENT DIST	12/21/22	310	SOUTHERN CA. EDISON	600001505934	(43.77)
	886 - SAMOA	12/21/22	310	SOUTHERN CA. EDISON	600001505934	(43.38)
	887 - SWEETBRIER TOWNHOUSES	12/21/22	310	SOUTHERN CA. EDISON	600001505934	25.21
	888 - PARKSIDE	12/21/22	310	SOUTHERN CA. EDISON	600001505934	(43.77)
	889 - SIERRA VISTA ASSESSMENT	12/21/22	310	SOUTHERN CA. EDISON	600001505934	190.72
	890 - MAPLE VALLEY ASSESSMENT	12/21/22	310	SOUTHERN CA. EDISON	600001505934	95.56
	891 - PELOUS RANCH	12/21/22	310	SOUTHERN CA. EDISON	113 W HICKORY	36.77
	891 - PELOUS RANCH	12/21/22	310	SOUTHERN CA. EDISON	1250 N PARKSIDE IRR	13.43
	891 - PELOUS RANCH	12/21/22	310	SOUTHERN CA. EDISON	600001505934	459.99
<b>22695</b>						<b>\$85.83</b>
	101 - GENERAL FUND	12/21/22	6551	TIME WARNER CABLE	106076601111422 NOV	85.83

<b>22696</b>					<b>\$201.03</b>	
	101 - GENERAL FUND	12/21/22	6703	STERICYCLE INC	1000115272-CITY HAL	126.75
	101 - GENERAL FUND	12/21/22	6703	STERICYCLE INC	3000353982-P.S.	74.28
<b>22697</b>					<b>\$4,096.67</b>	
	101 - GENERAL FUND	12/21/22	6146	SUPERION, LLC	12/1/22-12/31/2022	1,024.16
	552 - WATER	12/21/22	6146	SUPERION, LLC	12/1/22-12/31/2022	1,024.17
	553 - SEWER	12/21/22	6146	SUPERION, LLC	12/1/22-12/31/2022	1,024.17
	554 - REFUSE	12/21/22	6146	SUPERION, LLC	12/1/22-12/31/2022	1,024.17
<b>22698</b>					<b>\$4,345.22</b>	
	101 - GENERAL FUND	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.16
	101 - GENERAL FUND	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.16
	101 - GENERAL FUND	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.15
	101 - GENERAL FUND	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.15
	101 - GENERAL FUND	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.15
	400 - WELLNESS CENTER	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.15
	552 - WATER	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.15
	553 - SEWER	12/21/22	5755	TELEPACIFIC COMMUNI	12/09/22-1/08/23	543.15
<b>22699</b>					<b>\$166.93</b>	
	552 - WATER	12/21/22	1921	TELSTAR INSTRUMENTS	PROCESS VIAL LZ834	166.93
<b>22700</b>					<b>\$447,252.41</b>	
	600 - CAPITAL IMPROVEMENT	12/21/22	6974	TERRA WEST CONSTRUC	HERMOSA IMPROVEMENT	447,252.41
<b>22701</b>					<b>\$36.44</b>	
	101 - GENERAL FUND	12/21/22	144	THE GAS COMPANY	488 N MT VERNON	17.25
	101 - GENERAL FUND	12/21/22	144	THE GAS COMPANY	139 N. SWEETBRIER B	19.19
<b>22702</b>					<b>\$250.00</b>	
	101 - GENERAL FUND	12/21/22	5792	THOMSON REUTERS - W	DEC. ONLINE/SOFTWAR	250.00
<b>22703</b>					<b>\$7,200.00</b>	
	101 - GENERAL FUND	12/21/22	6978	TRAFFIC LOGIX CORPO	WD-ANNUAL FY22/23	7,200.00
<b>22704</b>					<b>\$816.75</b>	
	101 - GENERAL FUND	12/21/22	3152	TUL.CO.JAIL IND.ENG	2" BLACK NUMBER SIG	8.62
	101 - GENERAL FUND	12/21/22	3152	TUL.CO.JAIL IND.ENG	SINGS FOR SRO CARS	808.13
<b>22705</b>					<b>\$1,400.00</b>	
	101 - GENERAL FUND	12/21/22	3511	TULARE COUNTY SHERI	CERT PERISHABLE SKILLS	700.00
	101 - GENERAL FUND	12/21/22	3511	TULARE COUNTY SHERI	CERT PERISHABLE SKILLS	700.00
<b>22706</b>					<b>\$334.48</b>	
	101 - GENERAL FUND	12/21/22	341	TUL-KINGS VETERINAR	ANIMAL CONTROL CHAR	334.48
<b>22708</b>					<b>\$14,953.68</b>	
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/27/22 JULISSA L.	518.40
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	12/4/22 JULISSA L.	658.80
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/20/22 SANDRA M.	816.48
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/27/22 SYDNEY M.	302.40
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	12/4/22 SANDRA M.	907.20
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	12/4/22 SYDNEY M.	432.00
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/20 JOSHUA&ANTONI	1,555.20
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/27 JOSHUA & ANTO	1,036.80
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/27/22 SANDRA M.	453.60
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	12/4/22 JOSHUA D.	864.00
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/20/22 ALEXANDER	864.00
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/20/22 SYDNEY M.	345.60
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	11/27/22 ALEXANDER	518.40
	101 - GENERAL FUND	12/21/22	5747	UNITED STAFFING	12/4/22 ALEXANDER G	864.00
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	11/20/22 SILVIA H.	691.20
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	11/27/22 SILVIA H.	518.40
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	12/11/22 LIZETTE A.	324.00
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	12/4/22 LIZETTE ANG	361.80
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	12/4/22 SILVIA H.	826.20
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	11/20/22 BRETT M.	864.00
	400 - WELLNESS CENTER	12/21/22	5747	UNITED STAFFING	11/27/22 BRETT M.	518.40
	552 - WATER	12/21/22	5747	UNITED STAFFING	11/20/22 SYDNEY M.	324.00
	552 - WATER	12/21/22	5747	UNITED STAFFING	11/27/22 SYDNEY M.	302.40
	552 - WATER	12/21/22	5747	UNITED STAFFING	12/4/22 SYDNEY M.	86.40
<b>22709</b>					<b>\$1,591.01</b>	
	101 - GENERAL FUND	12/21/22	356	USA BLUEBOOK	RAIN JACKETS & PANT	125.47
	101 - GENERAL FUND	12/21/22	356	USA BLUEBOOK	RAIN JACKETS & PANT	466.60
	101 - GENERAL FUND	12/21/22	356	USA BLUEBOOK	RAIN JACKETS & PANT	125.46
	552 - WATER	12/21/22	356	USA BLUEBOOK	CHLORINE TEST KIT	391.62
	552 - WATER	12/21/22	356	USA BLUEBOOK	RAIN JACKETS & PANT	125.47
	552 - WATER	12/21/22	356	USA BLUEBOOK	RAIN PANTS & JACKET	356.39

<b>22710</b>						<b>\$1,466.32</b>
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	SWEETBRIAR/SAMOA IR	10.77
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	SWEETBRIAR/SAMOA IR	12.90
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	139 SWEETBRIAR	624.48
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	BALLPARK/BASEBALL L	7.59
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	CITY BALLPARK/BASEB	8.83
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	CITY BALLPARK	317.27
	101 - GENERAL FUND	12/21/22	6988	UTILITY COST MANAGE	CITY BALLPARK	462.16
	887 - SWEETBRIER TOWNHOUSES	12/21/22	6988	UTILITY COST MANAGE	275 N. SWEETBRIAR A	10.14
	887 - SWEETBRIER TOWNHOUSES	12/21/22	6988	UTILITY COST MANAGE	275 N. SWEETBRIAR	12.18
<b>22711</b>						<b>\$90.00</b>
	400 - WELLNESS CENTER	12/21/22	6897	VALERIE RUBALCAVA	REFUND SWIM LESSONS	90.00
<b>22712</b>						<b>\$1,120.17</b>
	101 - GENERAL FUND	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	41.98
	101 - GENERAL FUND	12/21/22	1041	VERIZON WIRELESS	642065758-00001 NOV	122.28
	101 - GENERAL FUND	12/21/22	1041	VERIZON WIRELESS	642065758-00004 NOV	822.33
	101 - GENERAL FUND	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	22.26
	101 - GENERAL FUND	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	22.26
	101 - GENERAL FUND	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	22.26
	552 - WATER	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	22.26
	553 - SEWER	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	22.27
	554 - REFUSE	12/21/22	1041	VERIZON WIRELESS	642065758-00003 NOV	22.27
<b>22713</b>						<b>\$19,088.89</b>
	101 - GENERAL FUND	12/21/22	5824	VINCENT COMMUNICATI	FULLKEYPAD GPS,CHAR	10,038.71
	101 - GENERAL FUND	12/21/22	5824	VINCENT COMMUNICATI	PORTABLE VHF,GPS,CL	9,050.18
<b>22714</b>						<b>\$1,277.00</b>
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	101 - GENERAL FUND	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	400 - WELLNESS CENTER	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	552 - WATER	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
	553 - SEWER	12/21/22	2790	WILLDAN INC.	NOV. CAP & FEE STUD	127.70
<b>22715</b>						<b>\$225.00</b>
	101 - GENERAL FUND	12/21/22	4068	YOLANDA FLORES	DEC. COUNCIL STIPEN	225.00
<b>22716</b>						<b>\$924.47</b>
	261 - GAS TAX FUND	12/21/22	382	ZUMAR INDUSTRIES IN	STREET SIGNS	924.47
<b>22717</b>						<b>\$21.69</b>
	101 - GENERAL FUND	12/30/22	4660	CITY OF LINDSAY	DED:052 WELLNESS	21.69
<b>22718</b>						<b>\$52.27</b>
	101 - GENERAL FUND	12/30/22	3192	SEIU LOCAL 521	DED:DUES UNION DUES	52.27
<b>22719</b>						<b>\$6,996.05</b>
	101 - GENERAL FUND	12/30/22	6452	GREAT-WEST TRUST	DED:0500 DEF COMP	2,687.41
	101 - GENERAL FUND	12/30/22	6452	GREAT-WEST TRUST	DED:ROTH ROTH	396.64
	101 - GENERAL FUND	12/30/22	6452	GREAT-WEST TRUST	DED:151 DEFERCOMP	2,971.99
	101 - GENERAL FUND	12/30/22	6452	GREAT-WEST TRUST	DED:0555 DC LOANPAY	940.01
<b>22720</b>						<b>\$41.58</b>
	101 - GENERAL FUND	12/30/22	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	41.58
<b>22721</b>						<b>\$55.37</b>
	101 - GENERAL FUND	12/30/22	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	55.37
<b>22722</b>						<b>\$370.48</b>
	101 - GENERAL FUND	12/30/22	1498	STATE OF CALIF FRAN	DED:0511 FTB - DEBT	370.48
<b>22723</b>						<b>\$420.93</b>
	101 - GENERAL FUND	12/30/22	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	420.93
<b>457121</b>						<b>\$109.45</b>
	101 - GENERAL FUND	12/21/22	6452	GREAT-WEST TRUST	ADRIANA LOAN 12/16/	33.97
	101 - GENERAL FUND	12/21/22	6452	GREAT-WEST TRUST	ADRIANA LOAN 12/16/	75.48
<b>AFLACN</b>						<b>\$655.12</b>
	101 - GENERAL FUND	12/05/22	3977	AFLAC	DED AFLAC 11/18/22	327.56
	101 - GENERAL FUND	12/05/22	3977	AFLAC	DED AFLAC 11/4/2022	327.56

<b>SUMMARY BY FUNDING SOURCE</b>	
101 - GENERAL FUND	433,116.76
261 - GAS TAX FUND	17,982.62
263 - TRANSPORTATION	355.20
305 - COVID-19 EMERGENCY FUND	192.51
400 - WELLNESS CENTER	48,710.60
552 - WATER	63,418.99
553 - SEWER	30,572.59
554 - REFUSE	15,455.28
556 - VITA-PAKT	316.60
600 - CAPITAL IMPROVEMENT	517,402.16
700 - CDBG REVOLVING LN FUND	2,853.58
720 - HOME REVOLVING LN FUND	15,690.27
779 - 00-HOME-0487	2,911.51
781 - CAL HOME RLF	2,584.00
883 - SIERRA VIEW ASSESSMENT	1,042.24
884 - HERITAGE ASSESSMENT DIST	230.23
886 - SAMOA	(0.38)
887 - SWEETBRIER TOWNHOUSES	708.53
888 - PARKSIDE	153.23
889 - SIERRA VISTA ASSESSMENT	274.05
890 - MAPLE VALLEY ASSESSMENT	140.56
891 - PELOUS RANCH	1,019.19
<b>TOTAL</b>	<b>\$ 1,155,130.32</b>



**Monthly Treasurer's Report**  
**December 31, 2022**  
**Cash Balances Classified by Depository**

**CASH RESOURCES**

LOCATION	GL ACCOUNT #	TYPE	BALANCE
Cash Register Funds (City Hall & Wellness)	100-102	RES	\$800
Bank of the Sierra- Depository Account	100-114	GEN	\$5,953,992
Bank of the Sierra - AP/Operating	100-100	GEN	\$11,700
Bank of the Sierra - Payroll	100-106	GEN	\$137,912
Bank of the Sierra - Wellness Center / UB Payment Center	100-500	GEN	\$965,646
Bank of the Sierra - Impound Account	100-120	RES	\$52,683
LAIF Savings: City & Successor Agency	100-103	INV-RES	\$5,971,598
MBS Investments	100-700	INV-RES	3,065,778
<b>TOTAL</b>			<b>\$16,160,108</b>

**CASH EXPENDED**

ACCOUNTS PAYABLE & PAYROLL	AMOUNT
Accounts Payable	\$1,155,130
Payroll (December 2nd Payday)	\$277,069
Payroll (December 16th Payday)	\$241,561
Payroll (December 30th Payday)	\$270,455
<b>TOTAL</b>	<b>\$ 1,944,215</b>

DEBT SERVICE	AMOUNT
McDermont	\$170,277
Water Plant	\$109,874
<b>TOTAL</b>	<b>\$ 280,151</b>

**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).

<b>INVESTED FUNDS</b>	<b>\$9,037,376</b>
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Respectfully submitted,

*Juana Espinoza*

Director of Finance  
 City of Lindsay

**ABBREVIATIONS**

- GEN: GENERAL UNRESTRICTED
- RES: RESTRICTED ACTIVITY
- INV: INVESTMENT



## STAFF REPORT

TO: Lindsay City Council  
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 9.4  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Consider Approval of Resolution 23-01, A Resolution of the City Council of the City of Lindsay Proclaiming a Local Emergency, Ratifying the Proclamation of a State Emergency by Governor Newsom on March 4, 2020, and Authorizing a Hybrid Meeting Format of the Legislative Bodies of the City of Lindsay to Allow Attendance In Person or Teleconference Pursuant to Government Code Section 54953(e)(3).

### **BACKGROUND | ANALYSIS**

Prior to the COVID-19 pandemic, the Brown Act placed strict requirements on teleconferencing at public meetings. When California entered into a state of emergency due to the COVID-19 pandemic, Governor Newsom loosened the Brown Act restrictions for teleconferencing meetings. However, Governor Newsom's executive order expired on September 30, 2021, which led to the passage of AB 361.

AB 361 similarly loosens the restrictions on teleconferencing under the Brown Act in times when there is a state of emergency. AB 361 states that when California is in a state of an emergency, the typical teleconferencing rules under the Brown Act do not apply.

On June 14, 2022, the Lindsay City Council was asked to consider the future meeting format of the legislative bodies of the City of Lindsay. The City Council found that there is still a state of emergency that impacts the ability of members to safely meet in person and approved a hybrid meeting format moving forward. The City will have to abide by the rules set forth in AB 361. AB 361 requires that the agenda for virtual or teleconferenced meetings must: (1) give notice of the means by which members of the public may access the meeting and offer public comment; and (2) identify and include an opportunity for all person to attend via a call-in option or an internet-based service option. Additionally, if there is a disruption which prevents members of the public from offering public comments using the call-in option or internet-based service option, the City Council shall take no further action on items appearing on the meeting agenda until public is restored. The City Council cannot require that public comments be submitted in advance of the meeting and must provide an opportunity for the public to offer comment in real time. Lastly, the City Council must make findings via a resolution that there is either a state of emergency or there are local social distancing measures in place. These findings must be made no later than 30 days after the first teleconferenced meeting. Further, every 30 days after the City Council must



find that it reconsidered the circumstances of the state of emergency and that one of the following circumstances exist: (1) the emergency continues to directly impact the ability of members to safely meet in person, or (2) state or local officials continue to impose or recommend measures to propose social distancing.

Because the City Council will hold a hybrid meeting and utilize teleconference at the regular City Council meeting held on January 10, 2023, it must pass this resolution in order to comply with AB 361. The City Council must then decide if it wishes to continue teleconferencing, and whether it will pass another resolution in 30 days.

#### **FISCAL IMPACT**

No fiscal impact associated with this action.

#### **ATTACHMENTS**

- Resolution No. 23-01



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**NUMBER** 23-01

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING A HYBRID MEETING FORMAT OF THE LEGISLATIVE BODIES OF THE CITY OF LINDSAY TO ALLOW ATTENDANCE IN PERSON OR TELECONFERENCE PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3)

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on January 10, 2023, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, the City of Lindsay is committed to preserving and nurturing public access and participation in meetings of the City Council; and

**WHEREAS**, all meetings of the City of Lindsay’s legislative bodies are open and public, as required by the Ralph M. Brown Act, so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, state and local officials have imposed and recommended social distancing measures in the City of Lindsay, and with the COVID-19 pandemic still surging meeting in person would present imminent risk to health and safety of attendees; and



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**WHEREAS**, as a consequence of the local emergency, the City Council does hereby find that the legislative bodies of the City of Lindsay shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953.

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

- SECTION 1. That the above recitals are all true and correct.
- SECTION 2. That the City Council hereby proclaims that a local emergency now exists throughout the City, and local and state orders impose and recommend social distancing in the City of Lindsay, and with the COVID-19 pandemic still surging meeting in person would present imminent risk to health and safety of attendees.
- SECTION 3. The City Council hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
- SECTION 4. The staff and legislative bodies of the City of Lindsay are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
- SECTION 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution; or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Lindsay may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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

MEETING DATE	January 10, 2023
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



## STAFF REPORT

TO: Lindsay City Council  
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 9.5  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Second Reading of Ordinance No. 604, An Ordinance of the City of Lindsay Amending Titles One (1) Through Eighteen (18) of the Lindsay Municipal Code to Set the Approval of Municipal Fees and Charges for Various Municipal Services via City Council Resolution and Repealing all other Ordinances Relative to the Setting of Municipal Fees and Charges Thereto.

Staff recommends that Council approve this action as it will ensure that revenues produced by user fees are sufficient to defray the cost of providing such services, and that fees and charges are updated regularly to ensure optimal cost recovery.

### **BACKGROUND | ANALYSIS**

On August 26, 2021, the State Auditor issued Report 2020-804 regarding the City of Lindsay which was conducted as part of the high-risk local government agency audit program. In Report 2020-804, the State Auditor issued a number of findings and required the City of Lindsay to submit a Corrective Action Plan by November 2021. On November 09, 2021, the Lindsay City Council adopted the City of Lindsay Corrective Action Plan via Resolution 21-48.

On December 22, 2021, the City released a Request for Proposal (“RFP”) for a Full Cost Allocation Plan and Comprehensive Citywide Fee Study. On February 22, 2022, the City Council awarded the contract to Willdan Financial Services.

The User Fee Study and Cost Allocation Plan were conducted directly in response to State Auditor Report 2020-804, thus prompting a review and analyzation of the Lindsay Municipal Code to identify any fees and to amend the code to set the approval of municipal fees and charges for various municipal services via Resolution of the Lindsay City Council.

On November 26, 2022, the Public Hearing Notice of Ordinance No. 604 was duly noticed in accordance with California State law in the Porterville Recorder. The purpose of Ordinance No. 604 is to amend titles one (1) through eighteen (18) of the language within the Lindsay Municipal Code which reference specific fees, to instead set the approval of fees and charges via City Council Resolution.

On December 13, 2022, aa public hearing was held, and Council approved the first reading of Ordinance No. 604.

**FISCAL IMPACT**

No fiscal impact to approve this action.

**ATTACHMENTS**

- Ordinance 604 – Redline Copy

**ORDINANCE NO. 604**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING TITLES ONE (1) THROUGH EIGHTEEN (18) OF THE LINDSAY MUNICIPAL CODE TO SET THE APPROVAL OF MUNICIPAL FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES VIA CITY COUNCIL RESOLUTION AND REPEALING ALL OTHER ORDINANCES RELATIVE TO THE SETTING OF MUNICIPAL FEES AND CHARGES THERETO.**

**Section 1. PURPOSE.** The provisions of this ordinance are intended to amend the Lindsay Municipal Code to set the approval of Municipal Fees and Charges for various Municipal Services via City Council Resolution.

**Section 2. CODE AMENDMENT.** Lindsay Municipal Code Titles One (1) through Eighteen (18) are hereby amended to read in their entirety as follows:

**Chapter 01.16.010**

**Penalty For Code Violation**

A. Except where specifically provided otherwise in the Lindsay Municipal Code, violation of any of the provisions of this code shall be unlawful and constitute an infraction.

B. Any residential person convicted of violating any provision of the Lindsay Municipal Code shall be punished by **an amount which is set by resolution of the City Council.**

- ~~1. A fine not exceeding one hundred dollars for a first violation;~~
- ~~2. A fine not exceeding five hundred dollars for a second violation of the same section within one year;~~
- ~~3. A fine not exceeding one thousand hundred dollars for each additional violation of the same section within one year.~~

C. Any non-residential person or group convicted of violating any provision of the Lindsay Municipal Code shall be punished by:

- 1. A fine not exceeding one thousand dollars for a first violation;
- 2. A fine not exceeding five thousand dollars for a second violation of the same section within one year;
- 3. A fine not exceeding ten thousand dollars for each additional violation of the same section within one year.

D. The phrase "violation of the same section," as used in this section, means and refers to a violation of the same numbered section of the Lindsay Municipal Code.

### **Chapter 1.16.020**

#### **Failure To Appear After Release On Bond Or Own Recognizance; Penalty; Presumption**

Every person who is charged with the commission of an infraction who is released from custody on an appearance bond or on his or her own recognizance and who, in order to evade the process of the court, willfully fails to appear as required, is guilty of an infraction. It shall be presumed that a defendant who is cited to appear or who has been released upon his or her promise to appear and who fails to appear within fourteen days of the date assigned for his or her appearance, in so doing, intended to evade the process of the court. Any conviction of an infraction under this section shall be punishable by a fine **in an amount which is set by resolution of the City Council. ~~not to exceed two hundred, fifty dollars.~~**

### **Chapter 1.18.040**

#### **Violations, Penalties And Enforcement**

The city council of the city of Lindsay intends to secure compliance with the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense.

Notwithstanding any other provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code, each violation of the provisions of this code may be enforced alternatively as follows:

- A. Misdemeanor: Unless otherwise specified in this code, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by this code. Any person convicted of a misdemeanor under the provisions of this code, and state codes specifically adopted by reference in the



applicable chapters of this code, shall be punished by a fine **in an amount which is set by resolution of the City Council not exceeding one thousand dollars (\$1,000.00)** or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

- B. Infraction: In the alternative, with the concurrence of the city attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or nonsafety employees designated by this code. Unless otherwise set forth in this code, fines shall be assessed in amounts **which are set by resolution of the City Council. specified as follows:**
- ~~a.—A fine not exceeding one hundred dollars (\$100.00) for a first violation;~~
  - ~~b.—A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within twelve (12) months, or five hundred dollars (\$500.00) for building and safety code violations;~~
  - ~~c.—A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within twelve (12) months, or one thousand dollars (\$1,000.00) for building and safety code violations.~~

Civil Action: The city attorney, or an attorney hired for such purposes by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, as provided by law, and the city shall be entitled to its attorney fees and costs.

Administrative Citation: Upon a finding by the city official vested with the authority to enforce the various provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, that a violation exists, he or she may issue an administrative citation under the provisions of this chapter.

## **Chapter 1.18.090**

### **Hearing Officer**

The city manager shall designate the hearing officer for the administrative citation hearing. ~~The hearing officer shall not be a current Lindsay city employee.~~ The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

## **Chapter 2.04.030**

### **Regular Meetings**

The regular meetings of the city council shall be held on the second and fourth Tuesday of each and every month at the city council chambers in the City Hall being situate on the north side of Honolulu Street between Mirage and Gale Hill A venues in the city.

The hour at which the meetings shall begin shall be ~~six seven~~-p.m.

The city council may adjourn regular meetings from time to time and the adjournment meetings shall be a part of the regular meetings.

## **Chapter 2.06.030**

### **Duties And Responsibilities; Generally**

In addition to those duties and responsibilities set out in Section 2.06.020. the city clerk shall have the duties and responsibilities which are not referred to with particularity in statutory form as follows:

- A. Receive Documents Addressed to the City Council and to the City of Lindsay. The city clerk shall receive all documents addressed to the city council and present the same to the council at its meetings, shall maintain a file of the same, and shall reply thereto as directed, and the city clerk shall prepare and send out all correspondence required or directed by the city council or members thereof pertaining to the business of the council or committees thereof.
- B. Agenda and Council Chamber Preparation. The city clerk, in conjunction with the city manager, shall prepare the agenda of items to be considered at meetings, both regular and special, and shall make available all necessary facilities for the conduct of meetings at the council chambers or elsewhere.
- C. Answer Citizen Inquiries. The city clerk, by telephone, correspondence or in person, shall answer citizen inquiries concerning the city and its business, wherein appropriate, and shall endeavor to assist all citizens in their quest for information.
- D. Internal Administration of the City Clerk's Office. The city clerk shall prepare the city clerk department budget, maintain sufficient stocks of supplies and materials for fulfillment of city procedures, shall establish proceedings involving department personnel regulations, and shall handle all matters involving office

machines and equipment.

- E. Maintenance of Municipal Code Book. The city clerk shall maintain the municipal code of the city in a current and up-to-date form reflecting any and all ordinance changes, amendments or adoptions.
- F. Maintenance of Calendar File. The city clerk shall maintain a file system so that he/she may advise city agencies, departments and department heads and the city council of expiration dates on agreements, leases, bonds, insurance policies, special permits, due dates when special action is required, franchises, due dates on payments, and so forth.
- G. Issuance of Permits and Collection of Fees. The city clerk shall have charge of and shall collect all fees in connection with city services furnished to taxpayers and property owners and shall have charge of and shall collect the fees for business licenses and building permits and other fee impositions and shall issue any and all permits required by various municipal ordinances or regulations.
- H. Secretary to Boards and Commissions. The city clerk shall be and act as secretary to all city boards and commissions, including specifically the city planning commission, and shall attend all meetings thereof and keep accurate records of the proceedings thereof.
- I. Bond of City Clerk. Before entering upon the duties of his/her office, the city clerk shall execute a bond to the city in the manner and form provided for by the Government Code of the state. The penal sum of such bond shall be ~~the in an amount which is set by resolution of the City Council. sum of two thousand dollars.~~

### **Chapter 3.12.150**

#### **Penalty For Violation**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine ~~in an amount which is set by resolution of the City Council of not more than five hundred dollars~~ or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

### **Chapter 5.08.050**

#### **Penalty For Violation**

Any person who violates any provisions of this chapter which are declared to be unlawful shall be guilty of an infraction and shall be punishable by a fine **in an amount which is set by resolution of the City Council.**~~in the amount of fifty dollars.~~

## Chapter 5.36.080

### Penalties And Violations

A. Violators of this chapter shall not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative citations and revocation structure:

1. Except as otherwise provided in this chapter, any violation of this chapter shall be subject to administrative fines **in an amount which is set by resolution of the City Council.**~~in the following amounts:~~
  - ~~i.—An administrative fine not exceeding one hundred dollars (\$100) for a first violation;~~
  - ~~ii.—An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation; and~~
  - ~~iii.—An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.~~
2. If any person violates any portion of this chapter and cannot present proof of a valid permit, the sidewalk vendor shall be assessed administrative fines **in an amount which is set by resolution of the City Council.**~~the following amounts:~~
  - ~~i.—An administrative fine not exceeding two hundred and fifty dollars (\$250) for a first violation;~~
  - ~~ii.—An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation; and~~
  - ~~iii.—An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.~~
3. Upon proof of a valid permit issued by the City, the administrative fines for a second violation ~~set forth in subsection (B)~~ shall be reduced to the administrative fines set forth for a first violation **in an amount which is set by resolution of the City Council.**~~subsection (A).~~

B. If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the California Government Code, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed.

C. Notwithstanding the foregoing, the City Manager, or City Council on appeal, may allow a person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition for violations of this subsection.

#### **Chapter 6.04.040**

##### **Penalty For Violation**

Any person violating this chapter or Chapter 4 of the Ordinance Code of the County of Tulare, or the provisions of an alternatively adopted code within the city limits shall be deemed guilty of an infraction and shall be punished by **an amount which is set by resolution of the City Council.**

~~A. A fine not exceeding fifty dollars for a first violation;~~

~~B. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;~~

~~C. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.~~

#### **Chapter 6.08.070**

##### **Penalty For Violation**

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine **in an amount which is set by resolution of the City Council.** ~~of not less than ten dollars nor more than two hundred dollars. If any violation is continued, each day's violation shall be deemed a separate violation.~~

#### **Chapter 8.05.220**

##### **Violation Of Smoking Or Posting**

A. Any person who violates the prohibitions contained in Sections 8.05.050 through 8.05.170 of this chapter and any proprietor who violates Section 8.05.200 of this chapter by failing to post the signs or take the other actions required by this section may be prosecuted as an infraction, punishable in the manner hereinafter prescribed and/or may have his/her business license revoked.

B. Fines for the crimes made infractions by this section shall be levied in **an amount which is set by resolution of the City Council. ~~the amount prescribed.~~** Any person, who violated any provisions of this chapter by smoking in a designated nonsmoking area, shall be guilty of an infraction, punishable by a fine **in an amount which is set by resolution of the City Council. ~~of fifty dollars for the first violation, and one hundred dollars for each subsequent violation.~~** Any employer or proprietor, who violates any provisions of this chapter by failure to post required signs or by failure to request violation smokers to extinguish the lit object may be guilty of an infraction punishable by a fine **in an amount which is set by resolution of the City Council. ~~of one hundred dollars for the first violation, and two hundred fifty dollars for each subsequent violation and/or may have his/her business license revoked.~~** Subsequent violations may be prosecuted as misdemeanors with fines **in an amount which is set by resolution of the City Council. ~~up to one thousand dollars~~** and/or jail time of up to six months.

### Chapter 8.05.230

#### Enforcement

- A. Voluntary enforcement of and mandatory compliance with this chapter shall lie with the employer or proprietor of the establishment. An individual violating this chapter shall be requested by the employer or proprietor not to smoke and shall be made aware of the posted "No Smoking" signs. If the individual continues to violate this chapter, the employer or proprietor shall inform the individual they are guilty of an infraction of a city ordinance punishable by a **fine in an amount which is set by resolution of the City Council. ~~fifty dollar fine for the first violation and one hundred dollars for each subsequent violation.~~**
- B. It shall be the responsibility of the public safety director to enforce, on behalf of the city, the provisions of this chapter. The public safety director shall be authorized to prosecute, in the name of the city, criminal action for the recovery of fines for violation of this chapter made infractions by Section 8.05.220 for violations of Sections 8.05.050 through 8.05.200 herein.
- C. In the performance of the enforcement responsibilities assigned by this chapter, the chief of the police department shall:
1. Establish a telephone number through which all complaints by citizens relating to violation of this chapter may be directed or referred.

2. Reduce such complaints to writing, and analyze the frequency and volume thereof in relation to alleged violations of this chapter by or at particular establishments or facilities.
3. Conduct an on-site inspection of an establishment or facility with respect to which the nature and volume of complaints suggest long-standing and pronounced violations of any of the provisions of this chapter.
4. Provide to the owner, operator or manager of any such establishment or facility a copy of the provisions of this chapter and such advisory assistance to rectify future violations as may be necessary to achieve compliance with the provisions of this chapter.
5. Follow up such investigation and advice with a written directive explaining in detail the steps required in order to achieve further compliance with the provisions of this chapter.
6. If the violations do not cease following expiration of a reasonable period of time, request commencement of a criminal or civil proceeding by the city attorney pursuant to the provision of Section 8.05.250 of this chapter, or civil remedies listed below as may be appropriate to do one, some, or all of the following civil remedies:
  - i. Public Nuisance. Any continuing violation of the provisions of this chapter may be declared a public nuisance hereunder, and the city attorney may proceed to abate the same by filing a civil action on a court of competent jurisdiction.
  - ii. License Revocation. Any continuing violation of the provisions of this chapter by proprietors may be punishable by the city revoking his/her business license.
  - iii. Injunctive Relief. Any continuing violation of the provisions of this chapter by proprietors may be restrained by a temporary restraining order, preliminary and/or permanent injunction.

## **Chapter 8.12.210**

### **Penalties**

Any person who violates any provision of this chapter which is declared to be unlawful shall be guilty of a misdemeanor, subject to a penalty of imprisonment in the county jail

for a term not exceeding six months, or by a fine ~~in an amount which is set by resolution of the City Council not to exceed one thousand dollars for each violation,~~ or both. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction. Any person convicted of an infraction under this chapter shall be punished by ~~a fine in an amount which is set by resolution of the City Council.:~~ ~~(1) a fine not exceeding fifty dollars for a first violation;~~ ~~(2) a fine not exceeding one hundred dollars for the second violation of this chapter within one year;~~ and ~~(3) a fine not to exceed two hundred fifty dollars for each additional violation of this chapter within one year.~~

### **Chapter 8.18.070**

#### **Fines For Violations**

The owner of a shopping cart shall pay a fine, and there is hereby imposed upon such owner as a debt owing to the city ~~in an amount which is set by resolution of the City Council the sum of fifty dollars for each occurrence in excess of three occurrences during any six month period for failure to retrieve shopping carts~~ in accordance with Section 22435.7 of the Business and Professions Code of the State of California.

### **Chapter 8.20.110**

#### **Violation; Penalty**

Each violation of the provisions of this chapter shall be deemed a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine ~~in an amount which is set by resolution of the City Council not exceeding one thousand dollars~~ or both. Upon recommendation of the prosecuting attorney, the court may reduce the charged offense from misdemeanor to an infraction punishable under Chapter 1.16 of this code.

### **Chapter 8.28.060**

#### **Penalty For Violation**

Any violation of this chapter shall constitute a misdemeanor and shall be punishable by a fine ~~in an amount which is set by resolution of the City Council not to exceed two hundred dollars for the first offense of this chapter, and by fine of five hundred dollars~~ or imprisonment for not more than six months for any subsequent violation of this



chapter.

## Chapter 8.34.100

### Enforcement

- A. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the city enforcement official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations or the filing of lien on the subject property. City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of city staff and resources.
- C. Responsible Entity for Enforcement
  - 1. Enforcement pursuant to this ordinance may be undertaken by the City Enforcement Official, which may be the city manager or their designated entity, code enforcement officer, legal counsel, or combination thereof.
- D. Process for Enforcement
  - 1. City Enforcement Officials and/or their designee will monitor compliance with the ordinance randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring).
  - 2. City may issue an official notification to notify regulated entities of its obligations under the ordinance.
  - 3. For incidences where prohibited container contaminants are found in containers, the city will issue a Notice of Violation to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within five (5) days after determining that a violation has occurred. If the city observes prohibited container contaminants in a generator's containers on more than three (3) consecutive occasions, the city may assess contamination penalties on the generator.

4. With the exception of violations of generator contamination of container contents addressed under Section 17(d)(3), the city shall issue a Notice of Violation requiring compliance within 30 days of issuance of the notice.
5. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the requirements contained in this section.

Notices shall be sent to “owner” at the official address of the owner maintained by the city finance department or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

E. Penalty Amounts ~~are dependent upon the type of violation for Types of Violations are and are in an amount which is set by resolution of the City Council. The penalty levels are as follows:~~

~~1. For a first violation, the amount of the base penalty shall be one hundred (\$100) per violation. 2. The amount of the base penalty shall not exceed two hundred dollars (\$200.00) for a second violation of the same ordinance within twelve (12) months. 3. The amount of the base penalty shall not exceed five hundred dollars (\$500.00) for each additional violation of the same ordinance within twelve (12) months.~~

F. Factors Considered in Determining Penalty Amount

The following factors can be used to determine the amount of the penalty for each violation within the appropriate penalty amount:

1. The nature, circumstances, and severity of the violation(s).
2. The willfulness of the violator's misconduct.
3. Whether the violator took measures to avoid or mitigate violations of this chapter.
4. Evidence of any economic benefit resulting from the violation(s).
5. The deterrent effect of the penalty on the violator.
6. Whether the violation(s) were due to conditions outside the control of the violator.

G. Compliance Deadline Extension Considerations The city may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with

Section 10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.
  2. Delays in obtaining discretionary permits or other government agency approvals; or,
  3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.
- H. Appeals Process Appeal process of citations issued is identified in Title 1, Section 1.18.100, Appeal of Administrative Citation of the Lindsay Municipal Code.
- I. Education Period for Non-Compliance Beginning January 1, 2022 and through December 31, 2023, the city will conduct inspections, type of regulated entity, to determine compliance, and if the city determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.
- J. J. Civil Penalties for Non-Compliance Beginning January 1, 2024, if the city determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 10, as needed.

### **Chapter 9.28.080**

#### **Penalty**

Any person violating any of the provisions of Sections 9.28.030, 9.28.040 and 9.28. 050 shall be guilty of an infraction and shall be punished by a fine **in an amount which is set by resolution of the City Council. of not less than fifty dollars nor more than two hundred fifty dollars.**

### **Chapter 9.48.030**

#### **Penalty For Violation**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine **in an amount which is set by resolution of the City Council** ~~of not more than five hundred dollars~~ or by imprisonment for not more than six months, or by both fine and imprisonment. Each day during any portion of which any violation of this chapter is committed, continued or permitted is deemed a separate offense, and shall be punishable as such.

#### **Chapter 10.04.190**

##### **Violation; Penalty**

1. Violation of any of the provisions of this chapter shall be unlawful and constitute an infraction. Any person convicted of violating any provision of this chapter shall be punished by **a fine in an amount which is set by resolution of the City Council.**
  - ~~1.—A fine not exceeding fifty dollars for a first violation;~~
  - ~~2.—A fine not exceeding one hundred dollars for a second violation of the same section within one year;~~
  - ~~3.—A fine not exceeding two hundred fifty dollars for each additional violation of the same section within one year.~~
2. The phrase "violation of the same section" as used in this section means and refers to a violation of the same numbered section of the Lindsay Municipal Code.

#### **Chapter 10.08.050**

##### **Penalty For Violation**

1. It is unlawful for any person to violate any provision or to fail to comply with its terms and provisions of this chapter.
2. Any person violating any provisions or failing to comply with any provisions of this chapter is guilty of a misdemeanor.
3. Any person convicted of a misdemeanor for violating any provisions or failing to comply with this chapter shall be punishable by a fine **in an amount which is set by resolution of the City Council** ~~of not more than five hundred dollars~~, or by imprisonment in the county or city jail not exceeding six months, or by both such fine and imprisonment.

#### **Chapter 10.10.120**

##### **Enforcement And Penalties**

For purposes of insuring that applicable developments comply with the provisions of this chapter, the city shall, following written notice to the employer, initiate enforcement action(s) against the employer which may include, but not be limited to:

1. Withholding the issuance of a building permit or certificate of use and occupancy.
2. Issuance of a stop work order. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of the chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine **in an amount which is set by resolution of the City Council ~~not exceeding five hundred dollars~~** or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during which any violation of any of the provisions of this chapter is committed, continued or permitted by such person and shall be punishable therefor as provided for in this chapter.

#### **Chapter 12.24.130**

##### **Penalty For Violation**

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine **in an amount which is set by resolution of the City Council ~~not exceeding five hundred dollars~~** or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by the person, and shall be punishable therefor as provided for in this chapter.

#### **Chapter 13.04.345**

##### **City Water Conservation Plan**

The City Council has adopted by Resolution its Water Conservation Plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers and prohibitions concerning misuse of water. Violation of the measures in effect, currently and as may be amended by Resolution from time-to-time, pursuant to the applicable phase of Water Conservation

Plan, shall be enforceable as set forth per any applicable remedy provisions in this Municipal Code, including but not limited to Section 1.16 and 13.04.340. Additionally, the City may strictly enforce the water conservation program by issuing citations **in amounts which is set by resolution of the City Council. ~~of \$50.00 for the first cited violation, \$100.00 for the second cited violation within a 12-month period, and \$250.00 for any subsequent cited violation within a 12-month period.~~** Monetary citations issued may be collected via the monthly utility bill. The City's Water Conservation Plan is deemed to be the City's "Water Shortage Contingency Plan" to the extent applicable by State law.

## Chapter 14.02.060

### Penalties For Violations

Any person, violating any of the provisions of this title, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine **in an amount which is set by resolution of the City Council ~~of not more than one thousand dollars (\$1,000.00)~~** or by the imprisonment in the County of Tulare jail for not more than six months, or both such fine and imprisonment. The city attorney or his/her designee will have the discretion to reduce said violation to an infraction. The penalty for an infraction shall be a fine **in an amount which is set by resolution of the City Council ~~of a maximum of two hundred fifty dollars (\$250.00) per violation.~~**

## Chapter 14.03.160

### Penalty

1. Any person violating the provisions of this title shall be guilty of a misdemeanor and subject to penalties.
2. Notwithstanding the classification of a violation of this title as a misdemeanor, at the time an action is commenced to enforce the provisions of this title, the trial court, upon recommendation of the prosecuting attorney, may reduce the charge of the offense from a misdemeanor to an infraction pursuant to Section 19(c) of the California Penal Code.
- ~~3.~~ Operation of vehicles in parks. The City will strictly enforce no operation or parking of vehicles in parks or recreation areas, except as noted in Section 14.03.030. Per Title 1, General Provisions of the Municipal Code of the City of Lindsay, Chapter 1.16, General Penalty, Section 1.16.010, Penalty for Code Violations, **and shall be subject to a fine in an amount which is set by resolution of the City Council. ~~the following amounts will be enforced:~~**
  - ~~1. First Violation Fine, \$50.00~~
  - ~~2. Second Violation Fine, \$100.00~~
  - ~~3. Third Violation Fine, \$250.00~~

## Chapter 17.40.020

### Penalty For Violation

Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this title is a misdemeanor, and any person, firm or corporation, upon conviction thereof shall be punishable by a fine **in an amount which is set by resolution of the City Council** ~~of not more than five hundred dollars~~, or imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

All other remaining code sections in chapters one (1) through eighteen (18) of the Lindsay Municipal Code remain unchanged.

**Section 3. CEQA REVIEW.** The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15060(c)(2) (The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment).

**Section 4. NO LIABILITY.** The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability, or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

**Section 5. PENDING ACTIONS.** Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

**Section 6. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 7. CONSTRUCTION.** The City Council intends this ordinance to supplement,

not to duplicate, contradict or otherwise conflict with, applicable State and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Lindsay Municipal Code as amended by this ordinance are substantially the same as provisions in the Lindsay Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**Section 8. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE, read by title only with waiving of the reading in full, was introduced at a regularly scheduled meeting on the \_\_\_\_th day of \_\_\_\_\_ 2022.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the \_\_\_\_th day of \_\_\_\_\_ 2023.

CITY COUNCIL OF THE CITY OF LINDSAY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Francesca Quintana, City Clerk





## STAFF REPORT

TO: Lindsay City Council  
FROM: Neyba Amezcua, Director of City Services and Planning  
DEPARTMENT: City Services and Planning  
ITEM NO.: 10.1  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Consider the Approval of the West Hermosa Street Corridor and Neighborhood Enhancement Plan Draft.

### **BACKGROUND | ANALYSIS**

The City of Lindsay partnered with the Local Government Commission (LGC) and consultant KTU&A for the West Hermosa Street Corridor and Neighborhood Enhancement Plan. The West Hermosa Street Corridor and Neighborhood Enhancement Plan is a project funded through the 2020 – 2021 Caltrans Sustainable Transportation Planning Grant. This project focused on creating affordable mobility options and improvements that support active modes of transportation on West Hermosa Street from Highway 65 to Sweetbriar Avenue.

During the course of the project, the City, LGC, and KTU&A collected data on existing conditions, hosted workshops, attended community events, and held several meetings with community members to address the transportation needs of Lindsay and its residents. The findings from the collected data and suggestions from the community were used to create the Draft attached to this report. The West Hermosa Street Corridor and Neighborhood Enhancement Plan Draft attached to this report outlines all of the data that was collected, recommendations for the project area, and future funding opportunities that the City may seek.

### **FISCAL IMPACT**

The West Hermosa Street Corridor and Neighborhood Enhancement Plan Draft does not have a direct fiscal impact to the City at this time. However, the Draft does provide a cost estimate for future improvements should the City proceed at a later time.

### **ATTACHMENTS**

- West Hermosa Street Corridor and Neighborhood Enhancement Plan Draft
- West Hermosa Street Corridor and Neighborhood Enhancement Plan Cost Estimates
- West Hermosa Street Corridor and Neighborhood Enhancement Plan Presentation

# West Hermosa Street Corridor and Neighborhood Enhancement Plan

Transforming the Gateway Corridor  
for the City of Lindsay

Draft: December 2022



# Acknowledgements



## City of Lindsay

Neyba Amezcua, Director of City Services & Planning

Edna Hubbard, Engineer Technician

## KTUA

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## A Very Special Thanks To:

West Hermosa Corridor Community Advisory Committee

All stakeholder and community members that participated in the planning process

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# Chapter 1

## Introduction



## 1.1 Introduction

The West Hermosa Street Corridor and Neighborhood Enhancement Plan (Plan) is focused on creating enhanced transportation improvements that support the local community. The goal of this project is to redesign a three-quarter mile length stretch of West Hermosa Street into a pedestrian and bicycle-friendly street that improves safety, access, and connectivity while being consistent with the community's character and their desires. The Plan also includes recommendations that support placemaking opportunities to enhance the visual appearance of the corridor since West Hermosa serves as one of two primary "gateway" entrances into the City of Lindsay. Recommendations in this Plan are comprehensive and multi-purpose. Topics such as active transportation, urban greening, stormwater, and placemaking are included and are meant to help the City pursue funding opportunities and compete well when applying for federal, state, or regional grant applications.

The project boundary begins on the western edge at the intersection of State Route 65 to Sweetbriar Avenue on the eastern edge. The West Hermosa Street Corridor and Neighborhood Enhancement Plan project is funded through a 2020-21 Caltrans Sustainable Transportation Planning Grant.

## 1.2 Study Area

The City of Lindsay is located in Tulare County, in the southern portion of the San Joaquin Valley. Lindsay has a population of 12,630 (2021 U.S. Census) and an area of 2.7 square miles. West Hermosa Street is the primary connector into the City from the state highway. The lack of bicycle facilities and vehicle speeds impact safety, access, and comfort for all users of the corridor.

West Hermosa Street provides access to a highway commercial and neighborhood serving shopping center, an elementary school, numerous apartment communities, single-family homes and neighborhoods, a park and a community recreation center. Tulare County Area Transit (TCAT) uses Highway 65 and West Hermosa Street at the shopping center as the central hub to connect southern and northern Tulare County transit routes. The City is exploring development of a transit center at the intersection of Hermosa Street and Mt. Vernon Avenue that can act as multi-modal hub for the community and the region. See Figure 1-1 for project location.

The City has already taken major steps in redesigning the corridor with the recently completed roundabouts at Westwood Avenue and at Elmwood Avenue. These roundabout improvements also include marked crosswalks and signage. Other improvements that can affect the West Hermosa Corridor include the second phase construction of the Palm Terrace community as well as an approved plan for future realignment of State Route 65 west of the current alignment that intersects with West Hermosa Street.

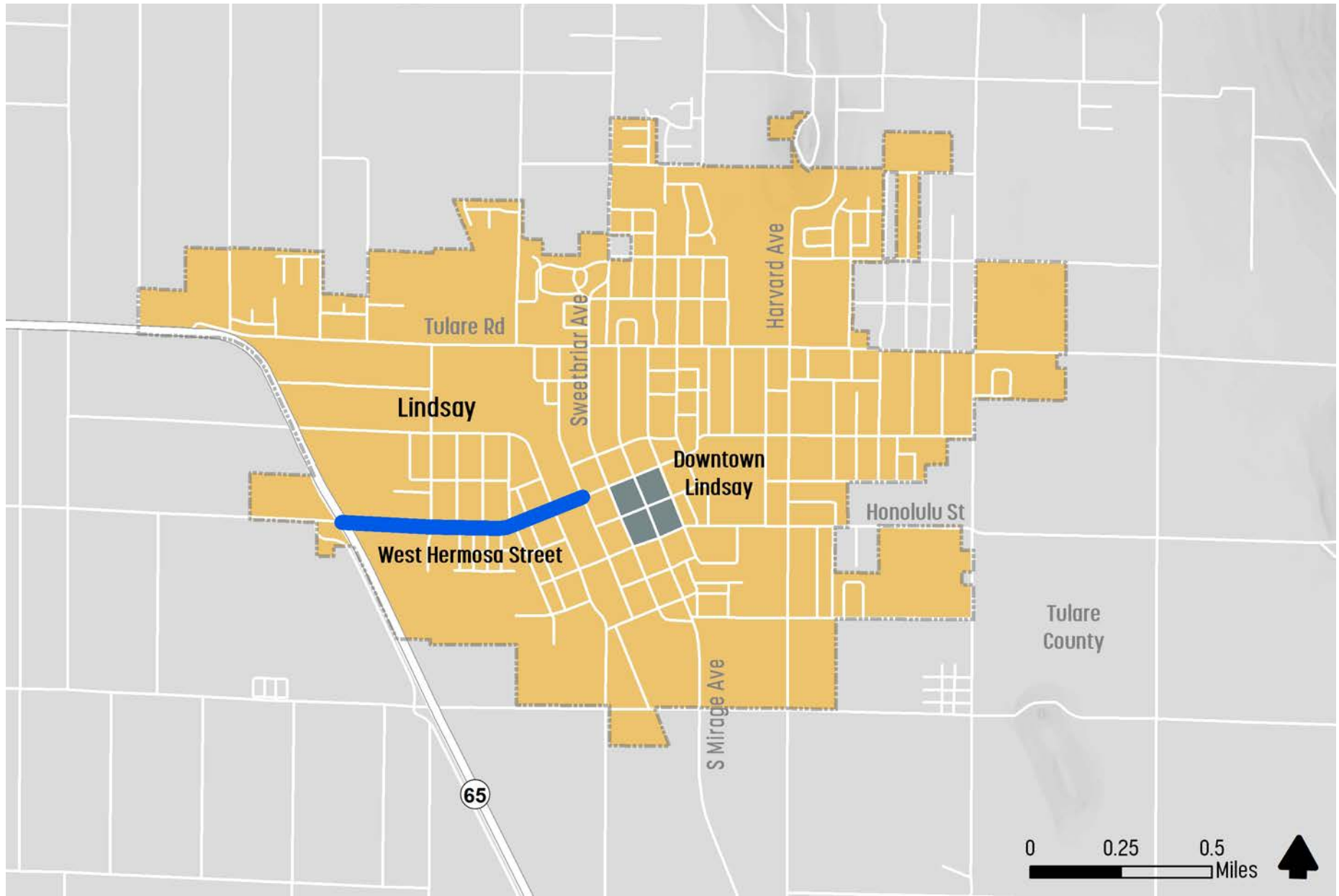


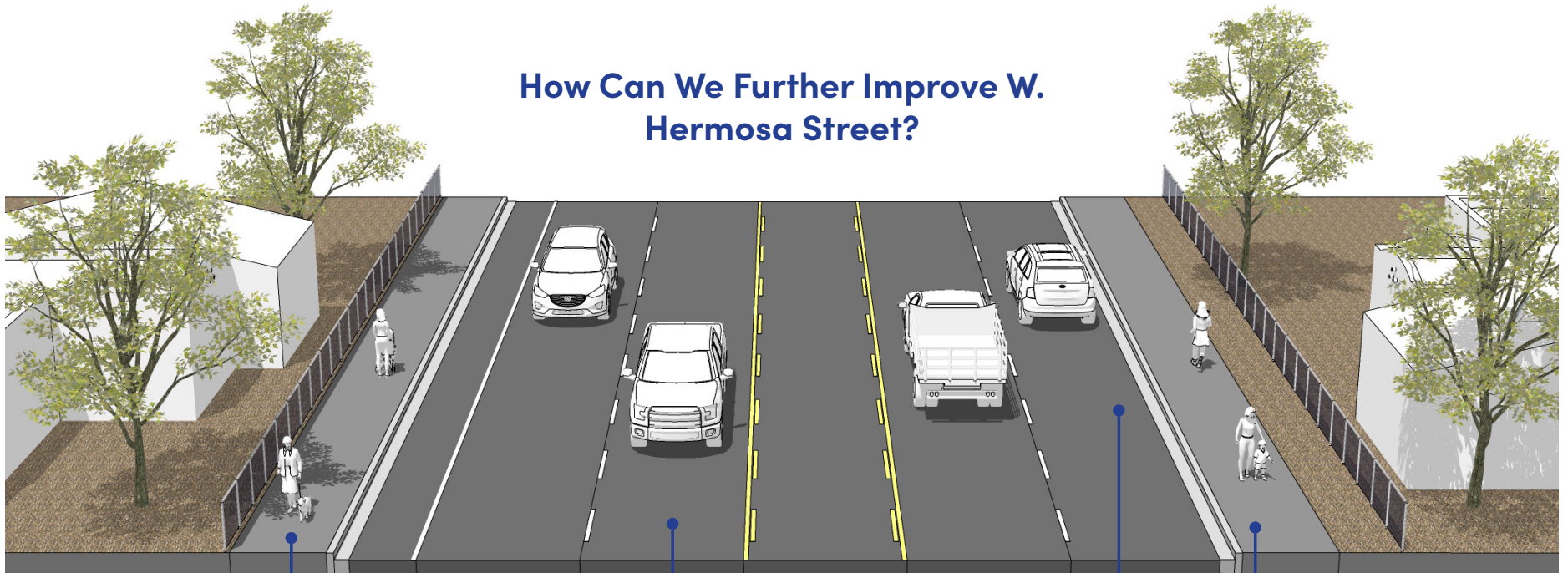
Figure 1-1: Study Area



# 1.3 Project Vision

This Plan is the City’s opportunity to re-imagine how West Hermosa Street can better serve Lindsay residents and visitors. The vision for this corridor is rooted in complete street and active transportation planning principles that focus on serving all people’s transportation needs, not just those traveling by car. Understanding the community’s needs and the street enhancements the corridor offers are critical to developing an exciting and implementable plan.

## How Can We Further Improve W. Hermosa Street?



How can we improve the sidewalks?

Does the street currently meet your daily needs?

What kinds of bicycle improvements would you like?

Would you like lighting, signage, and other types of improvements?

# Chapter 2

## Existing Conditions



## 2.1 Existing Conditions

Photos of West Hermosa Street between State Route 65 and Sweetbriar Avenue are depicted below. The team conducted multiple site visits to observe “everyday” conditions, to measure existing sidewalks and travel lane widths, and to identify potential improvements. The photos depict existing challenges and opportunities such as sidewalks with no parkways, crossing multiple driveways, lack of bicycle facilities, lack of shade from trees, lack of pedestrian-scale lighting, wayfinding signage, long distances without a north-south crossing, and maintenance issues such as cracked sidewalks and overgrown landscaping.



*“Slip lane” is an area of concern*



*Existing sidewalk near State Route 65, lack of parkway*



*Planted center median, speed limit and school signage*



*Transit enters Olivewood Plaza*



*Signage indicating upcoming roundabout*



*Roundabout at Westwood Avenue*



*Narrow sidewalks and palm trees planted in sidewalk cutouts*



*Transit stop with shelter, bench, & trash receptacle near Mt Vernon Ave.*



*Speed limit and truck route signage*



*Sidewalk maintenance needed over at-grade railroad crossing*



*Sidewalk maintenance needed in various sections*

### **2.1.1 Planning Context Summary**

This project is particularly focused on the community need for mobility options and improvements that support active modes of transportation. Lindsay is a majority Hispanic/Latino community, with over 85% of residents considering themselves to be Hispanic or Latino. According to the 2019 Housing Element Update, Lindsay has seen an annual population growth rate of 1.5% from 2010-2018, while the number of housing units has increased by 1.1%. The City projects that Lindsay's population will increase by 25% from 2018 to 2040. This increase would equal approximately 3,263 additional persons, or an average annual growth rate of 1.1%.

Lindsay also faces poverty issues which directly affect the ability of residents to secure affordable housing and reliable transportation options. Data suggests that 26.5% of households own one vehicle or less and that they rely on walking, bicycling, or public transit for transportation. Lindsay ranks in the top 5% of California communities in terms of its poverty rate. Community-wide median household income is \$37,073 accounting for 32% (2021 US Census estimates) of the City's population living below the poverty line.

This context influences the Plan's goals of providing safe, comfortable, and convenient mobility options for the community. People already walk to local destinations such as Jefferson Elementary School, Olivewood Plaza, commercial shopping centers along the eastern side of the corridor, and the start of Downtown Lindsay at Sweetbriar Avenue. Understanding that many community members have access to only one vehicle or no vehicle at all also influences the need to improve bikeway facilities along the corridor to assist with everyday transportation needs.

### **2.1.2 Policy and Regulatory Documents**

#### **2022 Tulare County Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS)**

The Regional Transportation Plan is a long-range plan that is meant to provide a long-range, fiscally constrained guide for the future of Tulare County's Transportation system. The long-range plan extends to the year 2046 in its scope and accomplishes its goals by forecasting future growth, identifying regional priorities, and planning for infrastructure improvements. The growth scenario that was selected by the public and by the various stakeholder committees during the outreach process was titled the Cross Valley Corridor, Blueprint Plus Scenario. The Cross Valley Corridor was built around the planned High Speed Rail Station in the Hanford Area with connections to an existing east-west rail corridor that stretches from Huron in Fresno County to the west, through Naval Air Station Lemoore, the City of Lemoore, Hanford, and eastward into Tulare County through Goshen, Visalia, Farmersville, Exeter, Lindsay, Strathmore, and Porterville.

The ultimate vision of passenger rail is to concentrate future growth in urban centers surrounding future passenger rail stations that are planned or now operating as bus transit centers. Under this new plan, higher residential and commercial densities would be encouraged to allow a greater number of residents and businesses to be located within walking distance of the new stations, reducing some dependency on the automobile. Those who did not live within walking distance of a station would be served by new and improved transit service and active transportation corridor improvements that bring people into planned transit centers.

Community members and visitors to Downtown Lindsay and the surrounding neighborhoods along West Hermosa Street would benefit from planned improvements. Goals and policies from the RTP that are met by this Plan include:

**Goal: Improve, enhance, and expand the region's bicycle and pedestrian systems and connectivity to those systems, while keeping them safe and convenient.**

- » Convene public outreach and implement strategies for Share the Road concepts.
- » Encourage local agencies to support implementation of bicycle support facilities such as bike racks, showers, and other facilities during the project review process.
- » Coordinate bicycle planning and implementation with other modes of transportation, particularly with transit.
- » Support development of designated regional bicycle paths adjacent to or separate from commute corridors, connecting cities and communities.
- » Support implementation of local bicycle and trail plans.
- » Support the closure of gaps in the bicycle and pedestrian systems to improve connectivity and attractiveness of these modes of transportation.
- » Encourage removal of barriers (walls, fences, etc.) for safe and convenient movement of pedestrians. Special emphasis should be placed on Americans with Disabilities Act (ADA) compliance.

## **2022 Walk'n Bike Tulare County, Tulare County Association Governments**

The objective of 2022 Walk 'n Bike Tulare County was to make walking and biking around the County safer and easier. The plan has two main purposes. The first is to be the foundation for the pedestrian and bicycle component of the soon-to-be updated Tulare County Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS). The second main purpose is to position these high-priority projects to compete better for funding from federal, state and regional sources. This plan develops active transportation recommendations for each City in Tulare County. For the City of Lindsay, recommendations include:

- » Bike lanes on West Hermosa Street
- » Pedestrian connection improvements along West Hermosa Street and Mount Vernon Avenue.

Implementation strategies from this Plan that align with the West Hermosa Street Neighborhood Enhancement Project include:

- » Encourage local agencies to prepare complete streets plans that accommodate all users, including pedestrians and cyclists.
- » Provide funding for the development of complete streets and active transportation plans and projects.
- » Coordinate bicycle planning and implementation with other modes of transportation, particularly transit.
- » Support implementation of local bicycle and trail plans.
- » Promote the placement of compatible land uses near each other and design them as high-quality environments for pedestrians and cyclists.

## City of Lindsay General Plan (1989)

The General Plan reflects the City's long-range aspirations of maintaining a healthy and prosperous community. The General Plan provides guidance to development regulations and other programs approved by the City Council to carry out the Plan over time.

Components of the Circulation Element include state highways, arterial and collector streets, minor streets, pedestrian ways, alleys, bicycle routes and railroad service. It is the policy of the General Plan to guide and provide for the development of an integrated system of internal circulation and access to serve all citizens of the Lindsay area, including the young, senior population, and the physically handicapped, by seeking the following:

- » Increased safety for citizens.
- » The efficient movement of people and goods.
- » Lower vehicle operating costs.
- » Lower vehicle miles traveled and therefore lower quantities and impacts of vehicle emissions.
- » Economy in street construction and maintenance.
- » A circulation system which is correlated and consistent with the needs of land use patterns fostered by the Land Use Element.
- » Minimizing and (where possible) avoiding the disruption of residential areas caused by through traffic.

Bicycle Route and Pedestrian Circulation Policies that are compliant with this Plan include:

- » Separately striped Class II bikeway facilities are not required within the community, except along Tulare Road and Hermosa Streets. Bikeways which do not require separate lanes should be provided along an integrated system of Minor and Collector streets that provide access between residential neighborhoods and important generators of activity, including schools, parks, commercial centers, and employment centers.

## City of Lindsay, 2019 Housing Element Update

The 2019 Element serves as the primary policy document and resource guide for housing development in Lindsay. This Element provides initiatives to improve and expand housing choice in Lindsay so that all residents may have the opportunity to enjoy safe, decent, and affordable housing. While this plan primarily focuses on housing within the City, there are a few elements that provide guidance to street improvements as housing developments increase in the City. This plan also addresses Environmental Stewardship by suggesting affordable housing projects with green design, water conservation, grey water recycling, vanpooling, and pedestrian improvements which can result in net zero energy projects.

New residential development in Lindsay is required by ordinance and policy to install urban infrastructure improvements consistent with surrounding development and the practices of other communities in the region. Requirements related to street improvements include installation of:

- » Concrete curb and gutters
- » Landscaped parkways
- » Masonry walls where residential lots are directly adjacent to arterial or collector streets
- » Paveout of adjoining street surfaces to assist with planned right-of-way improvements
- » Sidewalks

Other improvements may be required, depending on project scope, existing and surrounding site conditions, and site-specific infrastructure issues. These may include:

- » Streetlights
- » Turn lane installation, markings, and signage

### 2.1.3 Demographics (2020 ACS 5-Year Estimates, US Census)



**TOTAL HOUSEHOLDS:**

3,866



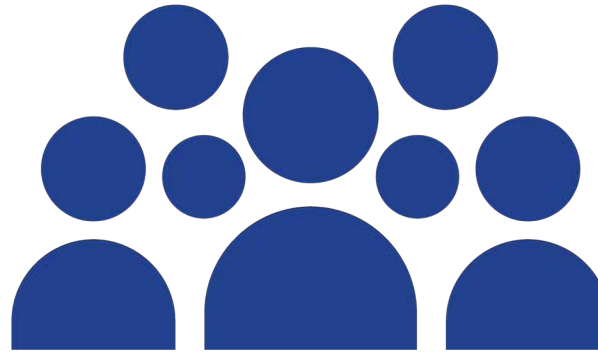
**UNDER 16:**

29.5%



**TOTAL EMPLOYED:**

5,483



**TOTAL POPULATION:**

12,630



**HOUSEHOLDS WITHOUT VEHICLES:**

337



**OVER 65**

11.4%



**PERSONS IN POVERTY**

32.8%



## 2.1.4 Land Use

The land use within the City of Lindsay is dominated by residential, commercial and industrial use, with supporting public and semi-public facilities such as schools, parks, government offices, churches, hospital and public utilities. The City is surrounded by agricultural land which is mostly devoted to orange and olive groves, with some irrigated pasture and field crops to the north.

Land uses adjacent to West Hermosa Street are primarily commercial, residential and semi-public (Jefferson Elementary School). The project corridor will also connect to the proposed future transit center on Mount Vernon Avenue.

In comparison with other cities of Tulare County, the Lindsay urban area is compact with relatively little developed area within the unincorporated fringe. The largest developed area outside of the city limits is a 47 acre area developed as single family use immediately west of the High School north of Tulare Road. A portion of Lindsay High School is just outside the City limits in Tulare County.



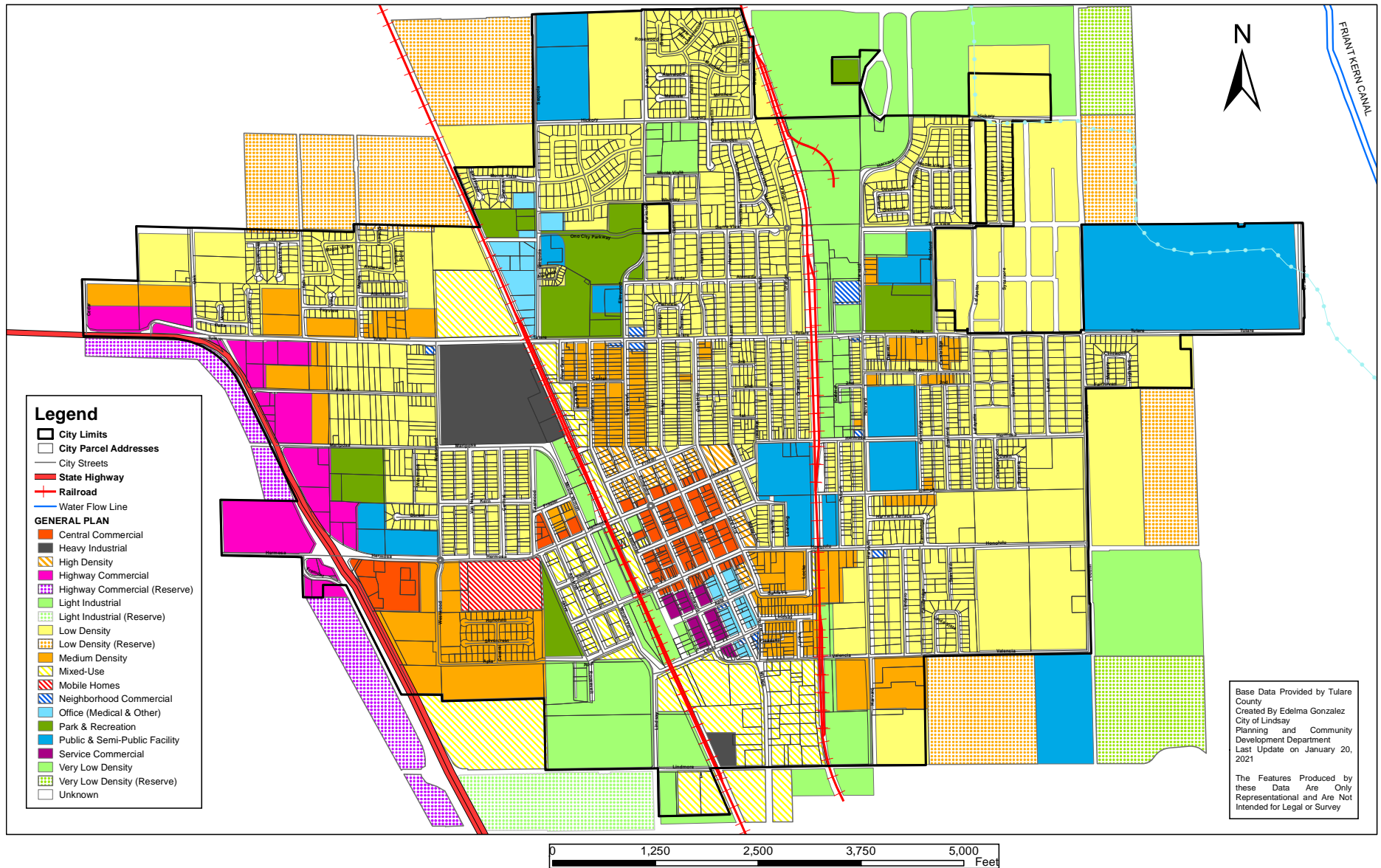


Figure 2-1: Land Use Map (From General Plan)

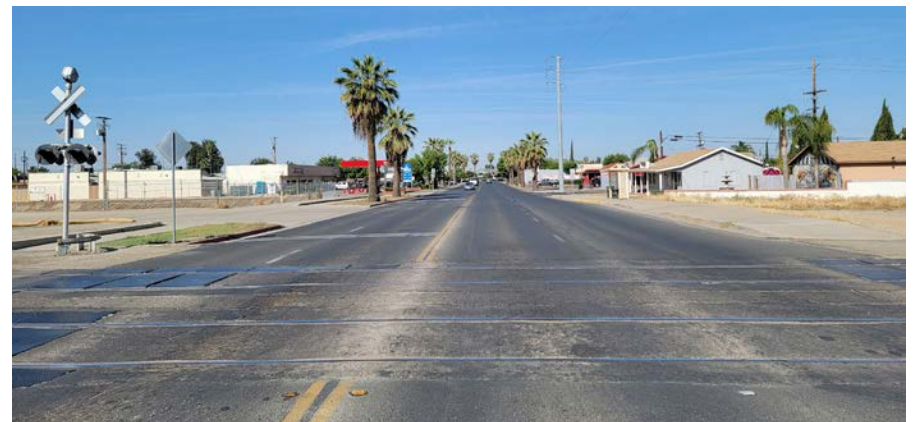
## 2.1.5 Corridor Conditions

The West Hermosa Street right-of-way varies between 69' and 83' between State Route 65 and Sweetbriar Avenue. The narrowest section is roughly between Eastwood Avenue and Ashland Avenue. The widest part of the street is between Westwood Avenue and Central Avenue. While the varying widths do play a part in developing recommendations, the four-lane road still provides plenty of redesign opportunities. Speed limits are between 25 and 35 mph.

Currently, a roundabout exists at Westwood Avenue providing much needed traffic calming from State Route 65 into Downtown Lindsay. The roundabout also provides traffic calming and enhanced pedestrian crossings around Jefferson Elementary School and the adjacent residential neighborhoods. There are no bike facilities throughout the corridor. Bike ramps and shared space for bicyclists and pedestrians were installed at the Westwood Avenue roundabout. These spaces help people navigate the roundabout for those not comfortable sharing the road with vehicles. Green conflict striping is present here for bicyclists exiting the roundabout.

Sidewalks are installed throughout the entire length of the corridor. Street trees planted in tree grates or in sidewalk cutouts exist in certain sections of the corridor, but the corridor lacks a dedicated planted parkway strip spanning the entire length of the project area.

High visibility crosswalks are only located at Westwood Avenue and at Sweetbriar Avenue. These is only one north-south crossing location along West Hermosa Avenue between the project boundary and it's located at the Westwood Avenue.





ROW Width	74'	83'	83'	72'-83'	69'	69'	73'-76'
Speed Limit	25 MPH			35 MPH			

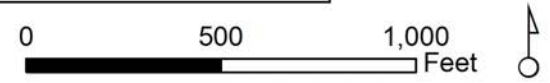


Figure 2-2: Corridor Conditions

## 2.1.6 Transit Routes and Stops

Tulare County Area Transit serves Lindsay by bus routes 40 and 60. Route 40 connects Lindsay to Visalia to the north and Porterville to the south. Bus route 60, the Lindsay Route, is an intra-connected bus route that connects Olivewood Plaza, Lindsay Wellness Center and City Hall. Both bus routes travel along West Hermosa Street with bus stops at the Olivewood Plaza parking lot near State Route 65 and near Downtown Lindsay. The bus stops along West Hermosa Street have shelters, benches and trash receptacles.

According to the TCAG Regional Transportation Plan, Tulare County Regional Transit Agency (TRCTA), is planning to expand its on-demand service to six additional communities: Dinuba, Exeter, Farmersville, Lindsay, Tulare, and Woodlake.



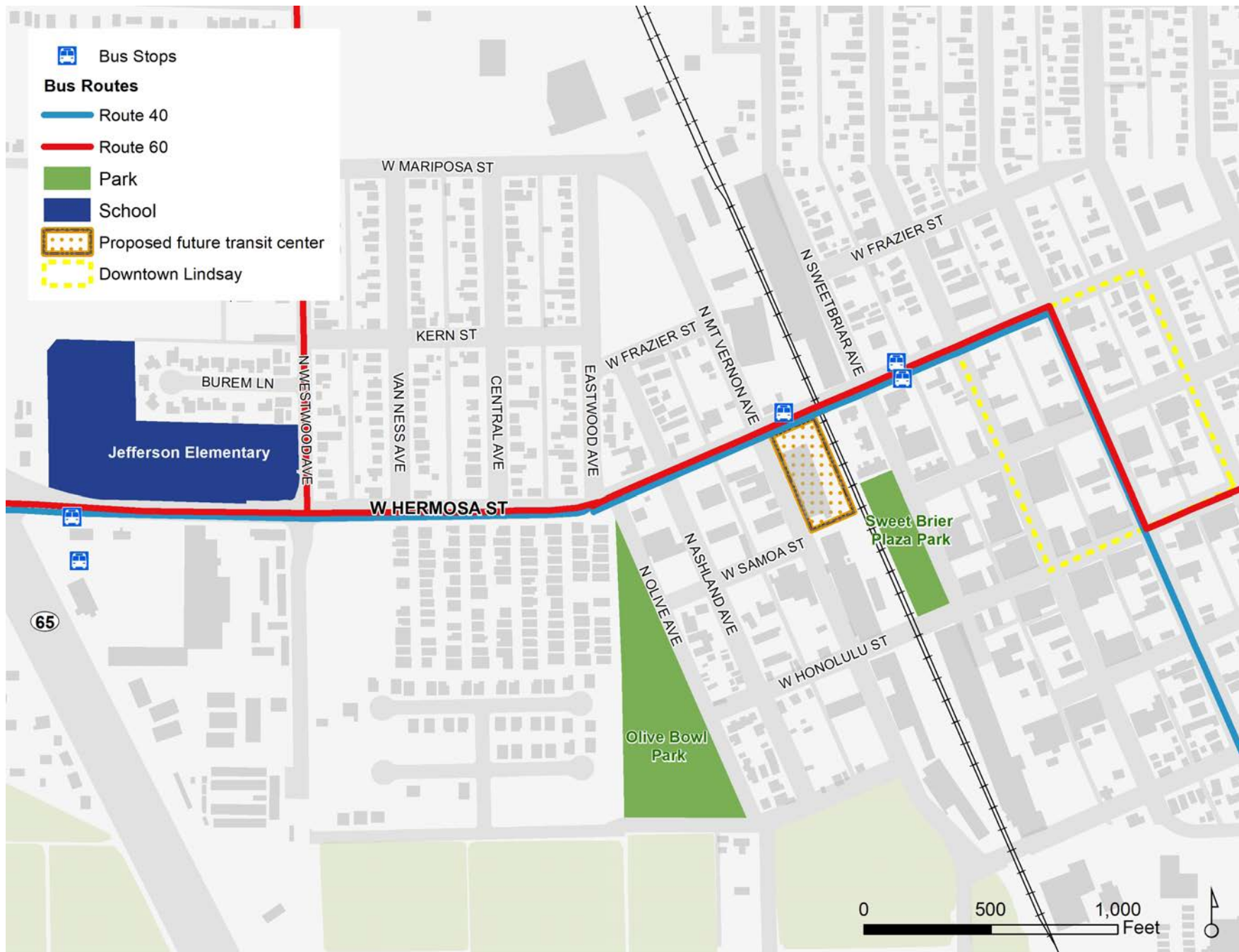


Figure 2-3: Transit Stops

## 2.1.7 Analysis

The following table summarizes the transportation characteristics of the City of Lindsay that help support the needs for improving West Hermosa Street. The information for the map and table was obtained from Replica, a big data resource that is used by transportation planners and engineers. The data is derived from a typical weekday in November of 2021.

The primary mode of transportation in Lindsay is by car with 85.6% followed by walking with 12.2% of mode share. Bicycling accounts for 1.4% followed by other modes and by a Transportation Network Company (TNC) such as taxi or rideshare.

Coinciding with the summarized mode share, the trip distance summary highlights 43.3% of trips are under one mile which makes walking and bicycling an important mode within the City.

Figure 2-5 shows the percentage of trips within the different parts of the City by census tracts. Twenty-nine percent of trip purposes was to home with 21.1% for shopping and 10.9% for work. Census tracts 28 and 26.02 have the highest percentage of trip destinations which is where most of the population resides as well as Lindsay High School and Downtown Lindsay. The location of West Hermosa Street is a critical corridor that connects the residential neighborhoods to the north with Downtown Lindsay and a majority of the commercial areas.

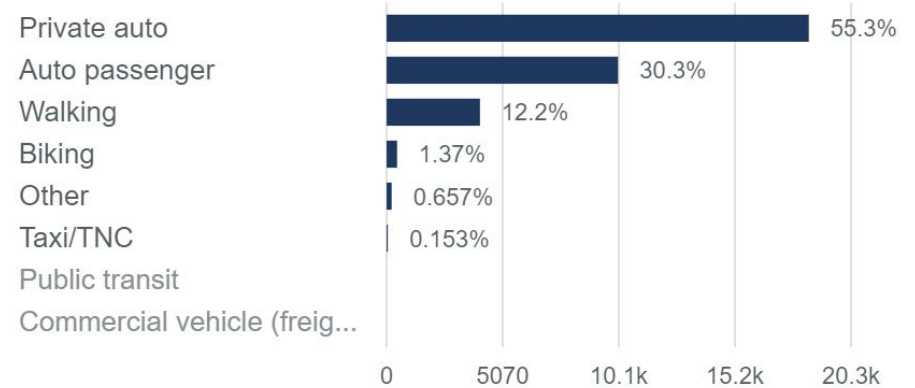


Figure 2-4: Primary Mode of Travel

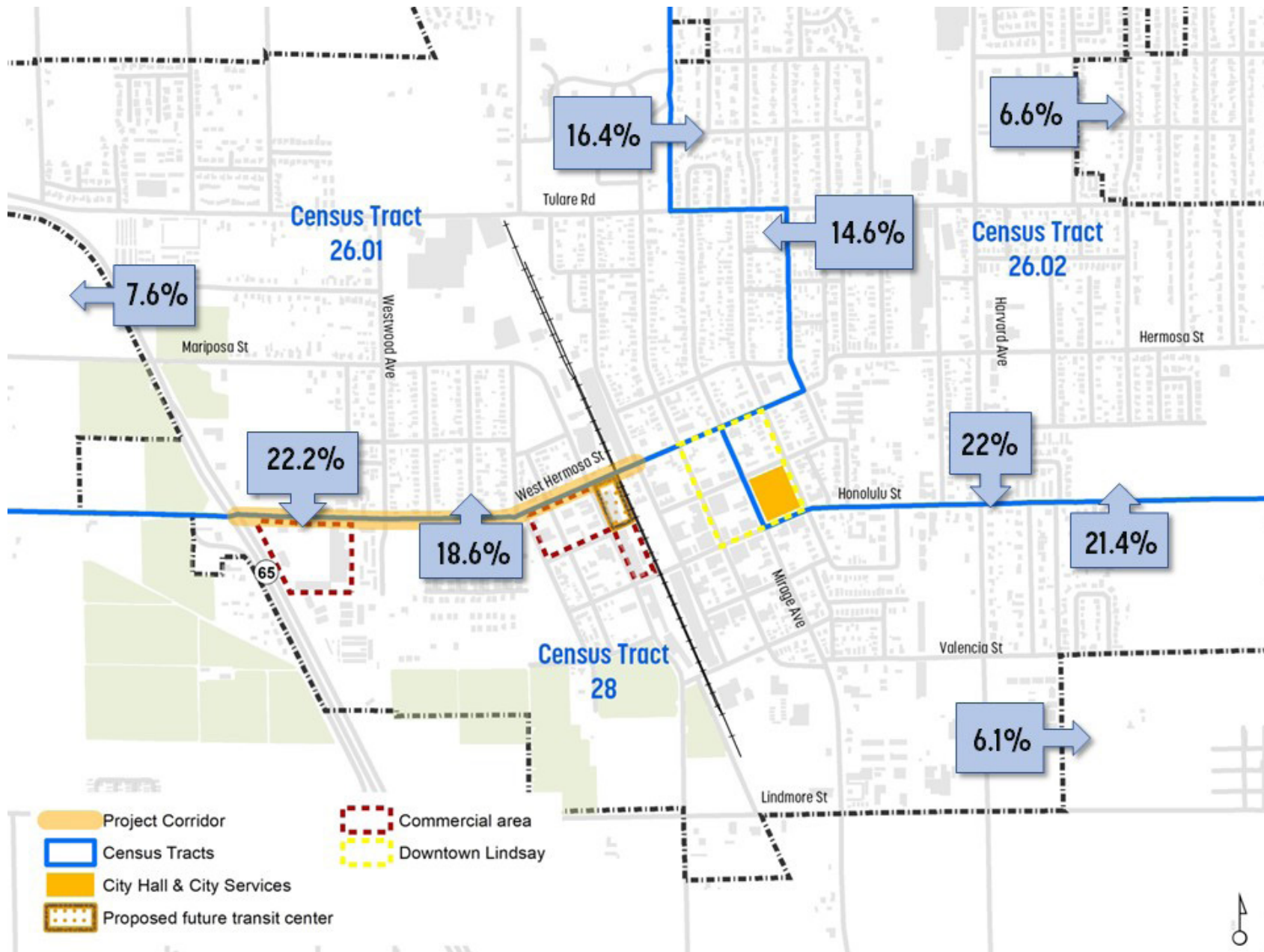


Figure 2-5: Origins and Destinations



## 2.1.8 Bicycle and Pedestrian Collisions

Collision data collected from the UC Berkeley Transportation Injury Mapping System (TIMS) from 2011-2020 summarized 10 bicycle and pedestrian-related collisions along the project study area. Three of the bicycle collisions occurred at Olivewood Plaza where further analysis revealed two of the collisions occurred as bicyclists were attempting to cross West Hermosa Street mid-block. The other collision occurred as the bicyclist was entering West Hermosa Street from the westernmost driveway.

Pedestrian collisions occurred primarily between Eastwood Avenue and Sweetbriar Avenue which include vehicle and pedestrian violations including not yielding to each other or violating a vehicle or pedestrian right-of-way. Fortunately, no fatalities were reported. The following collision diagrams summarize the bicycle and pedestrian related collisions to help support design recommendations.



Figure 2-6: Crash Diagram #1

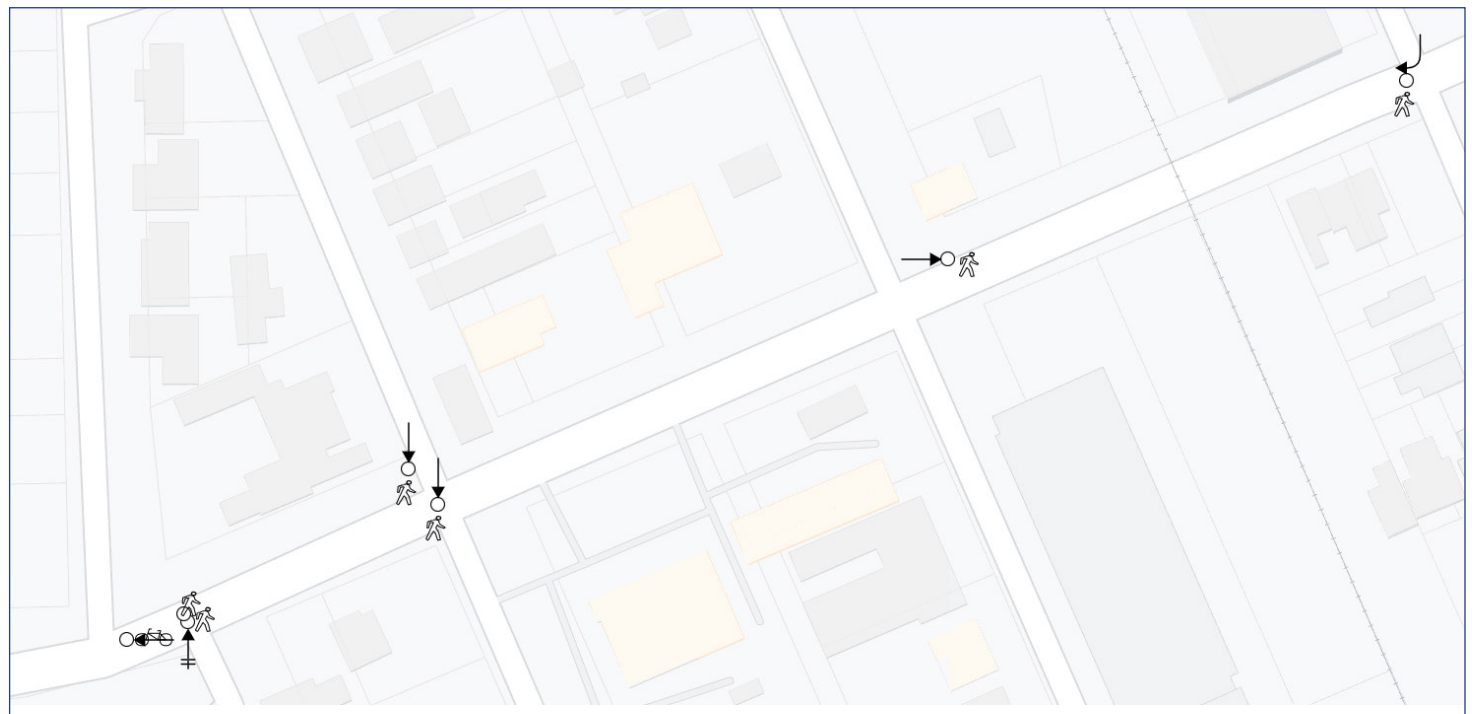


Figure 2-7: Crash Diagram #2



Figure 2-8: Collision Data Map

## 2.1.9 Traffic Count Analysis

The project team conducted a comprehensive traffic count and survey analysis to get a better understanding of the existing traffic conditions along the corridor. The analysis consisted of road tubes at two locations as well as cameras at seven intersections to capture traffic counts by mode, turning movements, and traffic speeds.

The analysis took place during the month of March 2022 and a summary of the results are depicted in the following section. The raw data that was collected for this analysis can be found in Appendix B of this Plan.

Major highlights of the traffic count analysis include:

- » The majority of people travel by car
- » A large number of commercial and agricultural trucks use West Hermosa to reach their destinations
- » Average miles per hour hovered around 35 MPH
- » Average daily traffic remained relative low at around 10,500 vehicles per day
- » Pedestrian traffic remains high at the Westwood Avenue intersection due to its proximity to Jefferson Elementary School
- » Bicycle use remains low to non-existent under existing conditions, may be due to the lack of bicycle facilities on the corridor

## Total Traffic Counts by Mode

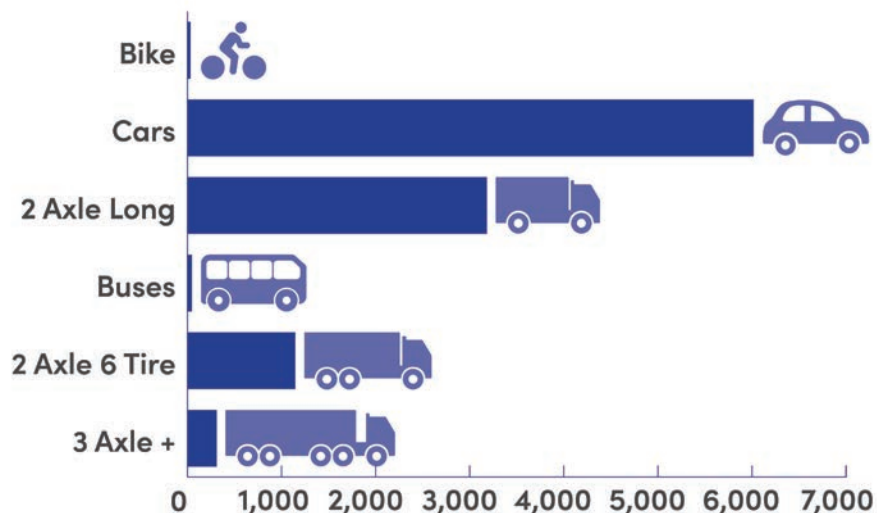


Figure 2-9: 24 Hour Classification Counts, East Driveway of Olivewood Center

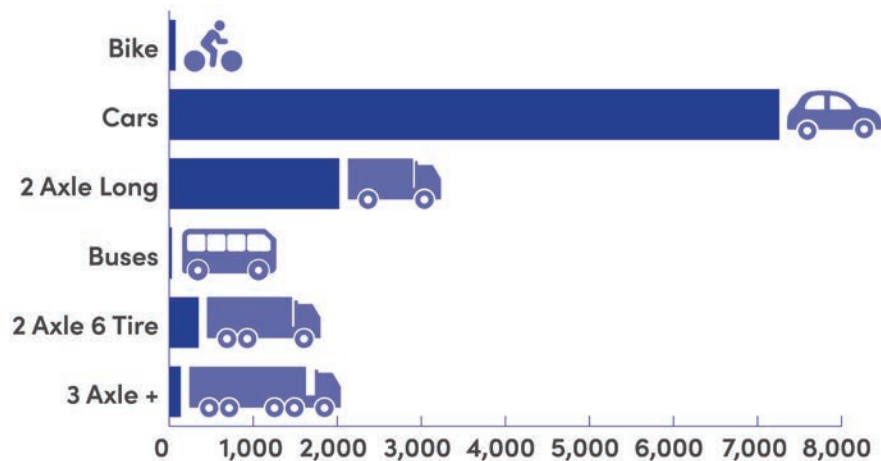


Figure 2-10: 24 Hour Classification Counts, Mount Vernon Avenue to Ashland Avenue

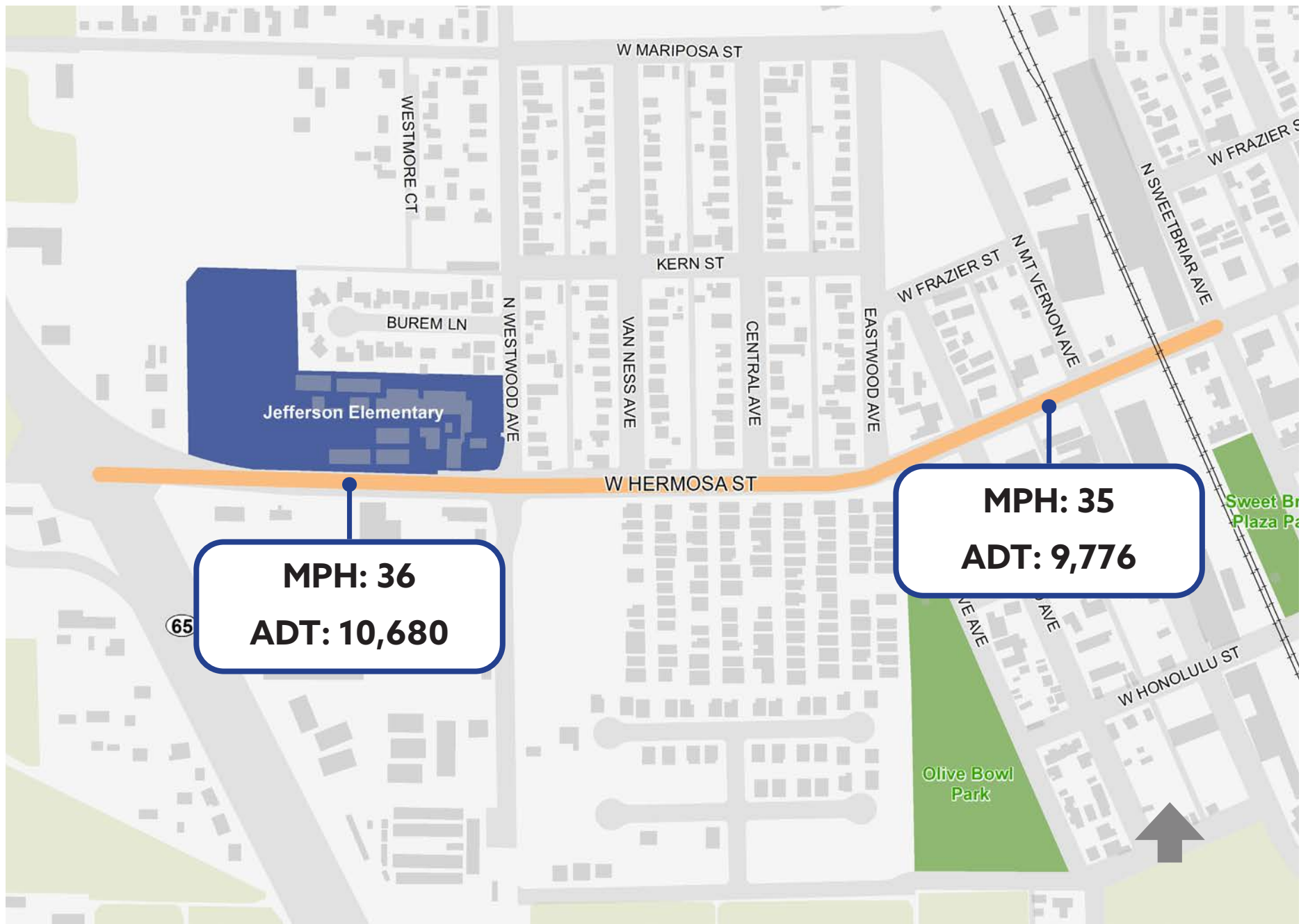


Figure 2-11: Traffic Counts and Speed Captured

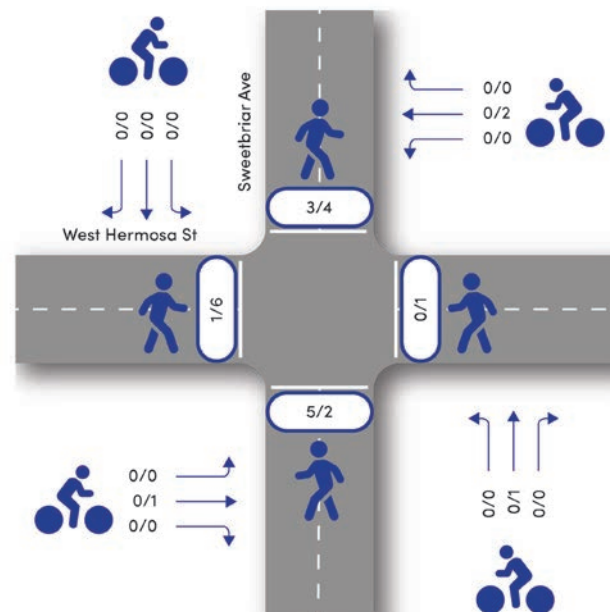
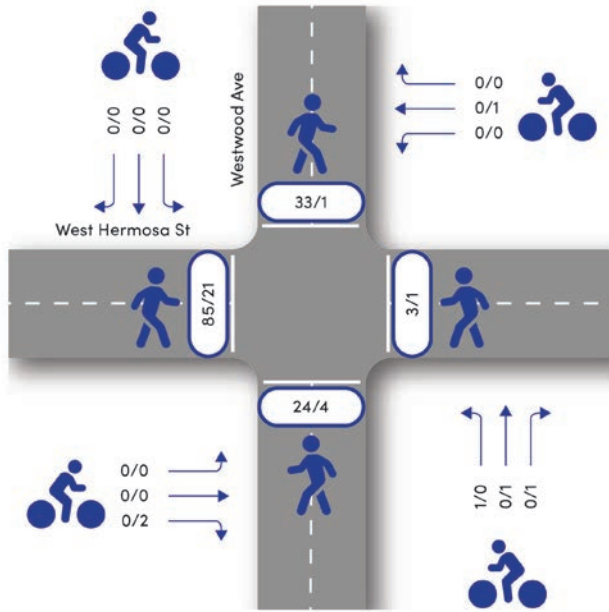
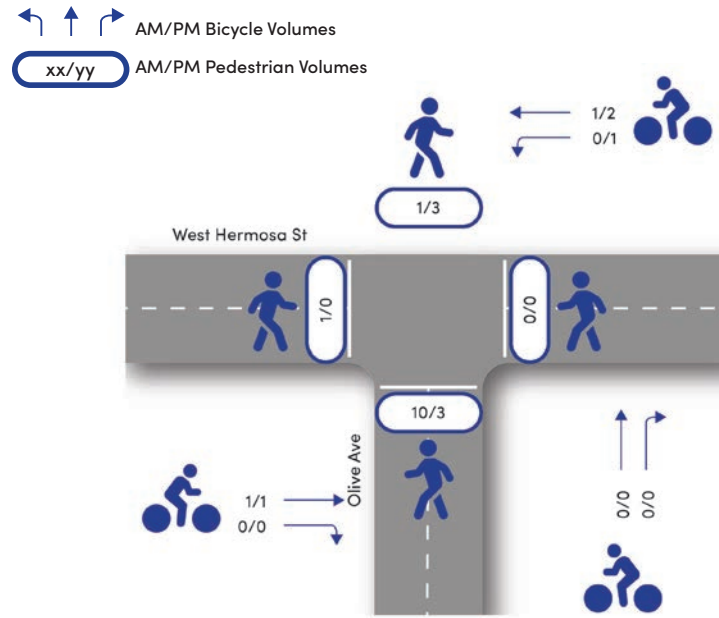
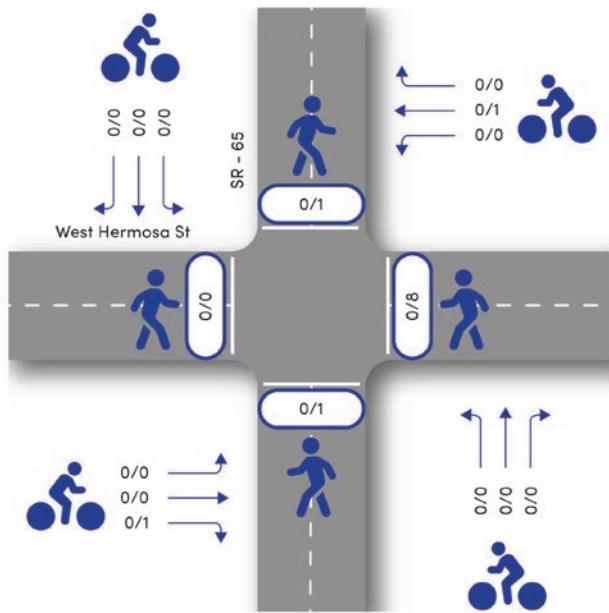


Figure 2-12: Turning Movement Counts by Mode

# Chapter 3

## Community Outreach



## 3.1 Community Outreach

The West Hermosa Street Corridor and Neighborhood Enhancement Plan was developed through a robust public process that engaged residents, businesses, and community stakeholders, to transform this important corridor into a pedestrian and bicycle-friendly street and improve connections in adjacent neighborhoods. The project employed a variety of engagement strategies to engage various stakeholders to identify the barriers to walking, bicycling, and other modes of travel.

The main engagement activities to inform the public about the June Lake Loop ATP and to get meaningful input included:

- » Project Advisory Group Meetings
- » Interactive Map Survey
- » Design Workshop
- » Informational Pop-ups
- » Walk Audits
- » Stakeholder Meetings
- » Draft Plan Pop-up Workshops



Project branding

### 3.1.1 Outreach Methods

Several outreach methods were used to connect with, and engage residents, businesses and other stakeholders about the project and upcoming events, and to maximize engagement.

- » Creating a logo to brand the project and to increase its visibility.
- » Flyers and posters to publicize events were produced in English and Spanish for community-wide distribution. They were distributed at City building locations, local businesses and community centers.
- » Project Advisory Group and other community members were asked to distribute flyers through other channels.
- » The City used social media to encourage public participation and announce events.
- » The City sent out media releases.
- » Meeting announcements and project updates were posted on the project website.
- » The link to the interactive map survey was shared on the main website and advertised on social media and flyers.

### 3.1.2 Project Advisory Group (PAG)

A Project Advisory Group was formed for the project to inform the team of the best ways to engage the public and discuss the plan concepts. Members included residents, business owners, City staff, Tulare County Association of Governments, and Caltrans. Members were selected who could provide local knowledge of the issues and people of Lindsay. They also served as champions for the project—helping to spread the word about events and to carry the recommendations forward.

Meetings with the PAG were held on the following dates to discuss engagement strategies, plan recommendations, and to provide project updates to the PAG:

## Meeting #1, March 4, 2022

During the first meeting, the team introduced themselves and the project, provided an overview of the PAG's role in the process, the scope of work, and the timeline. Participants engaged on discussions around key study area issues and locations to study further, as well as potential ways to best conduct outreach to the community.

## Meeting #2, April 29, 2022

This meeting focused on the existing conditions analysis and discussing the constrains and opportunities within the corridor. The group also discussed the public engagement strategy for popups and the charrette.

## Meeting #3, September 20, 2022

The CAC was updated about what the team learned from the popups and community input during the charrette. During the meeting, the team reviewed the proposed infrastructure recommendations for the corridor and discussed plans for the draft plan pop-up workshop.



Advisory Group Meeting

## 3.1.3 Pop-Up Events

During the project the team travelled to Lindsay and held multiple pop-up activities. These were held in conjunction with existing events and provided opportunities to “go to” residents and engage them directly. The team was able to engage community members on identifying issues they felt needed to be addressed in the corridor, dot voting on complete street features and project recommendations, and spreading the word about future project outreach opportunities.

- » Orange Blossom Festival on April 9, 2022
- » Friday Night Market on April 29, 2022
- » National Night Out event on August 2, 2022

### Sticker Exercise

- » Pedestrian Lighting – 52
- » Urban Greening – 40
- » Art in the Streets – 38
- » Bicycle lanes – 31
- » Decorative Crosswalks – 27
- » High Visibility Crosswalks – 26
- » Traffic Calming – 26
- » Wayfinding Signage – 19
- » Pubic seating w/ Shade – 9



### 3.1.4 Multi-Day Charrette

The team visited Lindsay from May 22–25, 2022 to hold a multi-day charrette. The purpose of the charrette was to engage people in various activities to identify issues and locations the plan should address, and to develop initial infrastructure recommendations for the corridor that the community would like to see. In consultation with the PAG, the team scheduled a variety of activities to engage the community:

- » Stakeholder Engagement
- » Opening Workshop
- » Walk Audit
- » Jefferson Elementary Classroom activities
- » Closing Workshop



### Stakeholder Meetings and Surveys

The team engaged stakeholders on May 23 at two levels:

**City Departments:** A meeting was held with representatives from City departments on May 23. These included the City Manager, City Services, Planning, Fire and Police. This was an opportunity to discuss current planned projects, issues from their perspectives, and potential project implementation.

**Business:** Team members went to business located on the corridor and conducted brief surveys. This included markets, restaurants, auto repair providers, insurance providers and the Sequoia Family Medical Center. They were asked to describe their customer base, how customers arrived to their business, and observed traffic safety issues among other questions. The majority of customers used cars to arrive at these locations, however the medical center reported that about 50% of their patrons walked. The majority of reported issues were on Hermosa Street near the Olivewood Shopping Center.

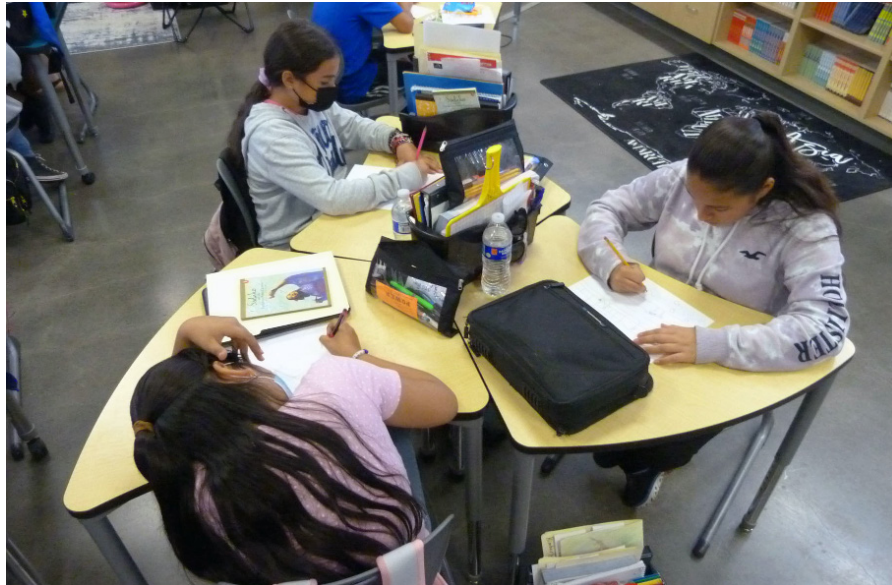
### Opening Design Workshop

The opening workshop was held on May 23 at the Lindsay Wellness Center. At the beginning of the workshop, the team asked participants to write down their visions for Lindsay over the next 20 years. Participants then had the opportunity to share those visions with the rest of the group. CivicWell and KTUA then did a short presentation to highlight the existing conditions and Complete Streets tools and strategies that could be applied on the corridor. After the presentation, large aerial maps were laid out on the tables and participants were asked to break up into groups to write down their concerns and issues related to walking and bicycling. They were then encouraged to provide their ideas and suggestions for infrastructure projects that should happen along the corridor.

## Classroom Activities

Team members joined the 5th Grade classes of Mr. Vega and Ms. Knutson to engage the students. This offered the opportunity to get their perspectives about conditions on the corridor and any issues getting to and from school. Students were asked about the

mode of transportation they used to get to school and from school. They were then led in an activity to draw their route to school, and what they see along the way.



**Student Activity w/5th Graders      Actividad estudiantil, 5º grado**

**Mr. Vega's Class**  
**Clase del Sr. Vega**

**Student Activity w/5th Graders      Actividad estudiantil, 5º grado**

**Mr. Knutson's Class**  
**Clase de la Srta. Knutson**

Question	Mr. Vega's Class	Ms. Knutson's Class
<b>How do you normally get to school? (Mark down results)</b>		
By walking?	7	4
By bicycle?	0	0
By school bus?	2	1
By car with your family?	12	12
By car with children from other families?	2	0
By another way? (skateboard, scooter, etc)	0	1 (skateboard)
<b>How do you get home from school?</b>		
By walking?	8	6
By bicycle?	0	0
By school bus?	2	1
By car with your family?	12	10
By car with children from other families?	3	0
By another way? (skateboard, scooter, etc)	0	1 (skateboard)

## Walking Audit from Jefferson Elementary

On May 23 the team also led a group with parents, Principal Gonzales, and the Police Department on a walking audit from Jefferson Elementary. This was an opportunity for participants and the team to discuss specific issues to address along the walk and provide a different perspective for discussion from maps. The route took participants along a portion of West Hermosa street and the side streets in the neighborhood near the school.

## Closing Workshop

The closing workshop for the charrette was held the evening of May 25. The team was able to report to the participants on the activities held earlier in the charrette and some of the feedback heard from the community. Boards were available to highlight different concepts for the corridor that emphasized pedestrian improvements, bicycling improvements, and transit improvements based on community feedback. Participants were asked to offer their feedback on these initial ideas. Other boards provided an opportunity to identify potential design themes and inspirations for the corridor.

## Key Takeaways

General recommendations supported by the community include:

- » Address high vehicular speeds
- » Add better pedestrian lighting
- » Add shade /evergreen street trees
- » Include a center turn-lane for the whole corridor
- » Address road paving issues on adjacent / connecting streets

Pedestrian and Bicycle-focused concepts were supported

- » People believed it improved safety and comfort
- » Encouraged team to explore these ideas in the design concepts phase

## Quote from Pedestrian Focus Board

"This concept is best because it accommodates pedestrians and cyclists. It also creates flexibility in traffic flow."



### 3.1.5 Draft Plan Pop-up Workshops

In consultation with the PAG, the team decided to make use of existing events to hold pop-up workshops so more residents could be engaged.

- » Harvest Festival on October 31, 2022
- » Lindsay Rib Cook-off on November 5, 2022

During these events team members presented the draft plan recommendations in two main options and phasing. Participants were provided an opportunity to give comments on the recommendations and identify their preferred alternative. Most people preferred Option B which showed Class 4 separated Bikeways, curb extensions, and more trees, planting and lighting.



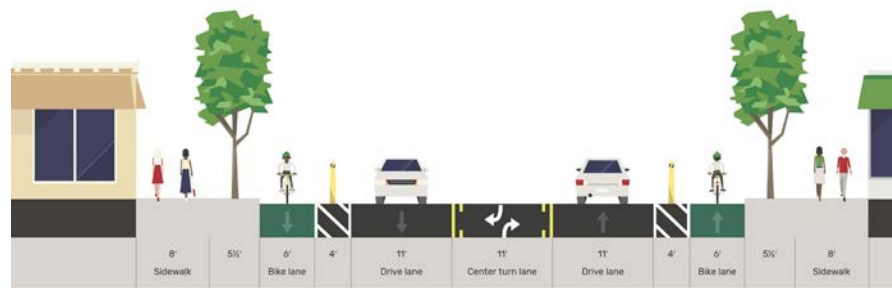
# Chapter 4

## Recommendations

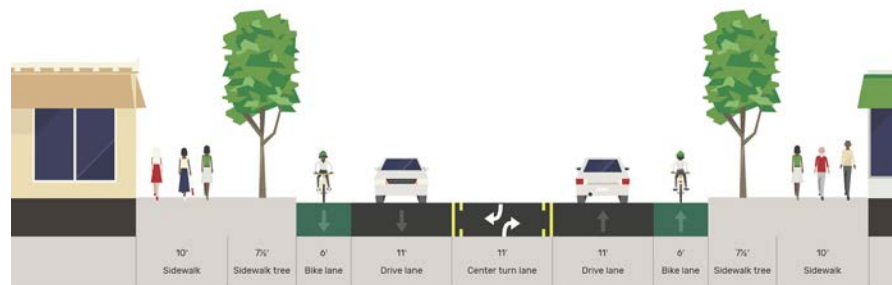


# 4.1 Recommendations Overview

The recommendations chapter summarizes the efforts conducted to develop a Preferred Concept that the City of Lindsay can use to pursue future funding opportunities. The chapter includes an overview of the feedback that was collected during the preliminary concept phase, inspiration photos that depict proposed improvements, and "20% level" design cutsheets that depict the physical recommendations of the Preferred Concept. Active transportation recommendations for the streets of the surrounding neighborhood that connect to West Hermosa Street are also included.



*Class IV Separated Bikeway and Pedestrian Enhancements Concept*



*Class II Bike Lanes and Pedestrian Enhancements Concept*

## 4.1.1 Concept A and B Summary

Two preliminary concepts were developed during the middle of the outreach process to help the community compare and contrast the types of improvements they'd like to see for West Hermosa. The planning team created a concept that focused on pedestrian improvements and one that focused on bicycling improvements. The community reacted positively to both concepts because they each addressed many of the issues that were shared during the early outreach phase of this Plan. Major comments for these concepts included:

- » Bikeways that provide as much separation as possible was requested. Class IV separated bikeways were more popular than striped Class II bike lanes.
- » Additional north-south high-visibility crosswalks with flashing beacons were viewed positively
- » Planted parkways to increase separation from adjacent travel lanes was viewed positively
- » People generally supported anything that would help slow down vehicular speeds along the corridor
- » People admitted to positively supporting the roundabout at Westwood Avenue after witnessing over time that it was helping with morning and afternoon school rush hours
- » People had mixed feelings about the existing palm trees. Some people supported removing them, some consider them "sacred trees" that should remain
- » People support adding additional pedestrian-scale lighting since the corridor is considered dark during evening hours
- » Some people shared concerns about the cost to construct certain elements of the project
- » Some people shared concerns about maintenance commitments and costs for the project
- » Some concerns about separated bikeways and how they interact with driveway entrances along the corridor



Figure 4-1: Preliminary Concept A: Bicycle Improvements



Figure 4-2: Preliminary Concept B: Pedestrian Improvements



## 4.2 Preferred Concept

The Preferred Concept depicted in the following pages is based on the feedback that was collected through the community and stakeholder engagement process. The planning and design team compared the results of the two previous concepts plans and made suggested edits to create the Preferred Concept. This design includes complete street and active transportation design principles that were described in the Vision section of Chapter 1 of this plan.

The Preferred Concept includes:

- » Class IV separated bikeways
- » High-visibility crosswalks
- » Enhanced crossings with rectangular rapid flashing beacons
- » Pedestrian-scale lighting
- » Planted buffers (parkways) adjacent to the sidewalks with sustainable landscaping for beautification and shading purposes
- » Opportunities for stormwater management enhancements
- » Opportunities for placemaking elements such as a repositioned gateway sign at the western edge and locally-branded wayfinding signage and art

The corridor design is depicted at a conceptual drawing level. This level of detail provides enough direction for how to envision the proposed recommendations within the existing right-of-way of West Hermosa Street. The recommendations make full use of the physical widths from “back-of sidewalk to back-of-sidewalk”, meaning that the recommendations fit within the City’s public right-of-way and would not require coordination with private properties. This level of design can be used to submit grant applications that would allow the City to take this design into a Plans, Specifications, and Estimates (PSE) phase for project implementation when additional funds are secured. This concept also provides flexibility to make adjustments and other improvements.



*Class IV Separated Bikeways*



*Pedestrian-scale lighting*



*High-Visibility Crosswalks*



*Enhanced Crossings*



*Sustainable Landscaping*



*Wayfinding Signage*



Key Map

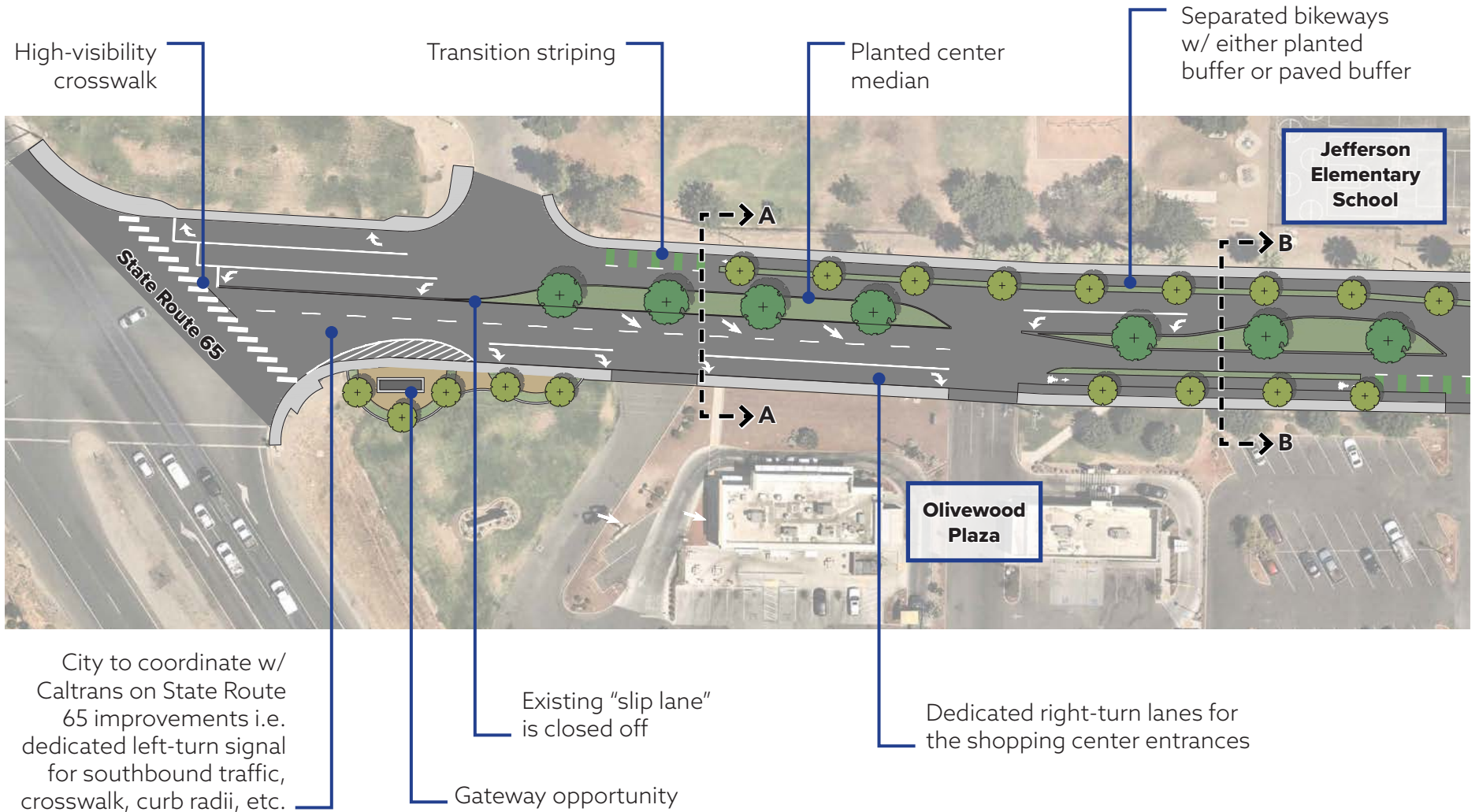
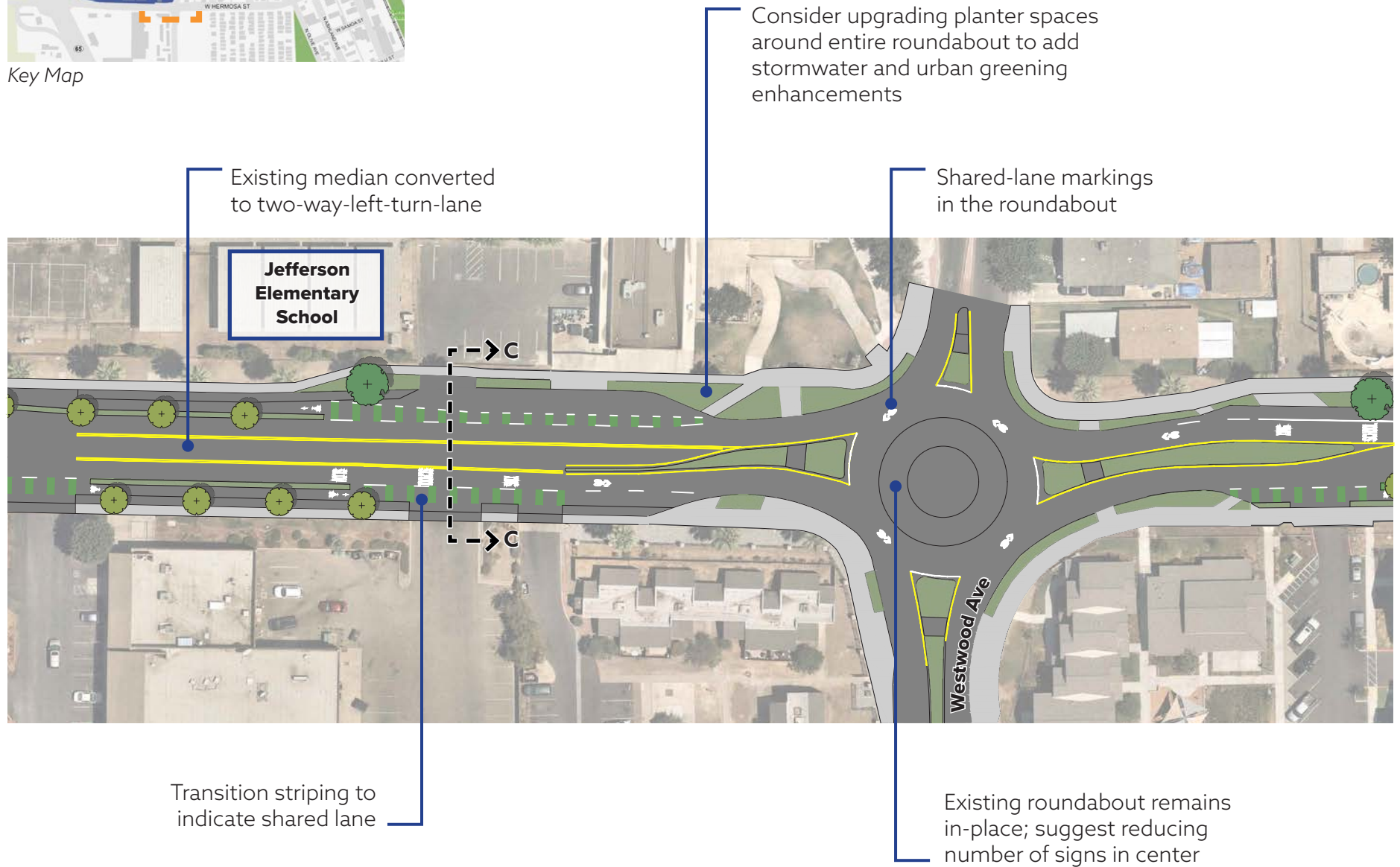


Figure 4-3: Preferred Concept Cutsheets

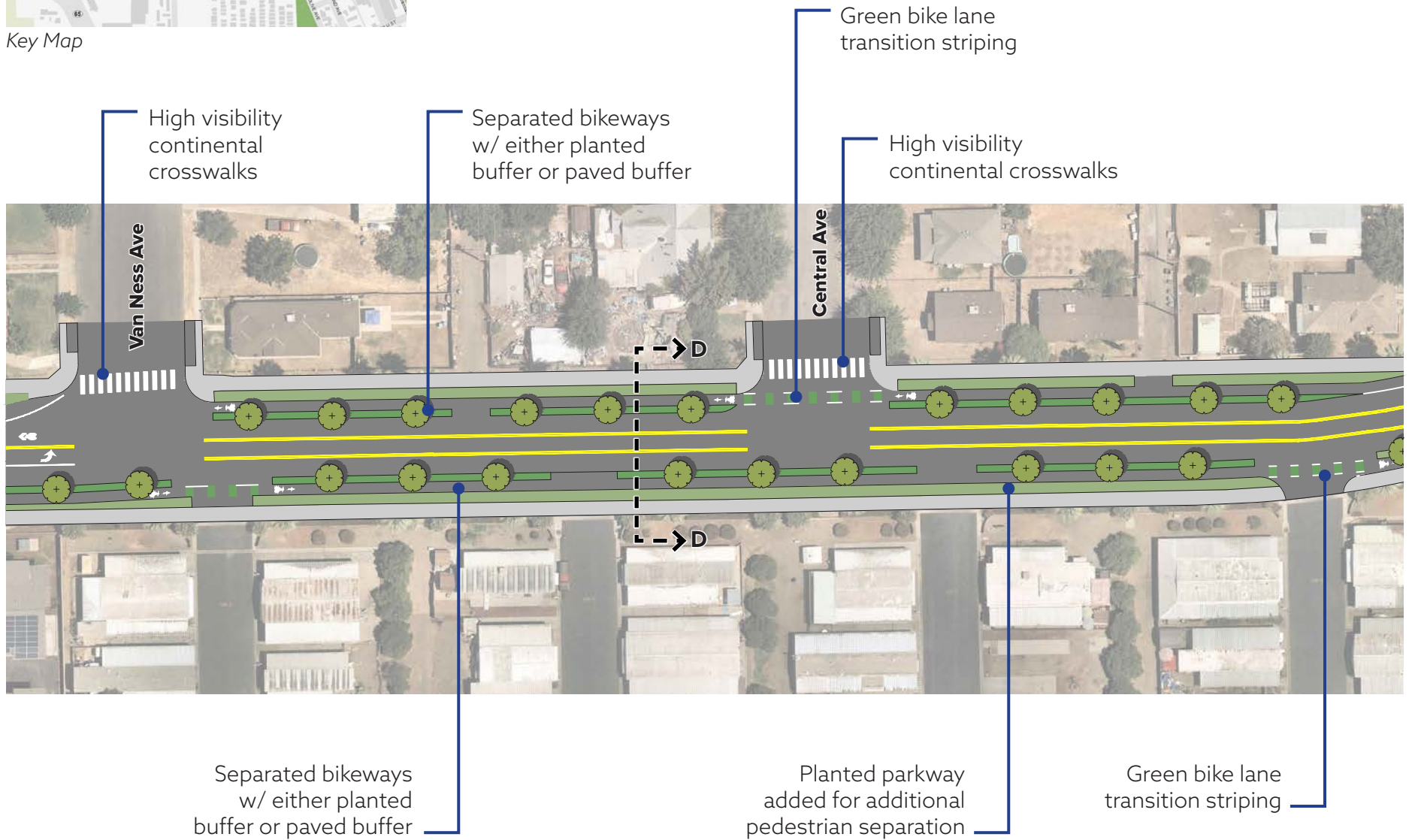


Key Map



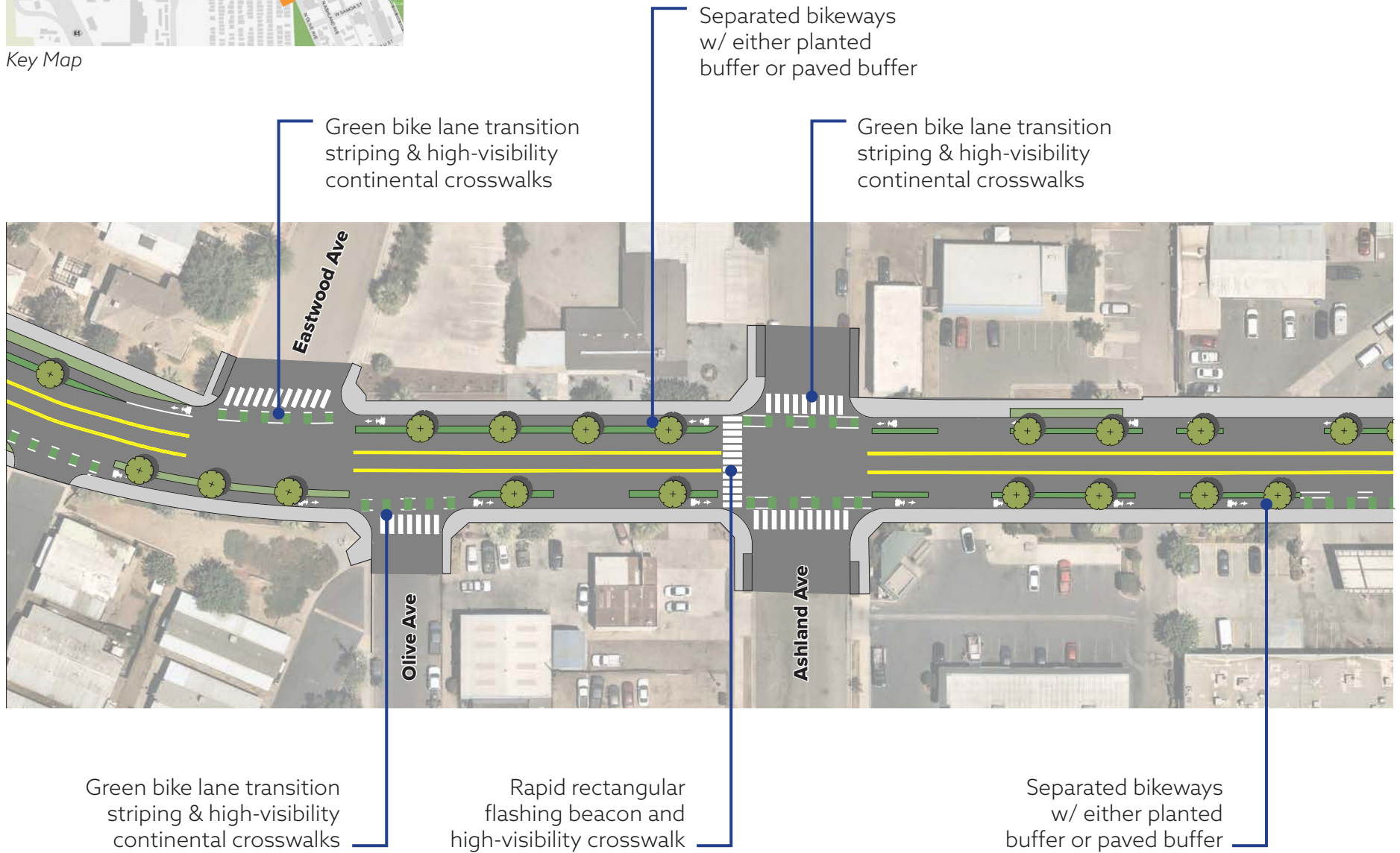


Key Map



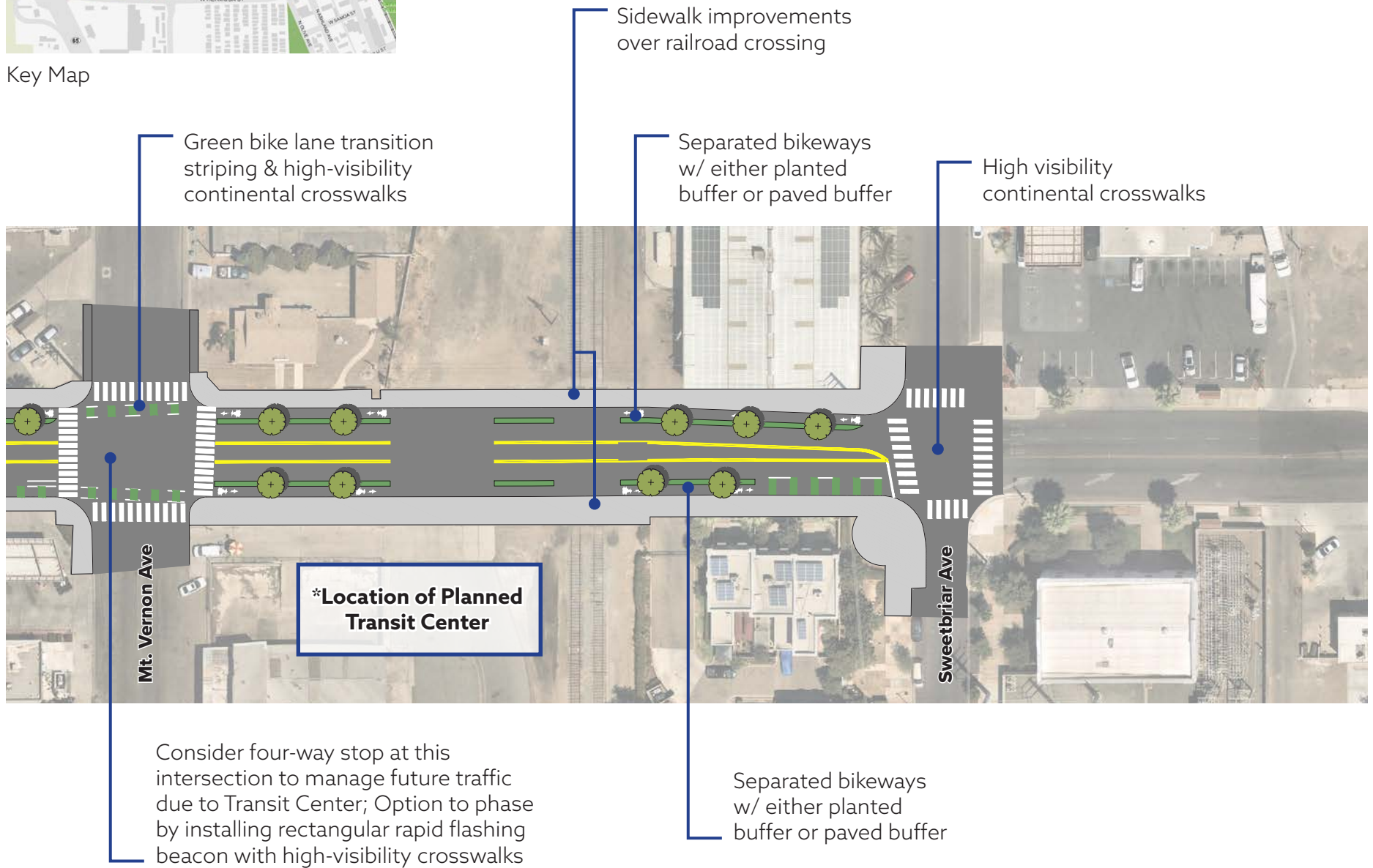


Key Map

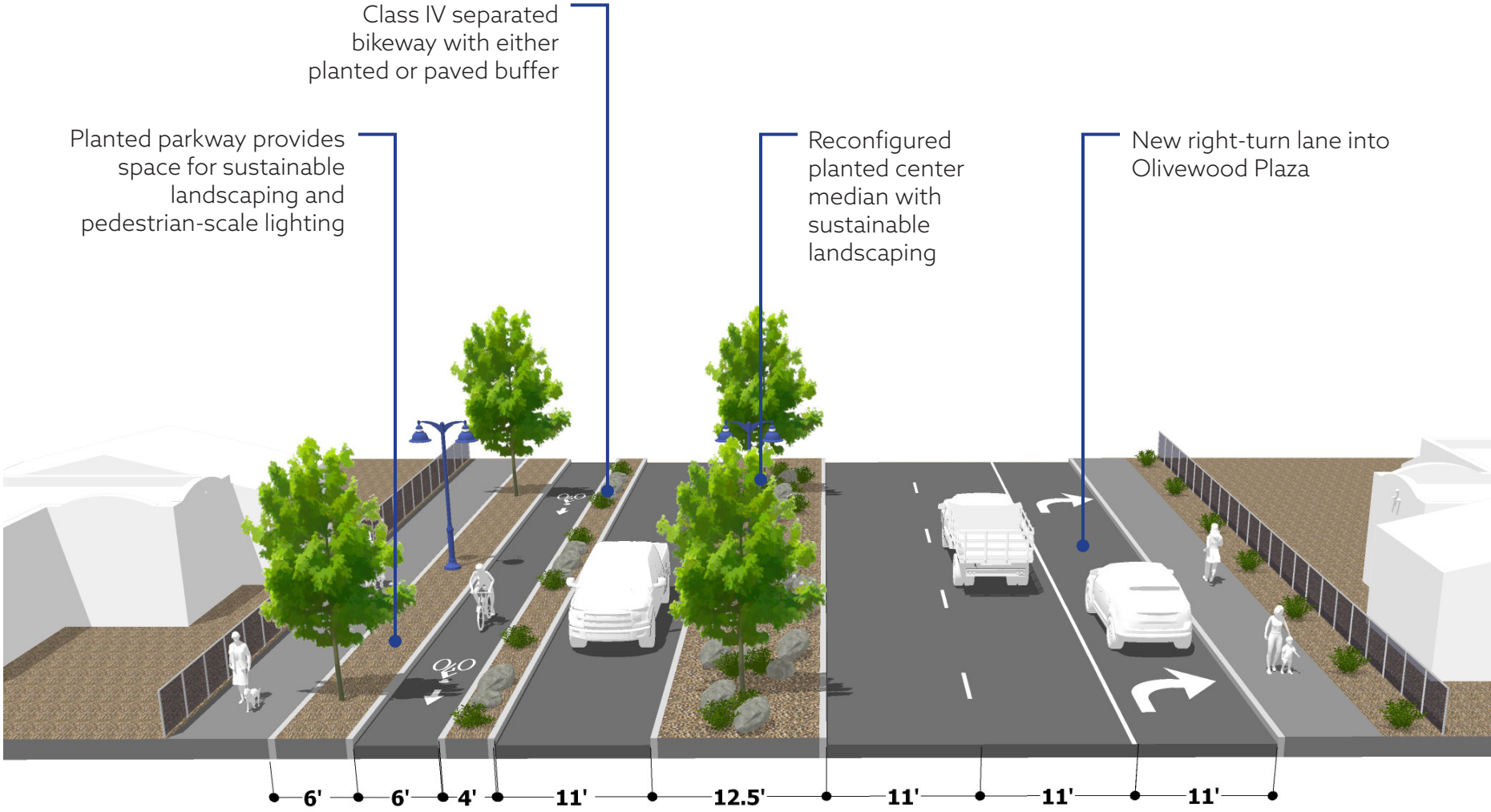




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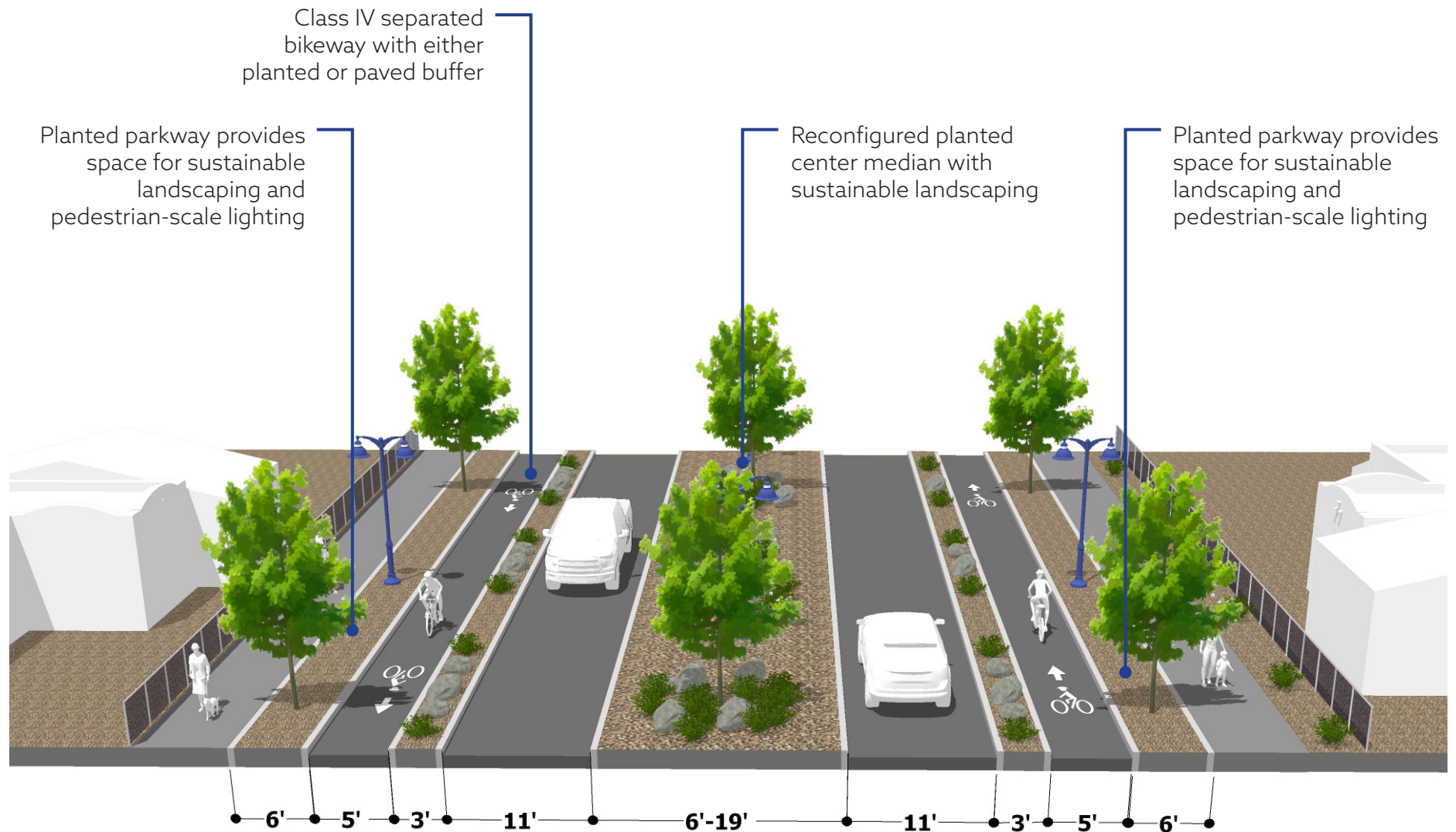


# Preferred Concept: Section A-A

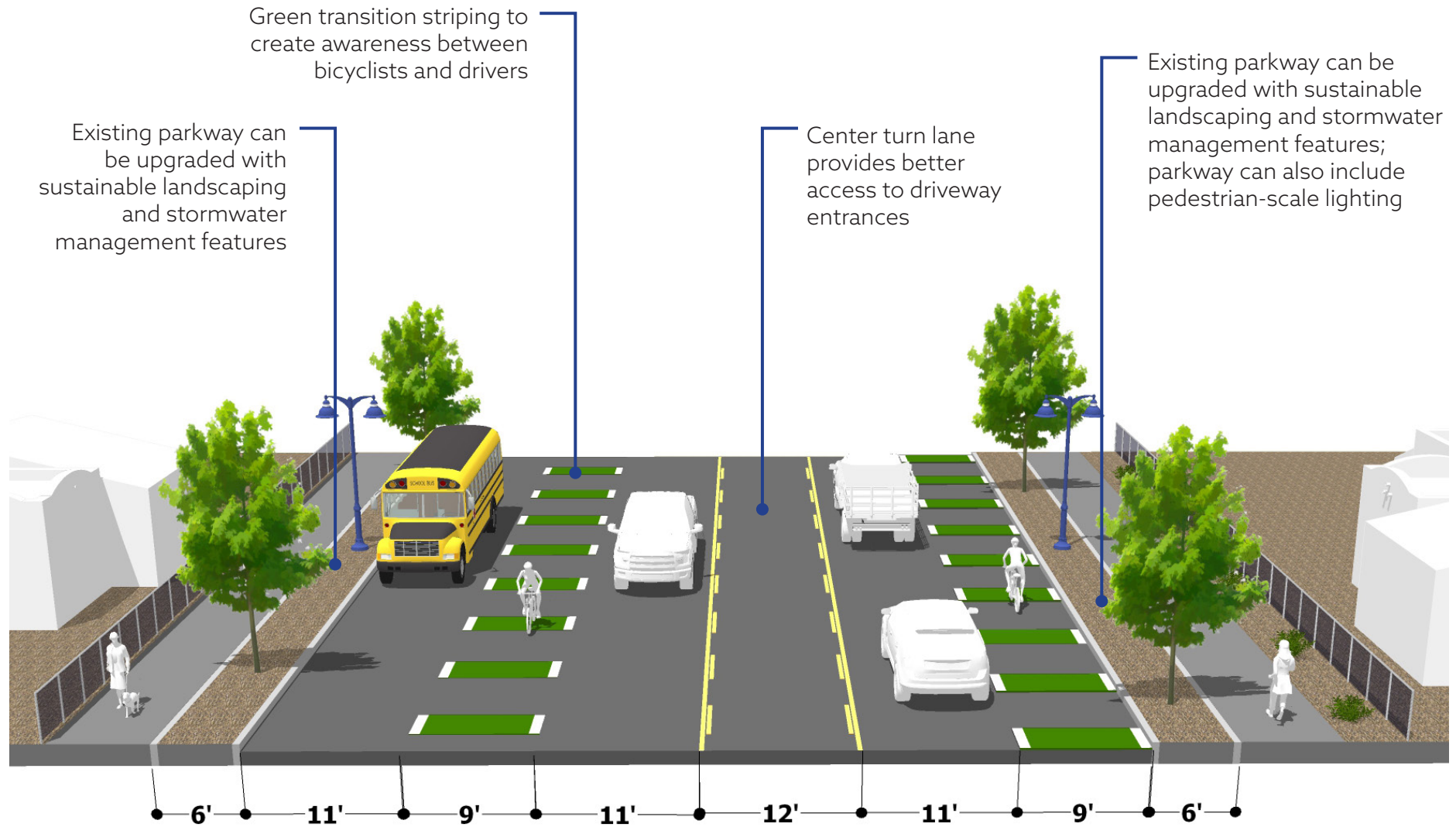




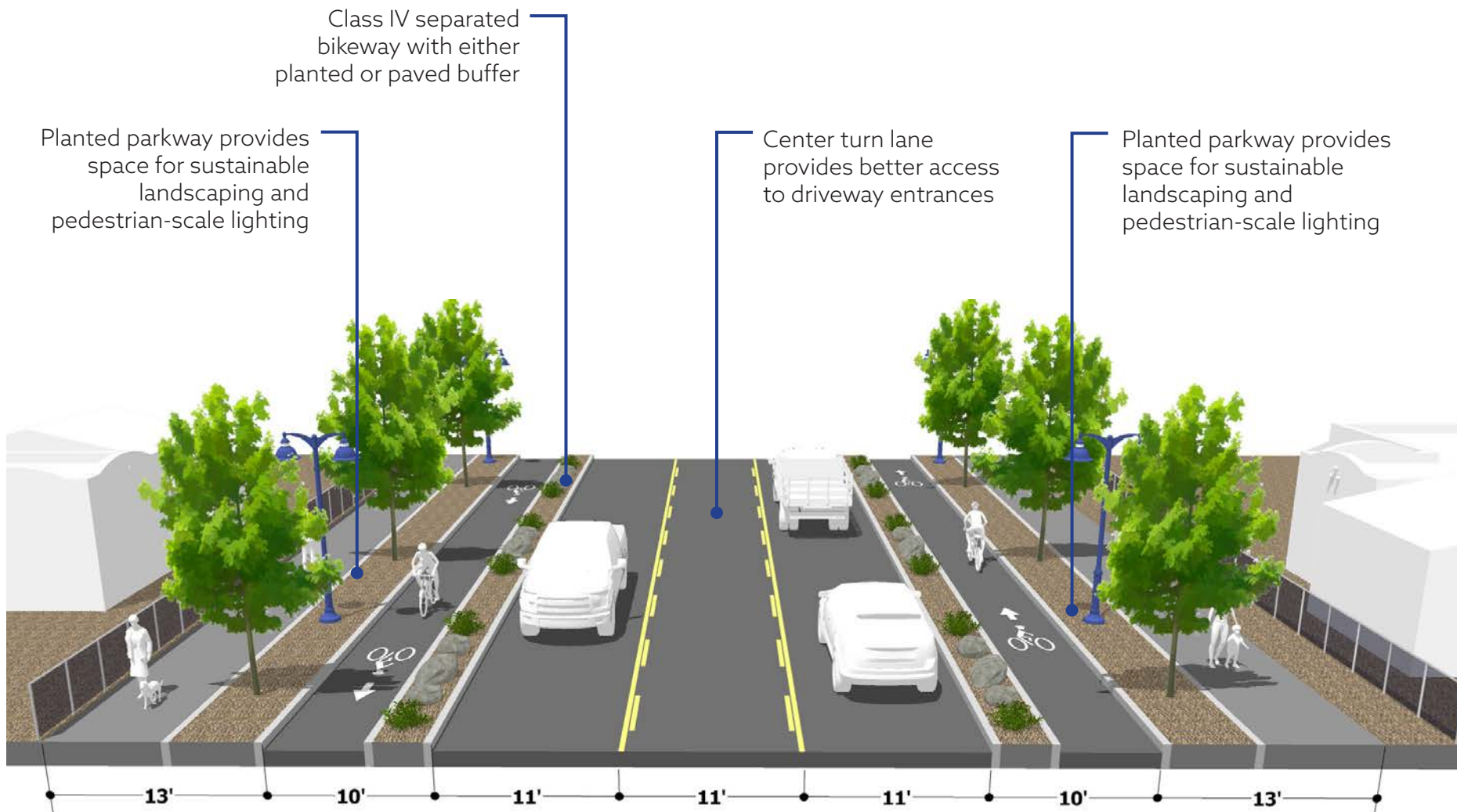
# Preferred Concept: Section B-B



# Preferred Concept: Section C-C



# Preferred Concept: Section D-D



## 4.2.1 Additional Corridor Recommendations

The following images depict placemaking and stormwater infrastructure ideas that can be implemented into the Preferred Concept. These can be explored in future design phases to ensure proper integration into the active transportation design elements. The City is encouraged to explore items that are as multi-purpose as possible to maximize future funding opportunities. Encouraging local residents to participate in these future design processes is also important to ensure the desires from the local community are captured in items such as wayfinding signage, crosswalks, and other art-based placemaking and transportation elements.



*Artistically-painted crosswalks*



*Enhanced sidewalks; paving patterns*



*Art integrated into parkways*



*Stormwater management enhancements*



*Sustainable landscaping*

## 4.2.2 Neighborhood ATP Enhancements

Recommendations were also created for the streets in the immediate neighborhood adjacent to West Hermosa Street. The planning team assessed existing conditions such as sidewalks, curb ramps, bicycle facilities, trees, and overall right-of-way widths to develop appropriate recommendations. Figure 4-4 depicts recommendations that will help improve the experience for community members that want to walk or bike to their local destinations along West Hermosa Street. The City is encouraged to implement these recommendations as funding becomes available.



*High-visibility crosswalks*



*Sidewalks*



*Class II bike lanes*



*Curb ramps*



*Class III bike routes*

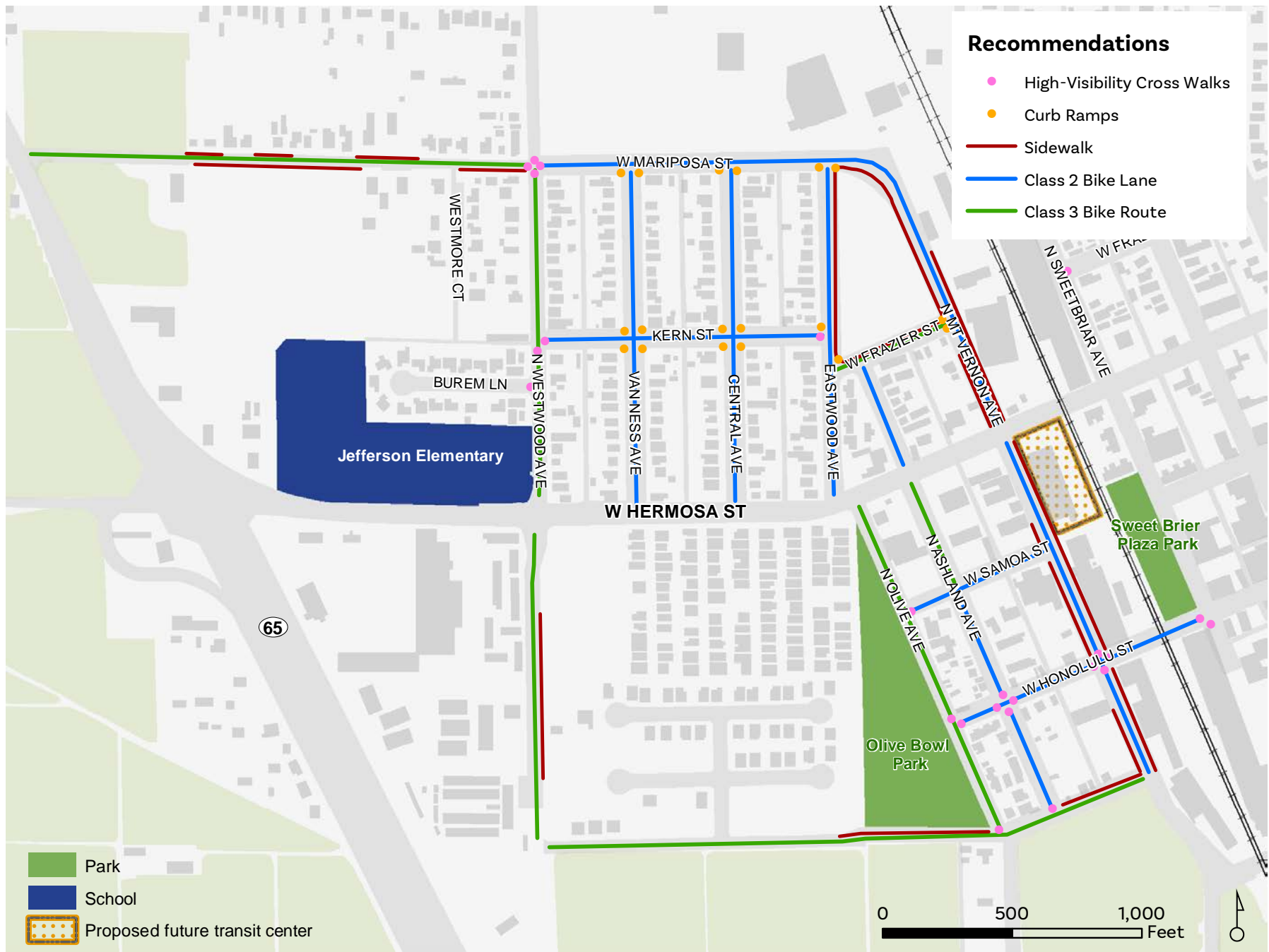


Figure 4-4: ATP Neighborhood Recommendations



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# Chapter 5

## Funding Opportunities





# 5.1 Funding Opportunities

## 5.1.1 Phasing and Implementation Strategies

The City of Lindsay will need to determine how to pursue funding opportunities to move the conceptual design of the Preferred Concept forward. For example, the City can pursue a multi-million dollar large infrastructure grant to implement as much of the Preferred Concept as possible, or they can pursue smaller grants to implemented parts of the design in phases over time. The following suggestions and Table 5-1 can be used by the City to help with project phasing and implementation:

### Phase Option 1: Large Infrastructure Project

This option can be considered a one-phase approach that is meant to implement the entire concept in one take. This is considered the most expensive option and would require a comprehensive and thorough grant application to stand out against other large infrastructure projects.

### Phase Option 2: Bikeway Improvements

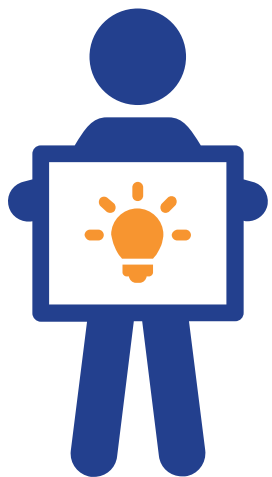
Pursue funding to implement bikeway improvements. The City can consider installing striped buffered bike lanes as a first phase. When additional funding becomes available, then the bike lanes can be upgraded to the recommended Class IV separated bikeways with either planted for paved buffered.

### Phase Option 3: Pedestrian Improvements

Pursue funding to implement the pedestrian improvements that include high-visibility crosswalks, enhanced crossings with rectangular rapid flashing beacons, sidewalk maintenance and/or replacement, and wayfinding/regulatory signage.

### Phase Option 4: Green Infrastructure Improvements

Pursue funding to implement green infrastructure elements that include stormwater management, trees, and sustainable landscaping. Elements such as curb inlets that allow stormwater to flow into the recommended parkways so water can be filtered, designing parkways as bioswales, or adding street trees most often qualify under grants dedicated to green infrastructure.



**The City should consider combining project elements to minimize phasing and to maximize points on competitive grant applications**

No	Actions	Lead	Notes
1	Identify improvements on the corridor plan that can be incorporated into the City's CIP list	City of Lindsay	Paint the the recommended street reconfiguration of lanes, geometry, bike lanes and crosswalks when repaving or resurfacing West Hermosa Street.
2	Identify opportunities to incorporate plan recommendations and projects into proposed redevelopment projects	City of Lindsay	For major projects, the improvements should go beyond the immediate project parcel boundaries.
3	Integrate the recommendations and projects from this Plan into all applicable grant applications	City of Lindsay	Pursue grants for further engineering, design and construction. Grants that the improvements would be eligible for include the Caltrans Active Transportation Program, Prop 68 Urban Greening, the Federal Safe Streets for All, and Highway Safety Improvement Program.
4	Identify sources of funding for ongoing maintenance of street enhancements	City of Lindsay	Ongoing maintenance responsibilities will likely need to be identified prior to implementation.
5	Develop a volunteer program focused on implementation and sustainment of this Plan	City of Lindsay, community organizations	Utilize neighborhood residents, community leaders, and volunteers from schools, churches, community organizations and businesses. Tasks would include development of a growing grounds for street trees, the installation and ongoing maintenance of trees and maintenance of public realm spaces.
6	Identify alternative funding sources and fundraising opportunities	City of Lindsay, community organizations and community stakeholders	Examples include philanthropic offers, donations, endowment funds, corporate sponsorships, capital fundraising efforts, grants, government sources. Highlight the economic, environmental, health, engagement, urban forestry, safety and connectivity improvements that this project will bring to the City of Lindsay.

**Table 5-1: Implementations Table**

## 5.1.2 Funding Sources

The following section describes potential federal and state funding sources that the City of Lindsay can pursue to advance the recommendations in this Plan. The funding sources vary in purpose and scope, but are intended to help an agency implement complete street, active transportation, placemaking, and urban greening elements. The tables in this section include information on their funding sources, a general description of the program, funding cycle, and project examples.

The City is encouraged to pursue state level grants through programs such as Caltrans' Active Transportation Planning (ATP), Sustainable Transportation Planning grants, the Strategic Growth Council's Sustainable Community Planning Grants, Urban Greening Grants, and the Highway Safety Improvement Program (HSIP). Projects that are not funded through the Caltrans ATP cycle are sent to the local MPO for consideration for funding through their programs.

It is important to coordinate efforts with adjacent jurisdictions on projects that affect and benefit multiple agencies. Joint applications also strengthen a grant application because grant distributors value projects that will benefit more than one audience.

On a related note, funding agencies also encourage applicants to design their projects to be as "multi-benefit / multi-purpose" as possible. The City is encouraged to refine their infrastructure projects as needed to ensure the project provides multiple benefits. The Preferred Concept is an excellent example of a multi-benefit project that would be positively competitive in a grant application.

The projects addresses:

- » Increasing safety and comfort for pedestrians and bicyclists traveling to and from their destinations
- » Creating vital links to local destinations such as Olivewood Plaza, Jefferson Elementary School, and other commercial destinations
- » Improving stormwater management facilities through green infrastructure and low-impact development design principles
- » Promoting healthy habits and well-being by having a physically-separated facility that can be enjoyed by people of all ages and abilities.

	Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
				Inf.	NI	Plan	
1	Safe Streets and Roads for All (SS4A) Grant Program	The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. There are two types of SS4A grants: Action Plan Grants and Implementation Grants. - Action Plan Grants assist in developing or complete an Action Plan or to conduct supplemental planning activities. - Implementation Grant includes infrastructure, behavioral, and operational safety activities identified in an Action Plan	Annual, \$1B for the next five years starting in 2022	X	X	X	<ul style="list-style-type: none"> <li>• Safety analysis</li> <li>• Engagement &amp; Collaboration</li> <li>• Planning structure</li> <li>• Transforming a roadway corridor</li> <li>• Installing pedestrian safety enhancements and closing network gaps</li> <li>• Supporting the development of bikeway networks</li> <li>• Evaluating and improving the safety of intersections</li> </ul>
2	Congestion Mitigation and Air Quality Improvement (CMAQ) Program	The purpose of the CMAQ program is to provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. The program supports surface transportation projects and other related efforts that contribute air quality improvement and provide congestion relief.	Unavailable	X			<ul style="list-style-type: none"> <li>• Travel Demand Management to promote clean commutes</li> <li>• Public Education and Outreach</li> <li>• Bicycle amenities; Class I, II, III, &amp; IV bike lanes</li> </ul>
3	Highway Safety Improvement Program (HSIP)	The Program funds work on any public road or publicly owned bicycle or pedestrian pathway or trail, or on tribal lands for general use of tribal members, that improves the safety for its users. Project maximum funding- \$10M. Solicitation varies from annually to semi-annually.	Unavailable	X		X	<ul style="list-style-type: none"> <li>• Install hybrid pedestrian signals</li> <li>• Improve pedestrian and bicycle safety at locations with uncontrolled crossings</li> <li>• Plans</li> </ul>

**Table 5-2: Federal Funding Sources**

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

	Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
				Inf.	NI	Plan	
4	Enhanced Mobility of Seniors and Individuals with Disabilities	The goal of this program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options.	Unavailable	X	X		<ul style="list-style-type: none"> <li>• Mobility management programs</li> <li>• Building an accessible path to a bus stop</li> <li>• improving signage, or way-finding technology</li> </ul>
5	Public Transportation Innovation - 5312	Provides funding to develop innovative products and services assisting transit agencies in better meeting the needs of their customers.	Unavailable	X			<ul style="list-style-type: none"> <li>• Research, development, demonstration and deployment projects</li> </ul>
6	Public Transportation on Indian Reservations Program; Tribal Transit Program	The Tribal Transit Program is a set-aside from the Formula Grants for Rural Areas program consisting of a \$30 million formula program and a \$5 million discretionary grant program subject to the availability of appropriations. A 10-percent local match is required under the discretionary program, however, there is no local match required under the formula program.	Unavailable			X	<ul style="list-style-type: none"> <li>• Capital, operating, planning, and administrative expenses for public transit projects that meet the growing needs of rural tribal communities</li> </ul>
7	Rural Transportation Assistance Program - 5311(b) (3)	Provides funding to states for developing training, technical assistance, research, and related support services in rural areas. The program also includes a national program that provides information and materials for use by local operators and state administering agencies and supports research and technical assistance projects of national interest.	Annual			X	<ul style="list-style-type: none"> <li>• Training, technical assistance, research, and related support services</li> </ul>

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

	Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
				Inf.	NI	Plan	
8	Safety Research and Demonstration Program	The Safety Research and Demonstration (SRD) Program is part of a larger safety research effort at the U.S. Department of Transportation that provides technical and financial support for transit agencies to pursue innovative approaches to eliminate or mitigate safety hazards. The SRD program focuses on demonstration of technologies and safer designs.	Annual			X	<ul style="list-style-type: none"> <li>Operational safety programs</li> </ul>
9	Tribal Transit Formula Grants - 5311(c)(1)(B)	Provides funding to federally recognized Indian tribes to provide public transportation services on and around Indian reservations or tribal land in rural areas. Funding is provided as a set-aside within of the Formula Grants to Rural Areas program and allocated both by statutory formula and through a competitive discretionary program.	Annual			X	<ul style="list-style-type: none"> <li>Capital, operating, planning, and administrative expenses for public transit projects</li> </ul>
10	Zero Emission Research Opportunity (ZERO)	On November 22, 2016, FTA announced the opportunity for nonprofit organizations to apply for funding to conduct research, demonstrations, testing, and evaluation of zero emission and related technology for public transportation applications.	Unavailable			X	<ul style="list-style-type: none"> <li>Research, innovation and development, demonstration, deployment, and evaluation</li> </ul>
11	Accelerating Innovative Mobility	Accelerating Innovative Mobility (AIM) will highlight FTA's commitment to support and advance innovation in the transit industry.	Unavailable			X	<ul style="list-style-type: none"> <li>Research and technology programs and plans</li> </ul>
12	Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310	Formula funding to states for the purpose of assisting private nonprofit groups in meeting transportation needs of the elderly and persons with disabilities.	Annual			X	<ul style="list-style-type: none"> <li>Planning program to meet the special transportation needs of seniors and individuals with disabilities</li> </ul>

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

	Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
				Inf.	NI	Plan	
13	Flexible Funding Programs - Congestion Mitigation and Air Quality Program - 23 USC 149	CMAQ provides funding to areas in nonattainment or maintenance for ozone, carbon monoxide, and/or particulate matter. States that have no nonattainment or maintenance areas still receive a minimum apportionment of CMAQ funding for either air quality projects or other elements of flexible spending. Funds may be used for any transit capital expenditures otherwise eligible for FTA funding as long as they have an air quality benefit.	Annual			X	<ul style="list-style-type: none"> <li>• Mobility projects</li> </ul>
14	Formula Grants for Rural Areas - 5311	Provides capital, planning, and operating assistance to states to support public transportation in rural areas with populations less than 50,000, where many residents often rely on public transit to reach their destinations.	Annual			X	<ul style="list-style-type: none"> <li>• Planning, capital, operating, job access and reverse commute projects, and the acquisition of public transportation services.</li> </ul>
15	Grants for Buses and Bus Facilities Formula Program - 5339(a)	Provides funding to states and transit agencies through a statutory formula to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. In addition to the formula allocation, this program includes two discretionary components: The Bus and Bus Facilities Discretionary Program and the Low or No Emissions Bus Discretionary Program.	Annual	X			<ul style="list-style-type: none"> <li>• Projects to replace, rehabilitate and purchase buses, vans, and related equipment, and to construct bus-related facilities</li> </ul>
16	Low and No-Emission Component Assessment Program (LoNo-CAP)	On September 29, 2016, FTA announced the opportunity for eligible institutions of higher education to apply for funding to conduct testing, evaluation, and analysis of low or no emission (LoNo) components intended for use in LoNo transit buses used to provide public transportation. The deadline for applications is November 28, 2016.	April	X			<ul style="list-style-type: none"> <li>• Programs that have zero-emission and low emission transit buses</li> </ul>

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

	Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
				Inf.	NI	Plan	
17	Mobility for All Pilot Program Grants	This funding opportunity seeks to improve mobility options through employing innovative coordination of transportation strategies and building partnerships to enhance mobility and access to vital community services for older adults, individuals with disabilities, and people of low income.	January			X	<ul style="list-style-type: none"> <li>• Transportation projects with a focus on employing mobility management strategies, vehicle purchase, IT purchase, leasing equipment or a facility for use in public transportation etc</li> </ul>
18	Mobility on Demand (MOD) Sandbox Demonstration Program - 5312	Funds projects that promote innovative business models to deliver high quality, seamless and equitable mobility options for all travelers.	Annual			X	<ul style="list-style-type: none"> <li>• Private for-profit and not-for-profit organizations, including shared use mobility providers, and technology system suppliers</li> <li>• Operators of transportation services, such as employee shuttle services, airport connector services, university transportation systems, or parking and tolling authorities</li> <li>• State or local government entities</li> <li>• Other organizations that may contribute to the success of the project team including consultants, research consortia or not-for-profit industry organizations, and institutions of higher education</li> </ul>

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design



Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Clean Mobility Options	The Program makes \$20 million available for zero-emissions shared mobility projects (such as car sharing, bike sharing, and on-demand sharing) in disadvantaged and low-income communities, including some tribal and affordable housing communities (California Climate Investments)	July	X			<ul style="list-style-type: none"> <li>• Bikeshare programs</li> <li>• “Quick build” right-of-way safety improvements for bicycles and scooters</li> </ul>
Sustainable Transportation Equity Project (STEP)	<p>The Program makes \$2 million available for planning and capacity building grants. Funding is intended to help low-income and disadvantaged communities identify residents’ transportation needs and prepare to implement clean transportation and land use projects.</p> <p>The Program makes \$20 million available for one to three implementation block grants to fund clean transportation and land use projects in disadvantaged communities. Funded projects will work together to increase community residents’ access to key destinations so they can get where they need to go without the use</p>	August	X	X	X	<ul style="list-style-type: none"> <li>• New bike routes (Class I, Class II, or Class IV) and supporting infrastructure</li> <li>• Publicly-accessible bike parking, storage, and repair infrastructure (e.g., bike racks, bike lockers, bike repair kiosks)</li> <li>• New walkways that improve mobility/access/safety of pedestrians (nonmotorized users)</li> <li>• Street crossing enhancements, including accessible pedestrian signals</li> </ul>
Local Streets and Roads (LSR) Program	The purpose of the program is to provide approximately \$1.5 billion per year to cities and counties for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.	Unavailable	X			<ul style="list-style-type: none"> <li>• Implement enhanced crosswalk signing and striping</li> <li>• Create safety separation between motorists, bicyclists and pedestrians</li> <li>• Design and construction of school access and safety improvements to six schools (SRTS)</li> </ul>

**Table 5-3: State Funding Sources**

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Solutions for Congested Corridors (SCCP)	The purpose of the program is to provide funding to achieve a balanced set of transportation, environmental, and community access improvements to reduce congestion throughout the state. This statewide, competitive program makes \$250 million available annually for projects that implement specific transportation performance improvements and are part of a comprehensive corridor plan by providing more transportation choices while preserving the character of local communities and creating opportunities for neighborhood enhancement.	Every Two Years	X			<ul style="list-style-type: none"> <li>• Construct Class I and Class II bikeways</li> <li>• Pedestrian improvements and plaza at a transit station</li> <li>• Intersection improvements</li> </ul>
State Transportation Improvement Program (STIP)	The STIP is the biennial five-year plan adopted by the Commission for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements. Local agencies should work through their Regional Transportation Planning Agency (RTPA), County Transportation Commission, or Metropolitan Planning Organization (MPO), as appropriate, to nominate projects for inclusion in the STIP.	Every Two Years	X			<ul style="list-style-type: none"> <li>• Bike/ped Overcrossing and Access Improvements and bicycle and pedestrian bridge</li> <li>• Class I, II, III, &amp; IV bike lanes</li> <li>• Multi-Use paths</li> <li>• Complete Streets improvements</li> </ul>
Urban Forestry Program	This program funds Urban Greening projects that result in the conversion of an existing built environment into green space that uses natural and green infrastructure approaches to create sustainable and vibrant communities.	Unavailable	x		x	<ul style="list-style-type: none"> <li>• Urban Forest Expansion and Improvement</li> <li>• Urban Forest Management Activities</li> <li>• Urban Wood and Biomass Utilization</li> </ul>

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Infill Infrastructure Grant Program for Small Jurisdictions	The purpose of the program is to provide grants for Capital Improvement Projects in support of Qualifying Infill Projects or Qualifying Infill Areas. Funding for this NOFA and program requirements are provided under Assembly Bill 101 (Stats. 2019, ch. 159, 20) and Part 12.5 (commencing with section 53559) of Division 31 of the Health and Safety Code.	Varies	X			
Land and Water Conservation Fund (LCWF)	The Land and Water Conservation Fund (LWCF) is a program to conserve irreplaceable lands and improve outdoor recreation opportunities. The program can be used for local efforts to support state and local parks and playgrounds and to provide the tools that communities need to meet their diverse conservation and recreation needs.	Annual	X	X		<ul style="list-style-type: none"> <li>• Recreational areas, trails</li> <li>• Support for community parks, trails recreational access sites and open spaces</li> </ul>
Regional Park Program (Prop 68)	This program provide competitive grants to create, expand, or improve regional parks and regional park facilities. This is a Proposition 68 (2018 Bond Act) program.	Unavailable	X	X		<ul style="list-style-type: none"> <li>• Acquisition for public access and use</li> <li>• Multiuse trails</li> </ul>
Statewide Park Program (SPP)	The goal of this program is to create new parks and new recreation opportunities in underserved communities across California.	December	X	X		<ul style="list-style-type: none"> <li>• Acquisition of land</li> <li>• Jogging and walking loop, par course, running track</li> <li>• Non-motorized trail, pedestrian/ bicycle bridge, greenbelt/linear</li> </ul>

\* Inf - Infrastructure NI - Non Infrastructure Plan - Planning and Design

Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Recreational Trails Program (Prop 68)	The Recreational Trails Program (RTP) provides funds to the States to develop and maintain Recreational Trails and trail-related facilities for both non-motorized and motorized Recreational Trail uses.	Annually	X	X		<ul style="list-style-type: none"> <li>• Acquisition of land</li> <li>• Rehabilitation of trails, Trailside and Trailhead Facilities</li> <li>• Construction of new trails</li> <li>• Maintenance of existing trails</li> </ul>
Habitat Conservation Fund (Prop 117)	The Habitat Conservation Fund allocates approximately \$2 million each year to cities, counties, and districts for nature interpretation programs to bring urban residents into park and wildlife areas, protection of various plant and animal species, and acquisition and development of wildlife corridors and trails.	Unavailable	X	X		<ul style="list-style-type: none"> <li>• Acquisition of land</li> <li>• Trail Development</li> </ul>
Active Transportation Planning Grants (ATP)	Funding for Sidewalks, bike lanes, trails, Safe Routes to School programs, and pedestrian and bicycle plans. The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School (SRTS), into a single program.	July-September	X	X	X	<ul style="list-style-type: none"> <li>• Capital Improvements</li> <li>• Bicycle, pedestrian Plan</li> <li>• Safe Routes to School Plan</li> <li>• Active Transportation Plan</li> <li>• Education, Encouragement, and Enforcement Activities</li> <li>• Quick-Build Project</li> </ul>
Transportation Development Act (TDA) Article 3 (SB 821)	The goal of this act is to improve existing public transportation services and encourage regional transportation coordination. TDA established two funding sources; the Local Transportation Fund (LTF), and the State Transit Assistance (STA) fund. Providing certain conditions are met, counties with a population under 500,000 (according to the 1970 federal census) may also use the LTF for local streets and roads, construction and maintenance. The STA funding can only be used for transportation planning and mass transportation purposes.	Annually	X		X	

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Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Sustainable Transportation Planning Grants	The program includes \$29.5 million to encourage local and regional planning that furthers state goals, including, but not limited to, the goals and best practices cited in the Regional Transportation Plan Guidelines adopted by the California Transportation Commission.	Annually			X	<ul style="list-style-type: none"> <li>• Safe Routes to School Plan</li> <li>• Active Transportation Plan</li> <li>• Bike/ped Trail/Path Feasibility Study</li> <li>• Complete Streets Plan</li> <li>• Sustainable Communities Plan</li> <li>• Transit-Oriented Development Plan</li> <li>• First/Last Mile Connectivity Plan</li> </ul>
Urban Greening	The Program supports the development of green infrastructure projects that reduce GHG emissions and provide multiple benefits. Must include at least one of the following: <ul style="list-style-type: none"> <li>- Sequester and store carbon by planting trees</li> <li>- Reduce building energy use by strategically planting trees to shade buildings</li> <li>- Reduce commute vehicle miles traveled by constructing bicycle paths, bicycle lanes or pedestrian facilities that provide safe routes for travel between residences, workplaces, commercial centers, and schools.</li> </ul> (California Climate Investments)	Unavailable	X			<ul style="list-style-type: none"> <li>• Non-motorized urban trails that provide safe routes for both recreation and travel between residences, workplaces, commercial centers, and schools</li> <li>• Projects that expand or improve the usability of existing active transportation routes (e.g., walking or bicycle paths) or create new active transportation routes that are publicly accessible by walking</li> <li>• Complete Green Streets</li> </ul>
Local Partnership Program - Competitive and Formulaic	The primary objective of this program is to provide funding to counties, cities, districts, and regional transportation agencies in which voters have approved fees or taxes dedicated solely to transportation improvements or that have imposed fees, including uniform developer fees, dedicated solely to transportation improvements. Funding includes \$200M/year to improve aging Infrastructure, Road Conditions, Active Transportation, Transit and rail, Health and Safety Benefits	March - June	X	X	X	<ul style="list-style-type: none"> <li>• Close sidewalk gap, install class II bike lanes and cycle track, curb extensions, pedestrian enhancements, improvements to lighting and signage</li> <li>• Construct 4 single-lane and 1 multi-lane roundabouts, and improvements to street, pedestrian and bicycle facilities</li> <li>• Expressway pedestrian overcrossing</li> </ul>

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Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Transit and Intercity Rail Capital Program (TIRCP)	The TIRCP provides grants from the Greenhouse Gas Reduction Fund (GGRF) to fund transformative capital improvements that will modernize California’s intercity, commuter, and urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion.	January	X	X	X	<ul style="list-style-type: none"> <li>• Pedestrian and bike trail</li> <li>• First/last mile connections via bike lanes and separated paths</li> <li>• Bike share programs</li> <li>• Bike parking facilities</li> <li>• Plans</li> </ul>
State Highway Operations and Protection Program (SHOPP)	The Office of SHOPP Management is responsible for planning, developing, managing and reporting the fouryear SHOPP portfolio of projects. The Program is the State Highway System’s “fix it first” program that funds repairs and preservation, emergency repairs, safety improvements, and some highway operational improvements on the State Highway System.	Unavailable	X			<ul style="list-style-type: none"> <li>• Upgrade sidewalks to ADA compliance</li> <li>• Reconstruct damaged pavement</li> <li>• Add bike lanes to updated corridors</li> <li>• Upgrade pedestrian push buttons, refresh striping, and improve pedestrian and bicycle access</li> </ul>
Office of Traffic Safety Grant Program	The Program provides annual funds to prevent serious injury and death resulting from motor vehicle crashes so that all roadway users arrive at their destination safely. Funds can be used for bicycle and pedestrian safety	Due in January		X		<ul style="list-style-type: none"> <li>• Safety education and encouragement</li> <li>• Campaigns to promote safety</li> <li>• SRTS safety programs</li> </ul>
Transformative Climate Communities (TCC)	The Program funds community-led development and infrastructure projects that achieve major environmental, health, and economic benefits in California’s most disadvantaged communities. (California Climate Investments)	February	X			<ul style="list-style-type: none"> <li>• Bike share program</li> <li>• Creating and considering active transportation corridors for better non-motorized connections</li> <li>• Multi-use paths</li> <li>• Urban greening for pedestrian facilities</li> </ul>
Placemaking Grants (must partner with Realtor Asst.)	Placemaking means many things to different people, but NAR looks as placemaking as a way to make communities better places to live by transforming unused and underused sites and “eyesores” into welcoming destinations accessible to everyone in a community.	October 15, 2021		X		<ul style="list-style-type: none"> <li>• Amenities (street furniture, paint, signage, materials, landscaping, murals, etc.)</li> <li>• Site preparation</li> <li>• Artist fees</li> </ul>

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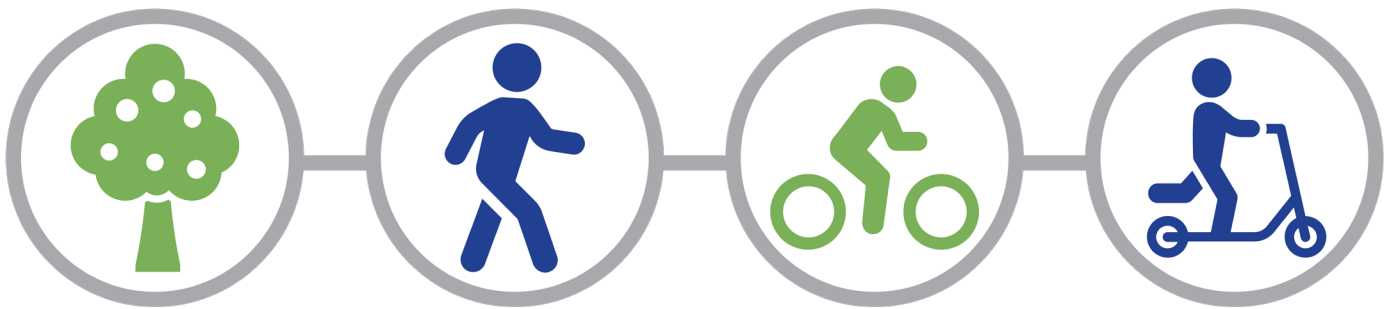


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# West Hermosa Street Corridor and Neighborhood Enhancement Plan

Transforming the Gateway Corridor  
for the City of Lindsay

Draft: December 2022



## Cost Estimates



## ENGINEER'S ESTIMATE (DRAFT)

**Project:** W. Hermosa Street Enhancements- Preferred Concept (Separated Bikeways)  
**Prepared By:** STC Traffic, Inc.  
**Date:** 1/4/2023

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	General Conditions	1	LS	\$530,000.00	\$530,000.00
2	Civil Improvements	1	LS	\$1,410,457.33	\$1,410,457.33
3	Signing & Striping	1	LS	\$114,236.50	\$114,236.50
4	Traffic Signal-Intersection	1	LS	\$25,000.00	\$25,000.00
5	Communications	1	LS	\$72,500.00	\$72,500.00
6	Street Lighting	1	LS	\$400,000.00	\$400,000.00
7	Landscaping, Irrigation and Street Furnishings	1	LS	\$775,000.00	\$775,000.00
<b>Sub Total:</b>					<b>\$3,327,193.83</b>
<b>Construction Contingency (20%):</b>					<b>\$665,438.77</b>
<b>Total:</b>					<b>\$3,992,632.60</b>

**Project:** W. Hermosa Street Enhancements- Buffered Bike Lanes (Can be considered Phase 1)  
**Prepared By:** STC Traffic, Inc.  
**Date:** 1/4/2023

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	General Conditions	1	LS	\$380,000.00	\$380,000.00
2	Civil Improvements	1	LS	\$1,118,834.20	\$1,118,834.20
3	Signing & Striping	1	LS	\$162,473.50	\$162,473.50
4	Communications	1	LS	\$72,500.00	\$72,500.00
5	Street Lighting	1	LS	\$400,000.00	\$400,000.00
6	Landscaping, Irrigation and Street Furnishings	1	LS	\$100,000.00	\$100,000.00
<b>Sub Total:</b>					<b>\$2,233,807.70</b>
<b>Construction Contingency (20%):</b>					<b>\$446,761.54</b>
<b>Total:</b>					<b>\$2,680,569.24</b>

## ENGINEER'S ESTIMATE (DRAFT)

**Project:** W. Hermosa Street Enhancements- Preferred Concept

**Prepared By:** STC Traffic, Inc.

**Date:** January 4, 2023

General Conditions					
Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$240,000.00	\$240,000.00
2	Clearing and Grubbing/Site Demolition	1	LS	\$200,000.00	\$200,000.00
3	Traffic Management Plan	1	LS	\$40,000.00	\$40,000.00
4	Water Pollution Control	1	LS	\$15,000.00	\$15,000.00
5	Construction Surveying	1	LS	\$35,000.00	\$35,000.00
<b>Sub Total:</b>					<b>\$530,000.00</b>

Civil Improvements					
Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Roadway Excavation	1,500	CY	\$25.00	\$37,500.00
3	Remedial Grading	500	CY	\$50.00	\$25,000.00
5	6" PCC Median Curb	5000	LF	\$20.00	\$100,000.00
7	PCC Curb Ramp	28	EA	\$6,000.00	\$168,000.00
9	PCC Driveway Approach	3680	SF	\$15.00	\$55,200.00
10	PCC Cross Gutter	850	SF	\$15.00	\$12,750.00
11	PCC Alley Apron	600	SF	\$20.00	\$12,000.00
12	4" PCC Sidewalk	14700	SF	\$10.00	\$147,000.00
13	4" PCC Enhanced Paving	7500	SF	\$15.00	\$112,500.00
14	4" AC Paving	263	TON	\$150.00	\$39,501.00
15	2" AC Overlay	225,691	SF	\$2.00	\$451,382.00
16	Grind Existing AC Pavement	225,691	SF	\$1.00	\$225,691.00
17	12" Aggregate Base	139	CY	\$100.00	\$13,933.33
18	Adjust Manhole/Valve Well to Grade	20	EA	\$500.00	\$10,000.00
<b>Sub Total:</b>					<b>\$1,410,457.33</b>

Signing & Striping					
Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Install White Thermoplastic Continental Crosswalk per City of SD Standard DWG No SDM-104	4,800	SF	\$4.00	\$19,200.00
2	Install 12" White Thermoplastic Limit Line per Caltrans Standard Plan A24G	56	SF	\$4.00	\$224.00
3	Install 8" Channelizing Line Per Caltrans Standard Plan A20D, Detail 38A	1084	LF	\$2.00	\$2,168.00
4	Install 6" Lane Line per Caltrans Standard Plan A20A, Detail 9	388	LF	\$2.00	\$776.00
5	Install Double Yellow Two-Way Left Turn Lane Striping per Caltrans Standard Plan A20B, Detail 32.	1532	LF	\$2.00	\$3,064.00
6	Install 4" Double Yellow No Passing Zone Line Per Caltrans Standard Plan A20A, Detail 22	495	LF	\$3.00	\$1,485.00
7	Install 4" Double Yellow Median Per Caltrans Standard Plan A20B, Detail 29	2038	LF	\$3.00	\$6,114.00
8	Install 6" White Diagonal Hatching at 45 Degrees at 10' Spacing.	165	LF	\$1.50	\$247.50
9	Install Ennis-Flint 985206 Green Standard Fast Dry Waterborne Traffic Paint to Bike Lane.	3888	SF	\$6.00	\$23,328.00
10	Install 6" Bike Lane Line per Caltrans Standard Plan A20D, Detail 39A.	2530	LF	\$1.00	\$2,530.00
11	Install Thermoplastic Pavement Marker (RT, LT, Thru/RT Arrow, Speed Table, Sharrow, Bike Symbol)	59	EA	\$400.00	\$23,600.00
12	Install Thermoplastic Pavement Marker (Slow School XING, Yield)	10	EA	\$500.00	\$5,000.00
13	Install Thermoplastic Pavement Marker (Railroad Crossing)	2	EA	\$750.00	\$1,500.00
14	Furnish and Install New Sign and Sign Post	1	LS	\$15,000.00	\$15,000.00
15	Relocate Existing Sign and Sign Post	1	LS	\$10,000.00	\$10,000.00
<b>Sub Total:</b>					<b>\$114,236.50</b>

Traffic Signal-Intersection					
Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Install pair of rectangular rapid flashing beacons	1	EA	\$25,000.00	\$25,000.00
<b>Sub Total:</b>					<b>\$25,000.00</b>

Communications					
Item #	Item Description	Quantity	Unit	Unit Price	Amount
3	Furnish and Install Fiber Vault w/ Splice Closure	5	EA	\$2,500.00	\$12,500.00
6	Furnish and Install 3" PVC Conduit	4,000	LF	\$15.00	\$60,000.00
<b>Sub Total:</b>					<b>\$72,500.00</b>

**Street Lighting**

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Furnish and Install Street Light	12	EA	\$15,000.00	\$180,000.00
2	Furnish and Install 2" PVC Conduit & Conductors	4,000	LF	\$20.00	\$80,000.00
3	Furnish and Install Pull Box	30	EA	\$1,000.00	\$30,000.00
4	Furnish and Install Pedestrian Light	12	EA	\$7,500.00	\$90,000.00
5	Electrical Service	1	EA	\$7,500.00	\$7,500.00
6	Lighting Demolition/Salvage	1	LS	\$7,500.00	\$7,500.00
7	Miscellaneous Wiring & Connectors	1	LS	\$5,000.00	\$5,000.00
<b>Sub Total:</b>					<b>\$400,000.00</b>

**Landscaping, Irrigation and Street Furnishings**

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Furnish & Install Street Tree-48" Box	7	EA	\$5,000.00	\$35,000.00
2	Furnish & Install Street Tree-24" Box	16	EA	\$2,500.00	\$40,000.00
3	Furnish and Install Shrubs	300	EA	\$20.00	\$6,000.00
4	Furnish and Install Ground Cover	35,000	SF	\$5.00	\$175,000.00
5	Furnish and Install Bus Shelter	4	EA	\$15,000.00	\$60,000.00
6	Furnish and Install Bike Rack	4	EA	\$2,500.00	\$10,000.00
7	Furnish and Install Trash/Recycle Receptacle	8	EA	\$1,500.00	\$12,000.00
8	Furnish and Install Bench	8	EA	\$1,500.00	\$12,000.00
9	Wayfinding Signage	1	LS	\$100,000.00	\$100,000.00
10	Entry Monument Sign/Art Element with Lighting	2	EA	\$50,000.00	\$100,000.00
11	Furnish and Install Irrigation System	1	EA	\$150,000.00	\$150,000.00
12	2" Irrigation Service and BFP	1	EA	\$25,000.00	\$25,000.00
13	180 Day Landscape Maintenance Period	1	EA	\$50,000.00	\$50,000.00
<b>Sub Total:</b>					<b>\$775,000.00</b>

## ENGINEER'S ESTIMATE (DRAFT)

Project: **W. Hermosa Street Enhancements-Buffered Bike Lanes (Can be considered Phase 1)**  
 Prepared By: **STC Traffic, Inc.**  
 Date: **January 4, 2023**

### General Conditions

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$210,000.00	\$210,000.00
2	Clearing and Grubbing/Site Demolition	1	LS	\$100,000.00	\$100,000.00
3	Traffic Management Plan	1	LS	\$30,000.00	\$30,000.00
4	Water Pollution Control	1	LS	\$15,000.00	\$15,000.00
5	Construction Surveying	1	LS	\$25,000.00	\$25,000.00
<b>Sub Total:</b>					<b>\$380,000.00</b>

### Civil Improvements

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Roadway Excavation	500	CY	\$25.00	\$12,500.00
3	Remedial Grading	250	CY	\$50.00	\$12,500.00
5	6" PCC Median Curb	1570	LF	\$20.00	\$31,400.00
7	PCC Curb Ramp	28	EA	\$6,000.00	\$168,000.00
9	PCC Driveway Approach	3680	SF	\$15.00	\$55,200.00
10	PCC Cross Gutter	850	SF	\$15.00	\$12,750.00
11	PCC Alley Apron	600	SF	\$20.00	\$12,000.00
14	4" AC Paving	457	TON	\$150.00	\$68,617.50
15	2" AC Overlay	237,221	SF	\$2.00	\$474,442.00
16	Grind Existing AC Pavement	237,221	SF	\$1.00	\$237,221.00
17	12" Aggregate Base	242	CY	\$100.00	\$24,203.70
18	Adjust Manhole/Valve Well to Grade	20	EA	\$500.00	\$10,000.00
<b>Sub Total:</b>					<b>\$1,118,834.20</b>

### Signing & Striping

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Install White Thermoplastic Continental Crosswalk per City of SD Standard DWG No SDM-104	4,800	SF	\$4.00	\$19,200.00
2	Install 12" White Thermoplastic Limit Line per Caltrans Standard Plan A24G	56	SF	\$4.00	\$224.00
3	Install 8" Channelizing Line Per Caltrans Standard Plan A20D, Detail 38A	610	LF	\$2.00	\$1,220.00
4	Install 6" Lane Line per Caltrans Standard Plan A20A, Detail 9	840	LF	\$2.00	\$1,680.00
5	Install Double Yellow Two-Way Left Turn Lane Striping per Caltrans Standard Plan A20B, Detail 32.	1528	LF	\$2.00	\$3,056.00
6	Install 4" Double Yellow No Passing Zone Line Per Caltrans Standard Plan A20A, Detail 22	254	LF	\$3.00	\$762.00
7	Install 4" Double Yellow Median Per Caltrans Standard Plan A20B, Detail 29	2548	LF	\$3.00	\$7,644.00
8	Install 6" White Diagonal Hatching at 45 Degrees at 6' Spacing.	5105	LF	\$1.50	\$7,657.50
9	Install Ennis-Flint 985206 Green Standard Fast Dry Waterborne Traffic Paint to Bike Lane.	8244	SF	\$6.00	\$49,464.00
10	Install 6" Bike Lane Line per Caltrans Standard Plan A20D, Detail 39.	9666	LF	\$1.00	\$9,666.00
11	Install Thermoplastic Pavement Marker (RT, LT, Thru/RT Arrow, Speed Table, Sharrow, Bike Symbol)	76	EA	\$400.00	\$30,400.00
12	Install Thermoplastic Pavement Marker (Slow School XING, Yield)	10	EA	\$500.00	\$5,000.00
13	Install Thermoplastic Pavement Marker (Railroad Crossing)	2	EA	\$750.00	\$1,500.00
14	Furnish and Install New Sign and Sign Post	1	LS	\$15,000.00	\$15,000.00
15	Relocate Existing Sign and Sign Post	1	LS	\$10,000.00	\$10,000.00
<b>Sub Total:</b>					<b>\$162,473.50</b>

### Traffic Signal-Intersection

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Install pair of rectangular rapid flashing beacons	1	EA	\$25,000.00	\$25,000.00
<b>Sub Total:</b>					<b>\$25,000.00</b>

### Communications

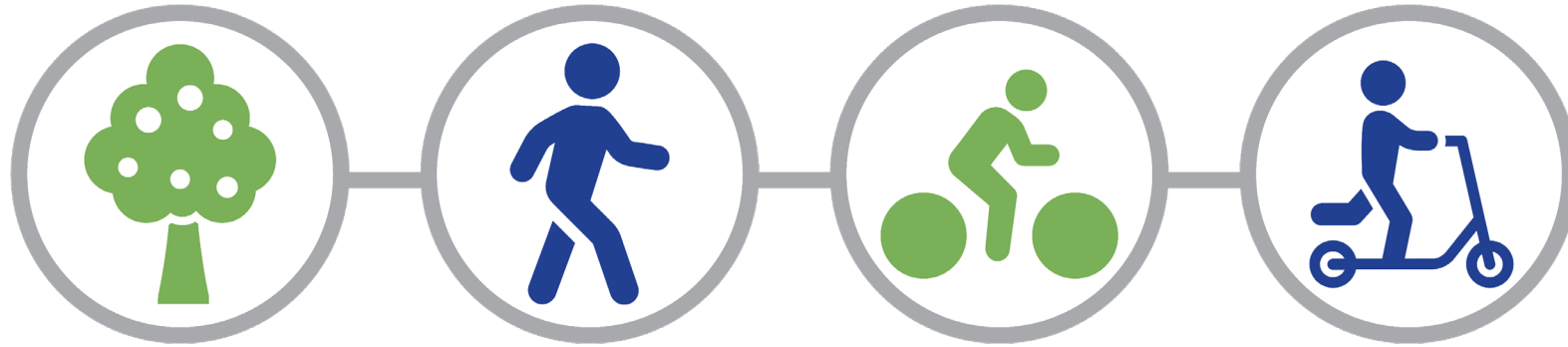
Item #	Item Description	Quantity	Unit	Unit Price	Amount
3	Furnish and Install Fiber Vault w/ Splice Closure	5	EA	\$2,500.00	\$12,500.00
6	Furnish and Install 3" PVC Conduit	4,000	LF	\$15.00	\$60,000.00
<b>Sub Total:</b>					<b>\$72,500.00</b>

### Street Lighting

Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	Furnish and Install Street Light	12	EA	\$15,000.00	\$180,000.00
2	Furnish and Install 2" PVC Conduit & Conductors	4,000	LF	\$20.00	\$80,000.00
3	Furnish and Install Pull Box	30	EA	\$1,000.00	\$30,000.00
4	Furnish and Install Pedestrian Light	12	EA	\$7,500.00	\$90,000.00
5	Electrical Service	1	EA	\$7,500.00	\$7,500.00
6	Lighting Demolition/Salvage	1	LS	\$7,500.00	\$7,500.00
7	Miscellaneous Wiring & Connectors	1	LS	\$5,000.00	\$5,000.00
<b>Sub Total:</b>					<b>\$400,000.00</b>

### Landscaping, Irrigation and Street Furnishings

Item #	Item Description	Quantity	Unit	Unit Price	Amount
9	Wayfinding Signage	1	LS	\$100,000.00	\$100,000.00
<b>Sub Total:</b>					<b>\$100,000.00</b>

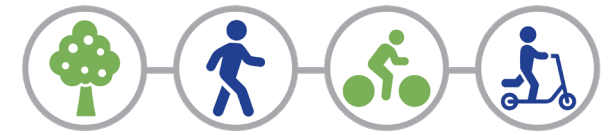


# West Hermosa Street Corridor and Neighborhood Enhancement Plan

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Final City Council Presentation  
January 10, 2023

# Project Team and Funding



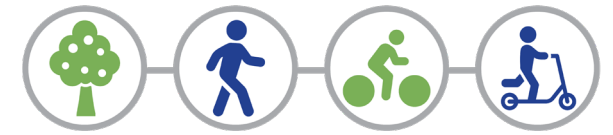
- City of Lindsay
- CivicWell
- KTUA
  - Supported by STC Traffic Engineering



**Grant Funded Project —  
Caltrans Sustainable Communities Grant**

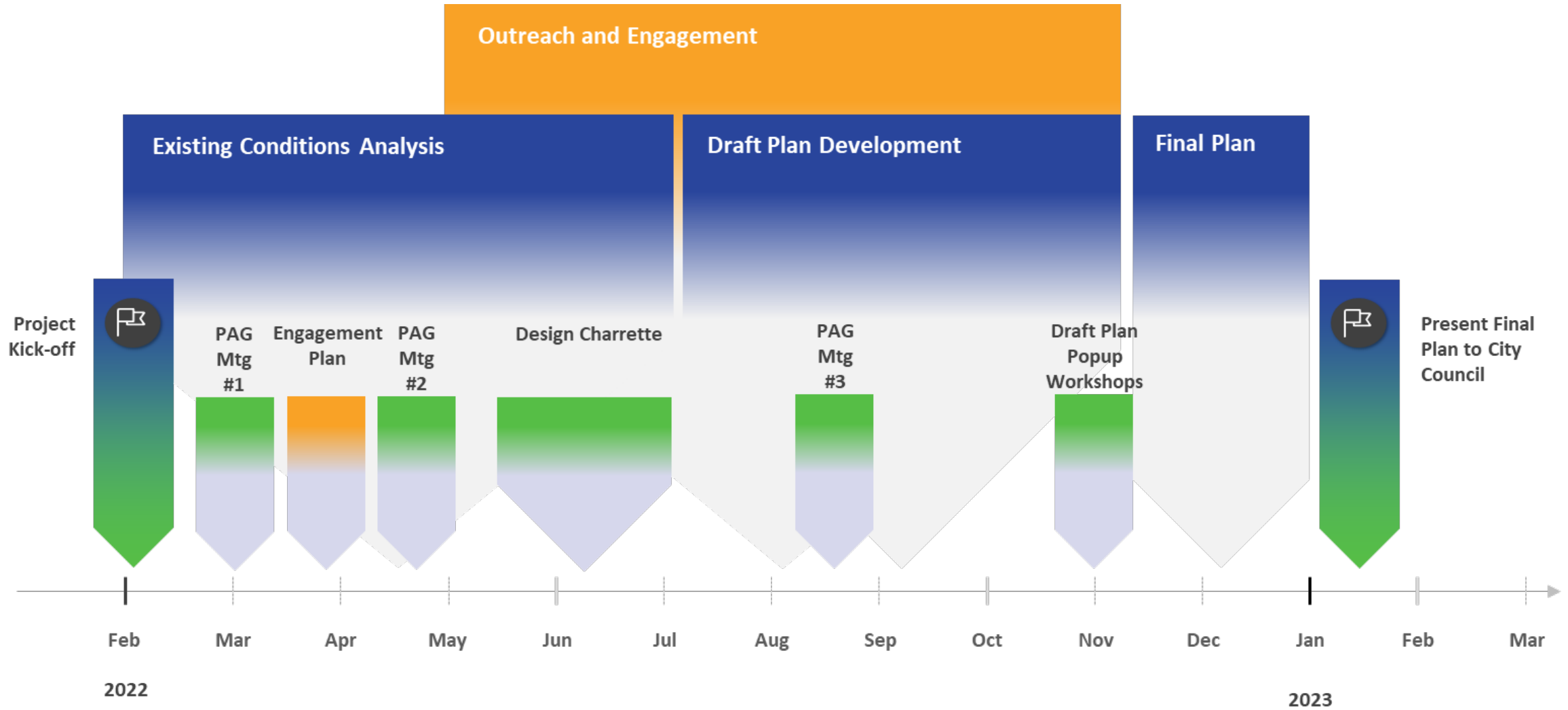
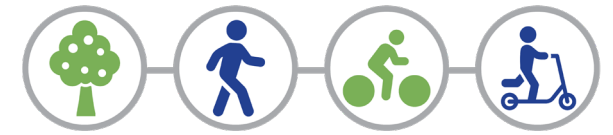
# Project Goals

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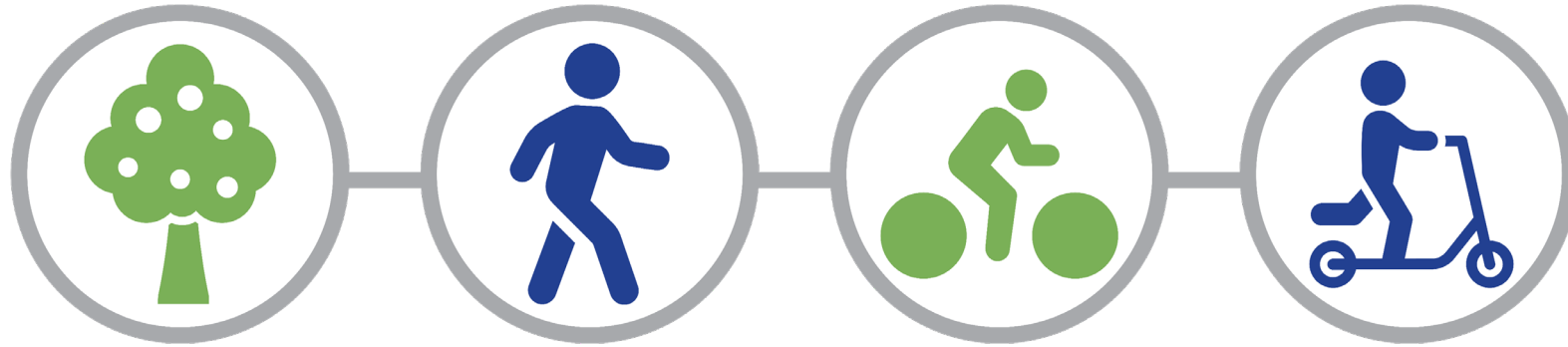


- Engage community members to identify priorities
- Identify obstacles that make it unsafe or uncomfortable for pedestrians, cyclists, transit users, and motorists
- Build on recent improvements to the corridor to provide convenient mobility options and improvements that support active modes of transportation
- Develop conceptual plans for West Hermosa Street and identify other active transportation improvements for the streets around West Hermosa Street
- Identify short-term and long-term infrastructure projects, potential funding opportunities, and steps for implementing project recommendations

# Project Timeline





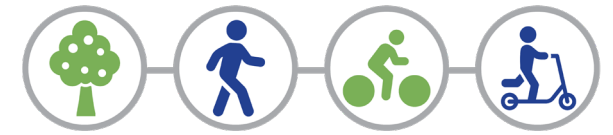


# West Hermosa Street Corridor and Neighborhood Enhancement Plan

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## Existing Conditions Summary

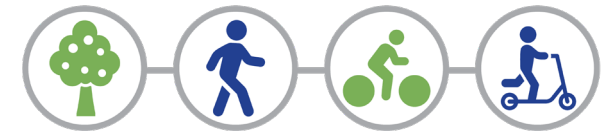
# Vicinity Map



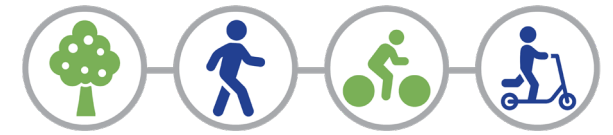
- W. Hermosa Corridor centrally located, provides direct access to neighborhoods, mixed uses, commercial, industrial, and Downtown Lindsay



# Site Photos



# Right of Way



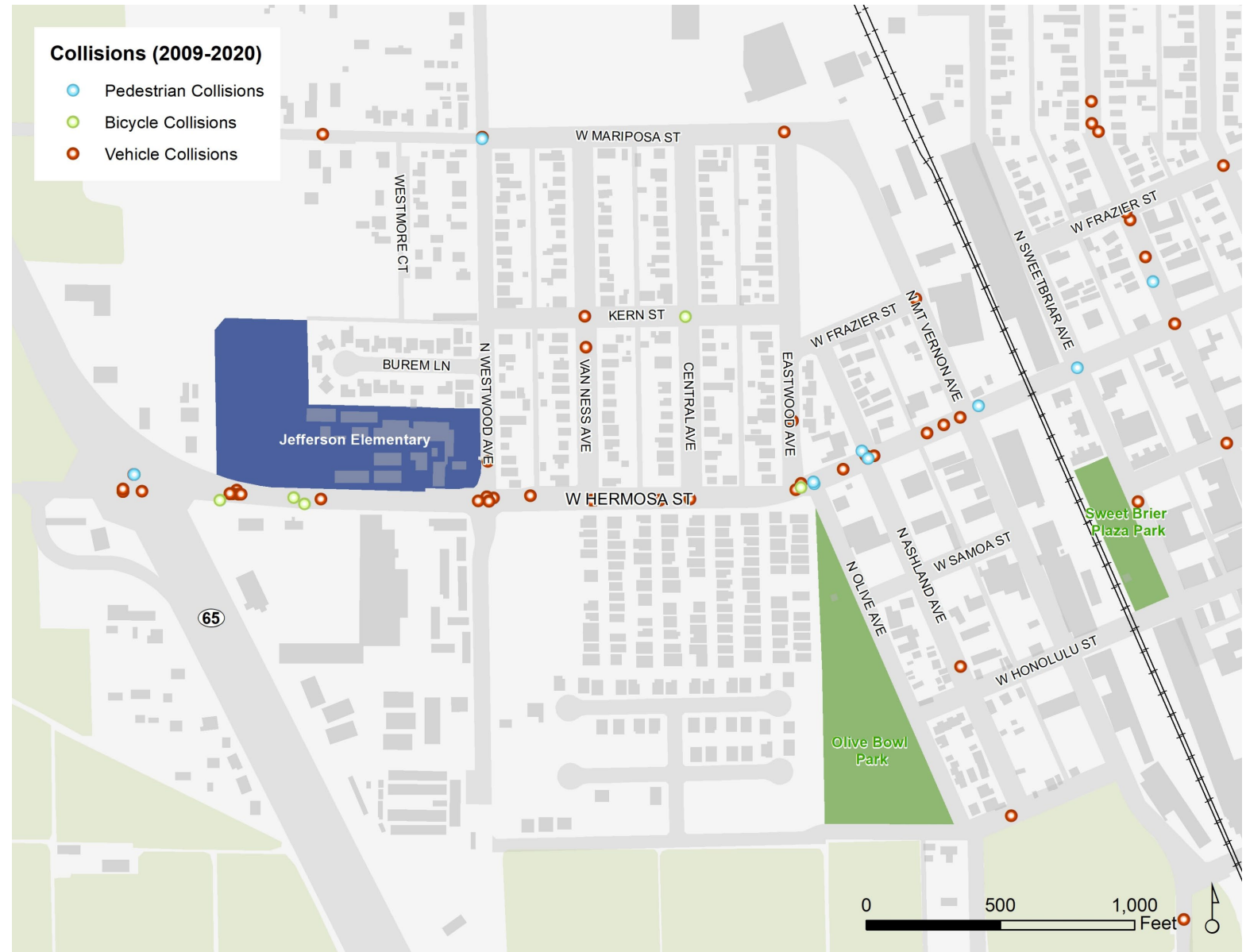
- The available right-of-way varies throughout the corridor
- There are four distinct segments
- Measurements were taken from “back of sidewalk”
- The available right-of-way informed the conceptual design process of the project



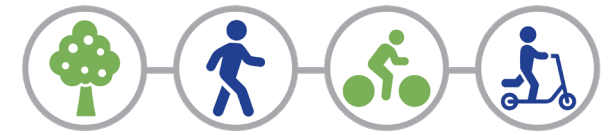
# Collisions



- Collision data was downloaded and mapped for 2009 – 2020
- Collision totals for corridor
  - 40 Vehicular collisions
  - 7 Pedestrian collisions
  - 4 Bicycle collisions

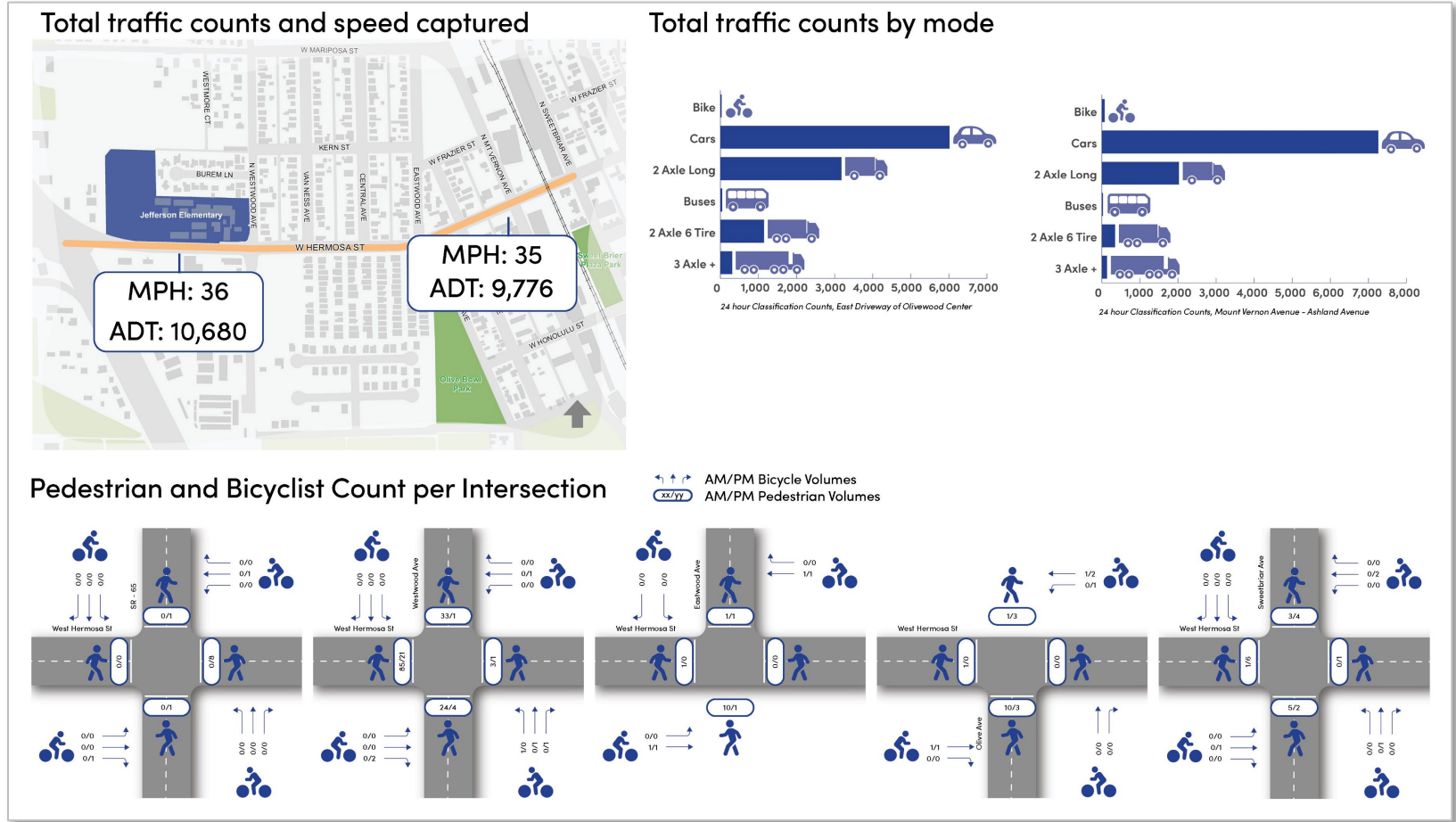


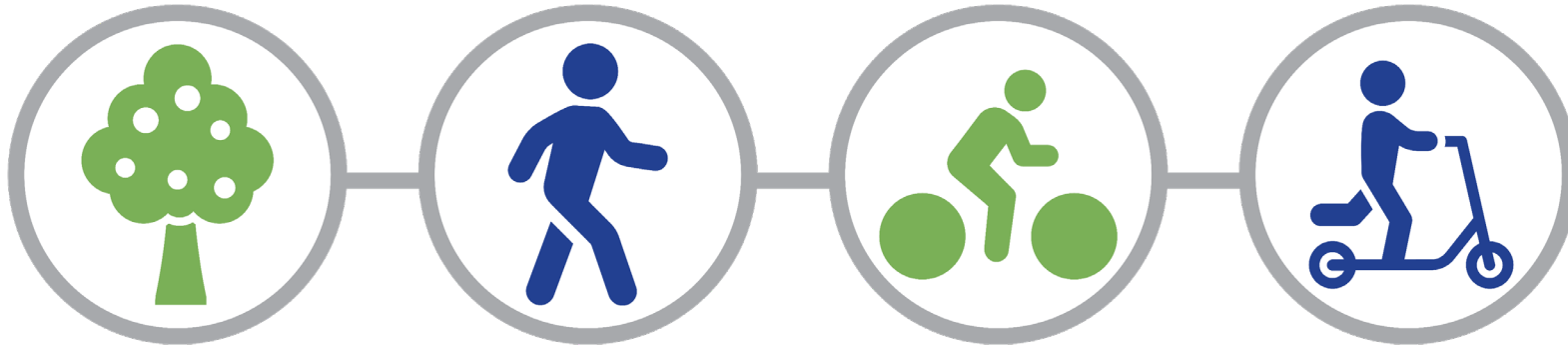
# Traffic Count Study



Traffic count study was completed in March 2022. The traffic count team did the following:

- Segment counts at two locations:
  - Olivewood Plaza driveway
  - Between Ashland Avenue and Mt Vernon Avenue
  
- Intersection turn movements:
  - SR 65, Olivewood Plaza driveway, Westwood Avenue, Eastwood Avenue, Olive Avenue, Mt Vernon Avenue, and Sweetbriar Avenue



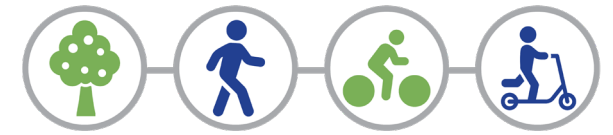


# West Hermosa Street Corridor and Neighborhood Enhancement Plan

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## Community Outreach Summary

# Community Engagement Summary



Community Engagement activities to inform the public about the corridor project and to get meaningful input included:

- Project Advisory Group Meetings
- Interactive Map Survey
- Design Workshop
- Informational Pop-ups
- Walk Audits
- Stakeholder Meetings
- Draft Plan Pop-up Workshop

**Help Redesign West Hermosa Street!**  
West Hermosa Street Neighborhood Enhancement Plan

**Join us** to create a community-driven Corridor and Neighborhood Enhancement Plan for West Hermosa Street from the State Route 65 into the Downtown. We need your input for ideas and strategies to transform the corridor into a safer, more walkable and bicycle-friendly street and a more welcoming gateway to the City and nearby neighborhoods.

- Tell us what you want to see happen on West Hermosa Street.
- Assess safety conditions on the street.
- Learn how to improve the walking and bicycling environment.

**Monday 5/23** 6-8 PM : West Hermosa Design Workshop  
Wellness Center, 860 North Sequoia  
Work with your neighbors to help the City redesign the corridor!  
\*Children are welcome!  
\*Food and Refreshments will be provided!

**Tuesday 5/24** 8:30-9:30 AM : Walking Assessment of West Hermosa  
Meet in the cafeteria of Jefferson Elementary, 333 North Westwood Ave.

4-6 PM : Open House  
City Hall, 251 E. Honolulu St.  
Stop by to talk with the design team.

**Wednesday 5/25** 6-7:30 PM : Recommendations Workshop  
Wellness Center, 860 North Sequoia  
\*Children are welcome!  
\*Food and Refreshments will be provided!

For More Information  
<https://bit.ly/westhermosa>

Contact:  
Lindsay City  
Edna Hubbard  
559-562-7102 x4  
ehubbar@lindsay.ca.us

**¡Ayude a rediseñar la Calle West Hermosa!**  
West Hermosa Street Neighborhood Enhancement Plan

**Ayude** a crear un plan con participación de la comunidad para mejorar el vecindario a lo largo del corredor de la Calle West Hermosa desde la ruta estatal 65 hasta el centro. Necesitamos su opinión sobre ideas y estrategias para transformar el corredor en una calle más segura, más caminable y más cómoda para ciclistas, y en una hermosa entrada de bienvenida a la ciudad y a los vecindarios cercanos.

- Diganos qué quiere que suceda en West Hermosa Street.
- Ayude a evaluar la seguridad de la calle.
- Aprenda cómo podemos mejorar el entorno para caminar y andar en bicicleta.

**lunes 5/23** 6-8 PM: Taller de diseño de West Hermosa  
Wellness Center, Calle North Sequoia 860  
¡Trabaje con sus vecinos para ayudar a la Ciudad a rediseñar el corredor!  
¡Traiga a toda la familia.  
¡Habrà comida y refrescos!

**martes 5/24** 8:30-9:30 AM: Caminata de evaluación de la Calle West Hermosa  
Escuela Primaria Jefferson, Avenida North Westwood 333  
Nos reuniremos en la cafetería

4-6 PM: Sesión de puertas abiertas  
Alcalde, Calle E. Honolulu 251  
Pasa a hablar con el equipo de diseño.

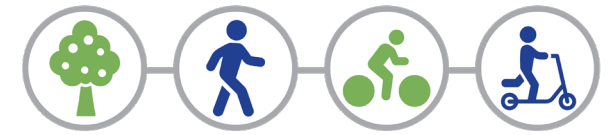
**miércoles 5/25** 6-7:30 PM: Taller de recomendaciones  
Wellness Center, Calle North Sequoia 860  
¡Traiga a toda la familia.  
¡Habrà comida y refrescos!

Para más información  
<https://bit.ly/westhermosaplan>

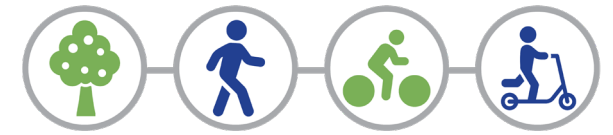
Contacto:  
Servicios de la ciudad de Lindsay  
Edna Hubbard  
559-562-7102 x4  
ehubbar@lindsay.ca.us



# Pop-Up Workshops



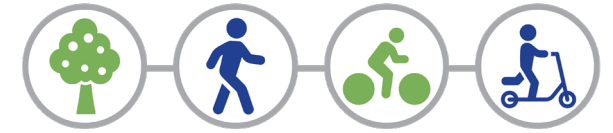
# Multi-Day Charrette Overview



- Team conducted stakeholder meetings, business surveys, and an opening workshop on Day #1, Monday, May 23
- A walking audit and classroom activities with representatives from Jefferson Elementary School and an open house were held on Day #2, Tuesday, May 24
- Team held a second stakeholder meeting and a closing workshop on Day #3, Wednesday, May 25



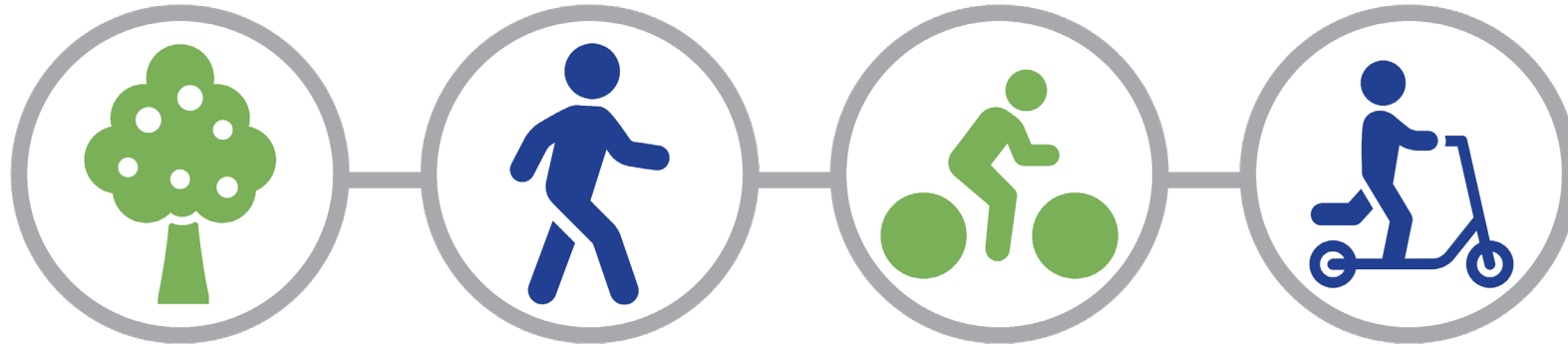
# Key Takeaways



- General recommendations supported by the community include:
  - Address high vehicular speeds
  - Add better pedestrian lighting
  - Add shade / evergreen street trees
  - Include a center turn-lane for the whole corridor
  - Address road paving issues on adjacent / connecting streets
- The Pedestrian and Bicycle-focused concepts were supported
  - People believed it improved safety and comfort
  - Encouraged team to explore these ideas in the design concepts phase

## Quote from Pedestrian Focus Board:

*“This concept is best because it accommodates pedestrians and cyclists. It also creates flexibility in traffic flow.”*



# West Hermosa Street Corridor and Neighborhood Enhancement Plan

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## Corridor Concepts Summary

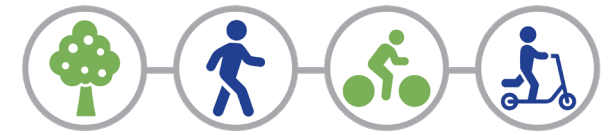
# Preferred Concept

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- Based on the feedback that was collected through the engagement process
- Team compared the results of the two previous concepts plans and made suggested edits to create the Preferred Concept.
- Design is depicted at a conceptual drawing level that provides enough direction for how to envision the proposed recommendations within the existing right-of-way
- This level of design can be used to submit grant applications that would allow the City to take this design into a Plans, Specifications, and Estimates (PSE) phase for project implementation when additional funds are secured.

# Preferred Concept

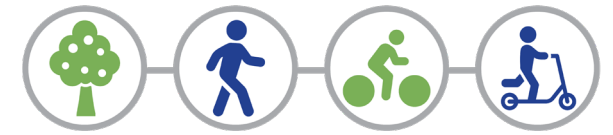


The Preferred Concept includes:

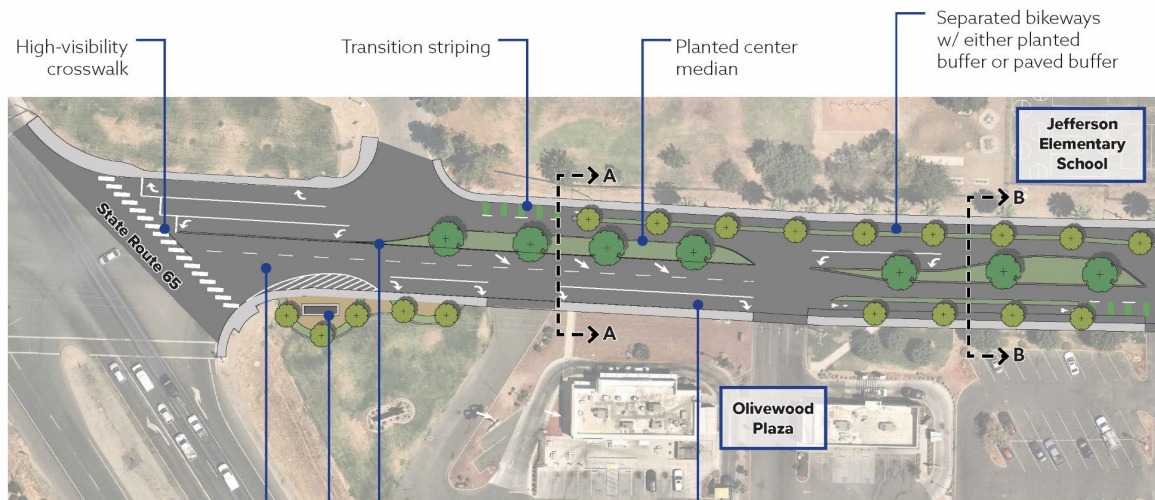
- Class IV separated bikeways
- High-visibility crosswalks
- Enhanced crossings with rectangular rapid flashing beacons
- Pedestrian-scale lighting
- Planted and/or paved buffers (parkways) adjacent to the sidewalks with sustainable landscaping and beautification
- Opportunities for stormwater management enhancements
- Opportunities for placemaking elements such as a repositioned gateway sign at the western edge and locally-branded wayfinding signage and art



# Preferred Concept



Key Map



City to coordinate w/ Caltrans on State Route 65 improvements i.e. dedicated left-turn signal for southbound traffic, crosswalk, curb radii, etc.

Gateway opportunity

Existing "slip lane" is closed off

Dedicated right-turn lanes for the shopping center entrances

Separated bikeways w/ either planted buffer or paved buffer

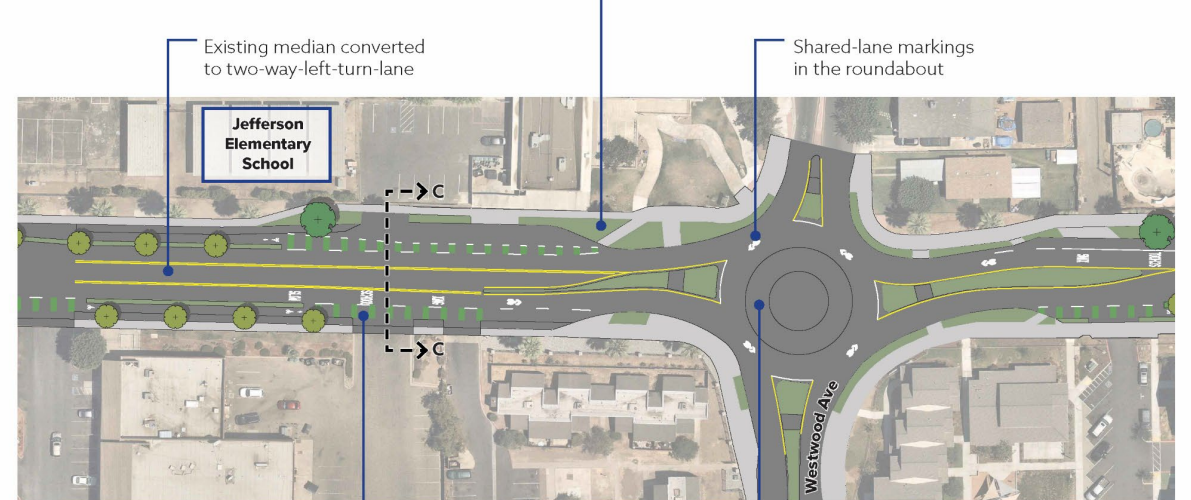
Planted center median

Transition striping

High-visibility crosswalk



Key Map



Transition striping to indicate shared lane

Existing median converted to two-way-left-turn-lane

Existing roundabout remains in-place; suggest reducing number of signs in center

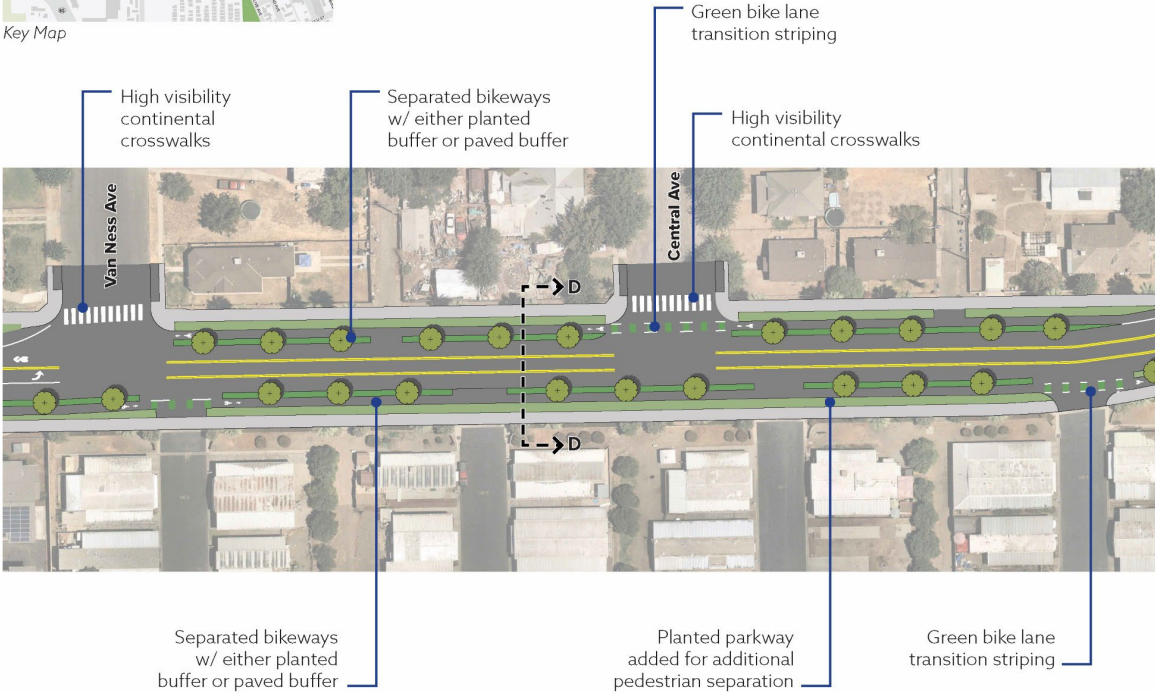
Shared-lane markings in the roundabout

Consider upgrading planter spaces around entire roundabout to add stormwater and urban greening enhancements

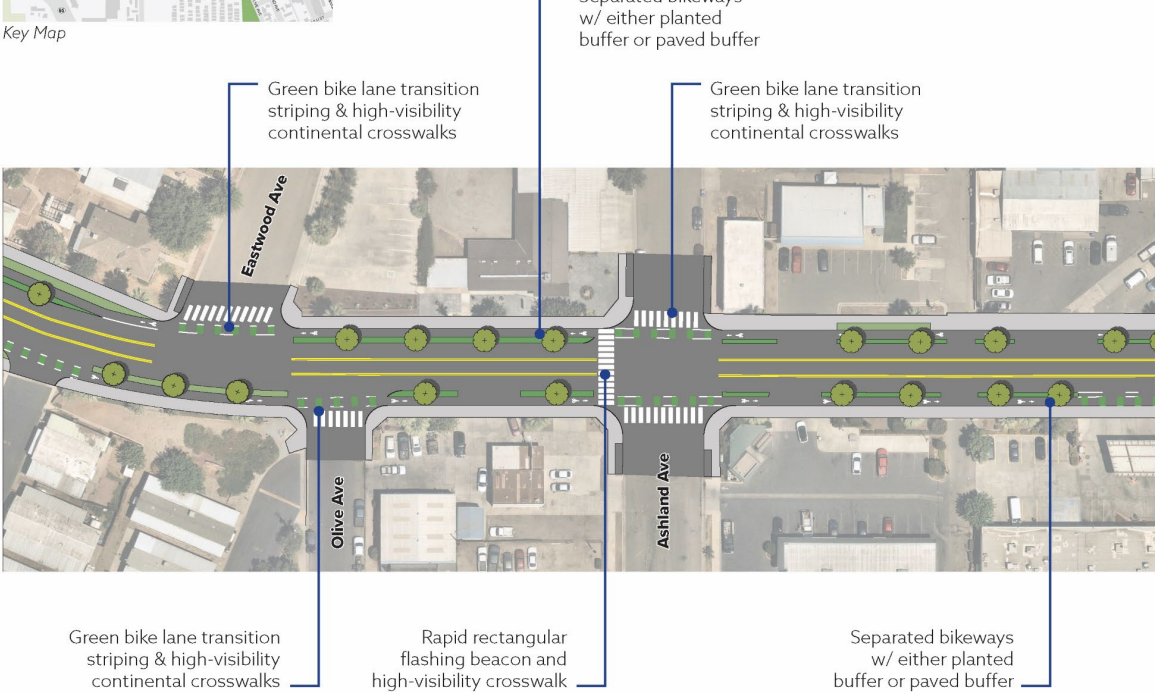
# Preferred Concept



Key Map

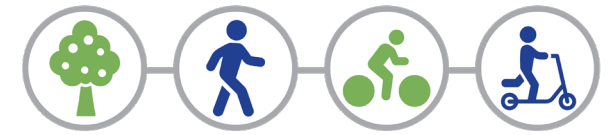


Key Map

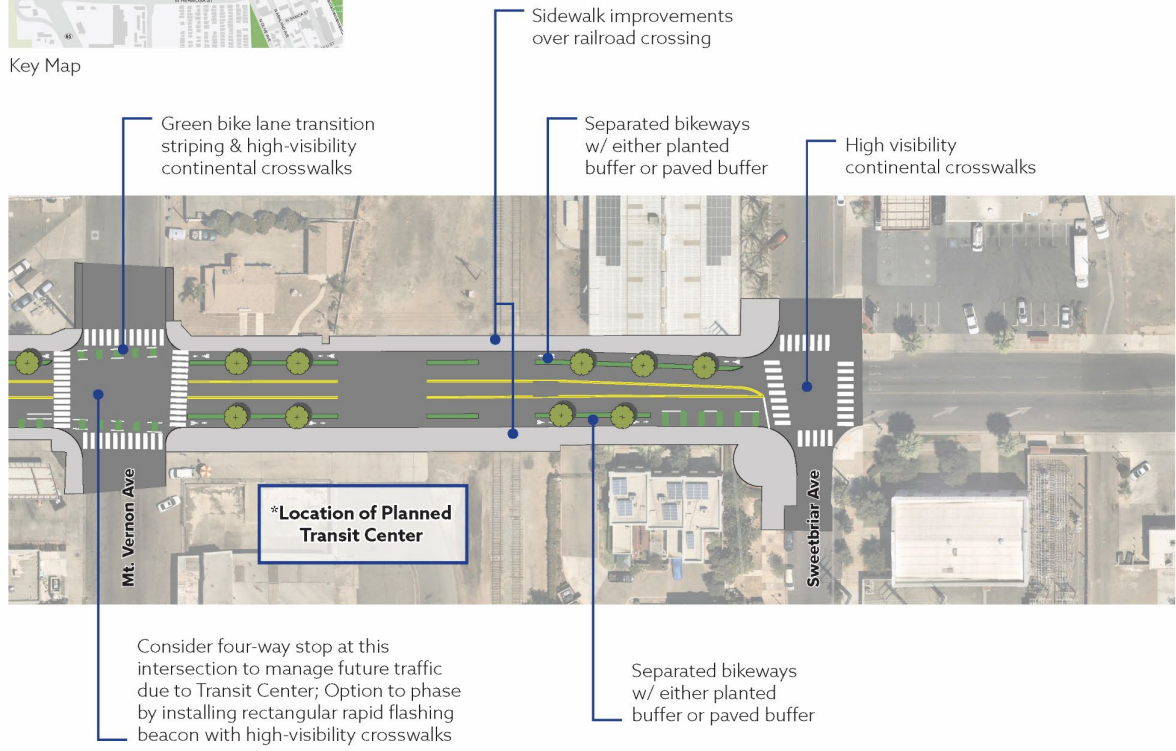




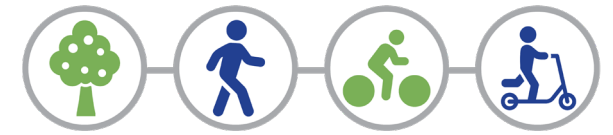
# Preferred Concept



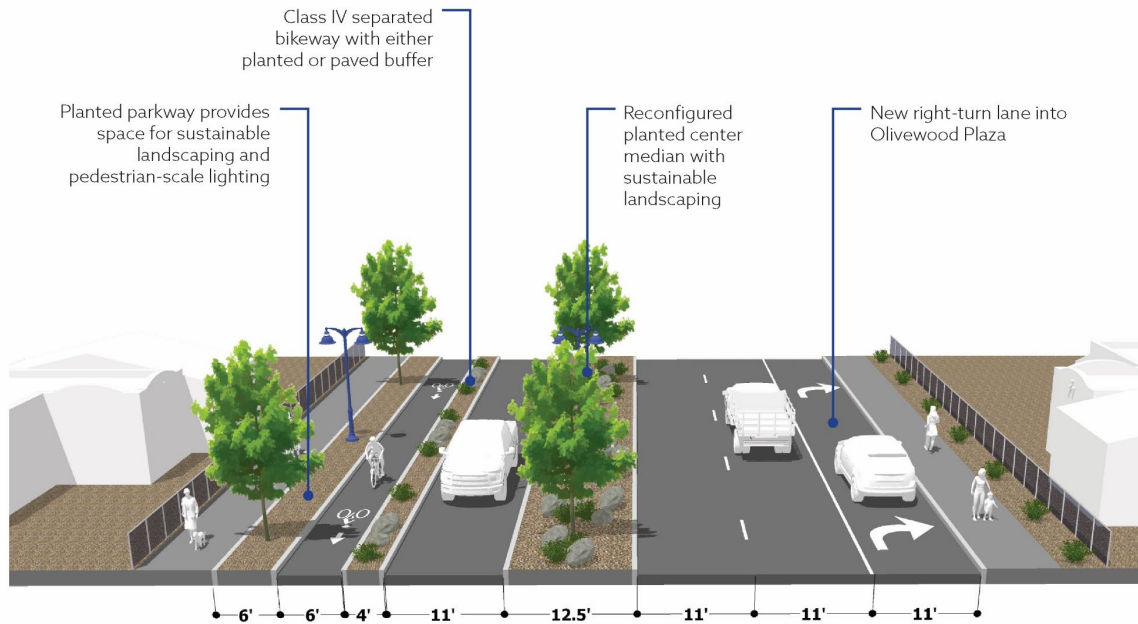
Key Map



# Preferred Concept

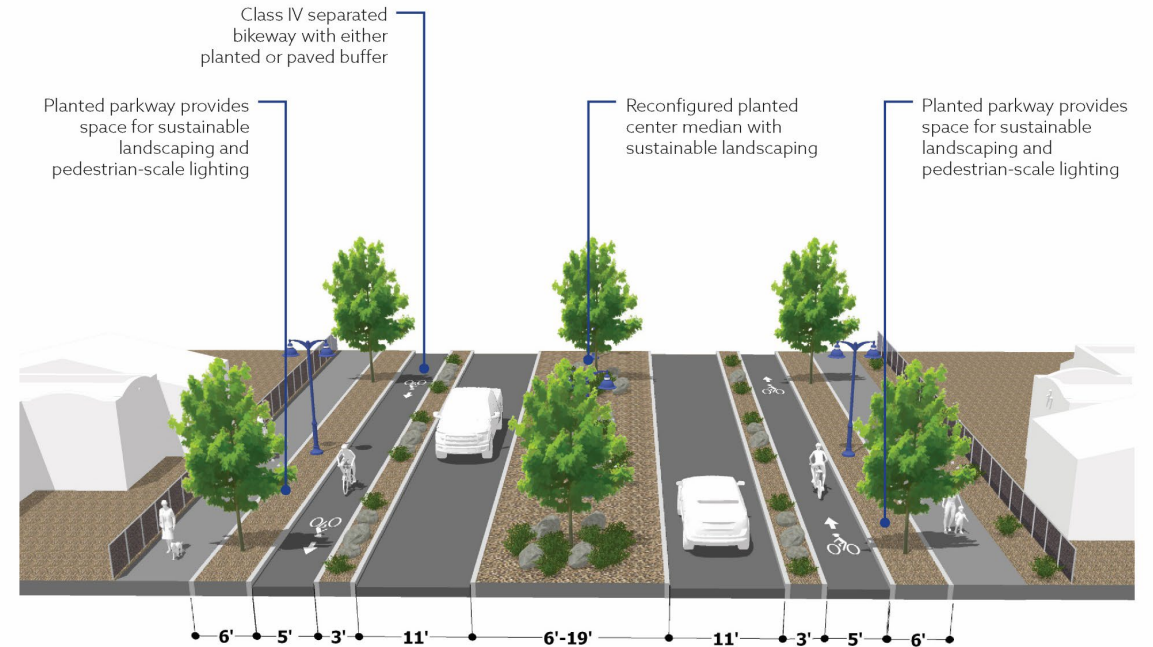


## Preferred Concept: Section A-A



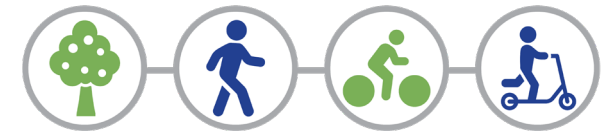
Section located by McDonalds

## Preferred Concept: Section B-B

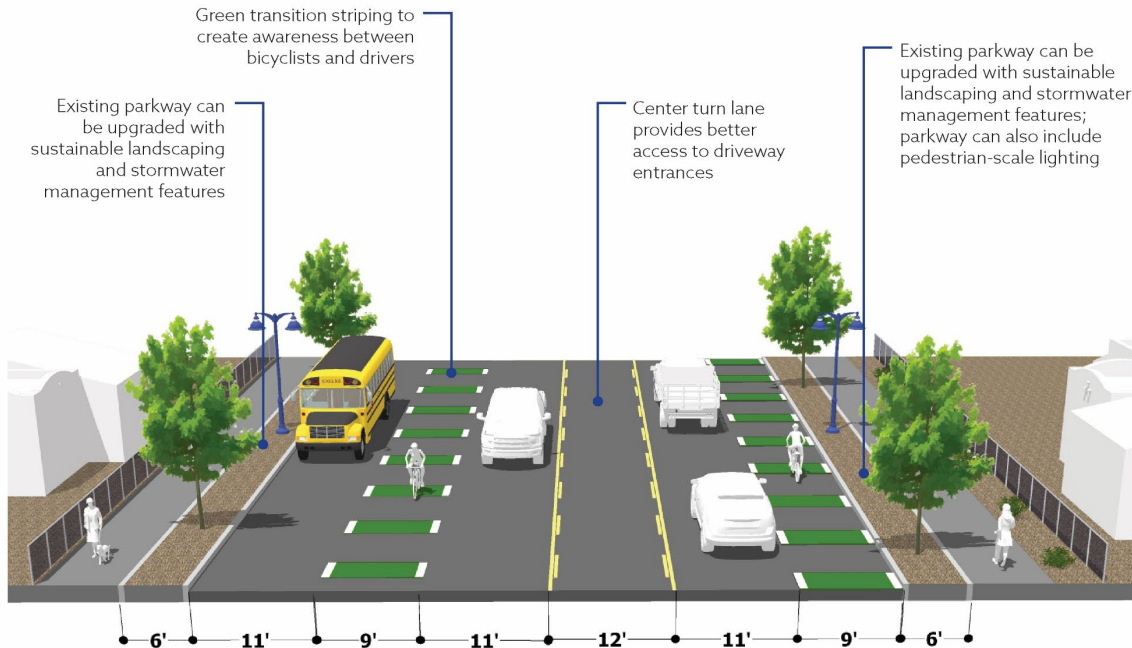


Section located by driveway access to Save Mart

# Preferred Concept

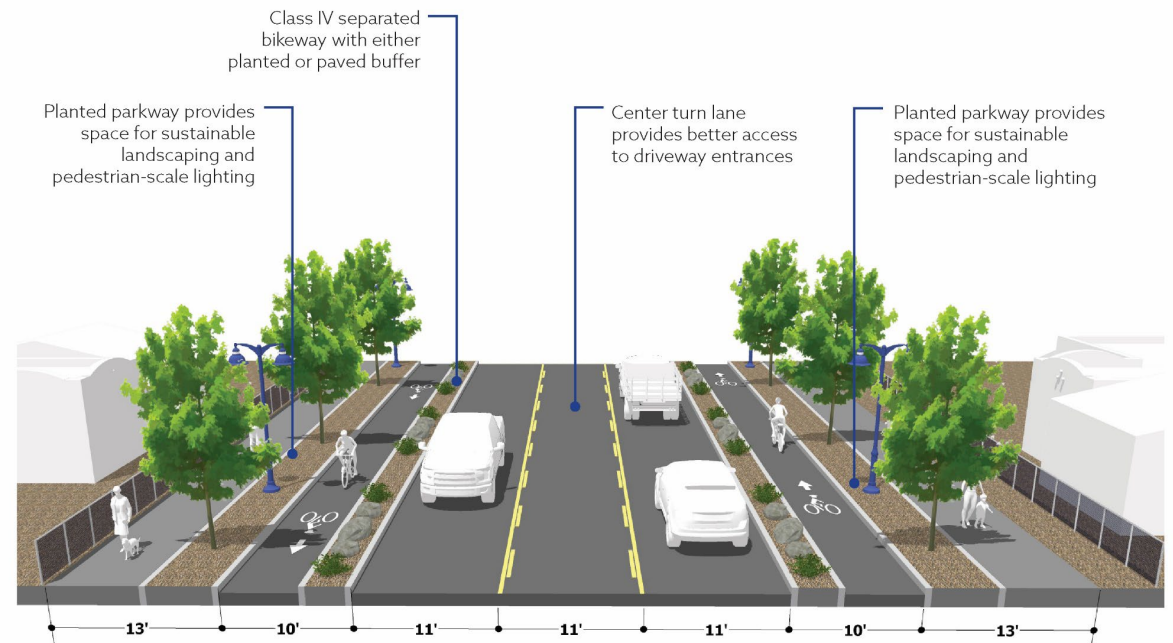


## Preferred Concept: Section C-C



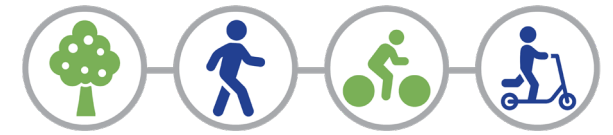
Section located by school / roundabout

## Preferred Concept: Section D-D



Section located between Van Ness and Central Ave

# Preferred Concept



Cost Estimate: \$3.9 million

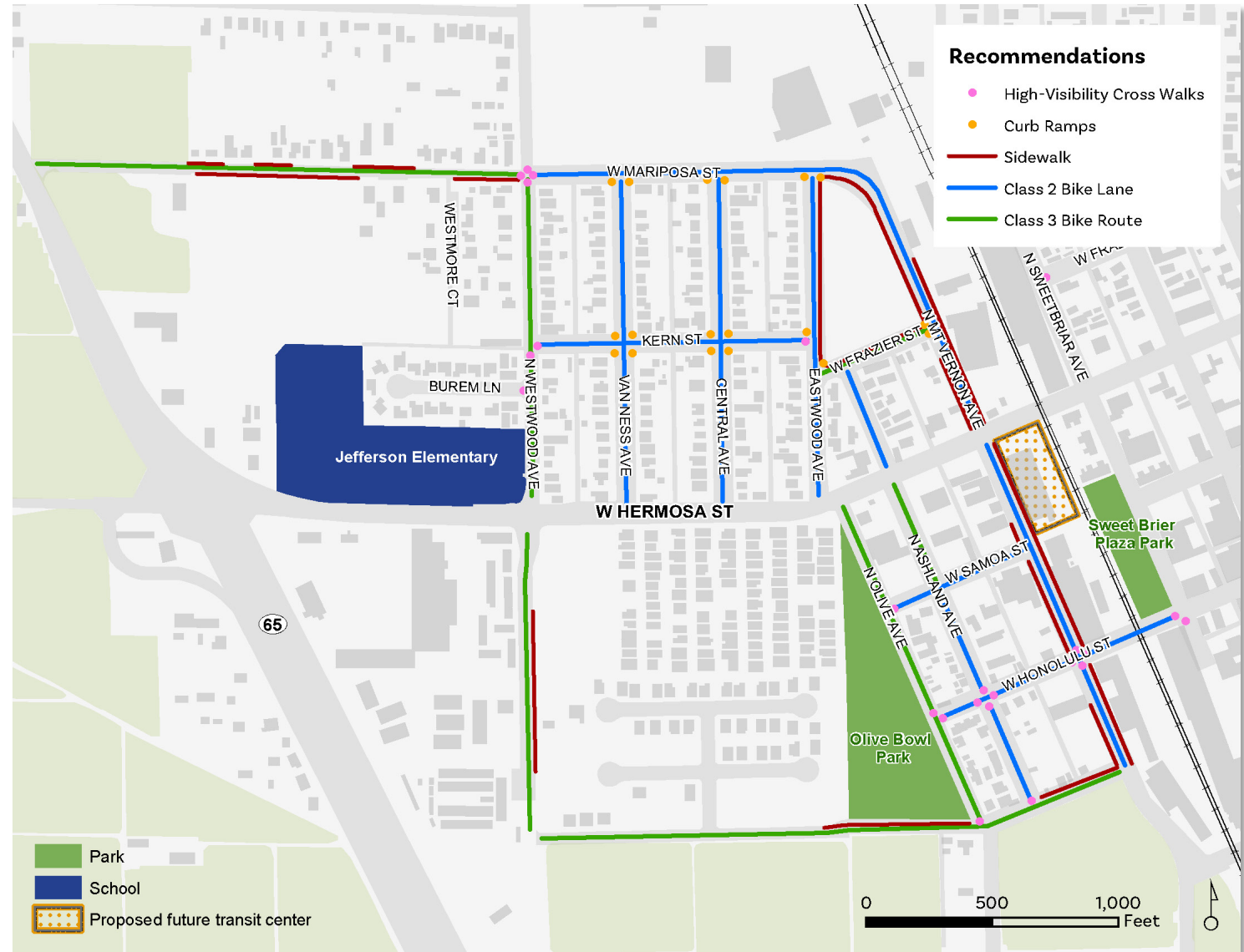
Item #	Item Description	Quantity	Unit	Unit Price	Amount
1	General Conditions	1	LS	\$530,000.00	\$530,000.00
2	Civil Improvements	1	LS	\$1,410,457.33	\$1,410,457.33
3	Signing & Striping	1	LS	\$114,236.50	\$114,236.50
4	Traffic Signal-Intersection	1	LS	\$0.00	\$25,000.00
5	Communications	1	LS	\$72,500.00	\$72,500.00
6	Street Lighting	1	LS	\$400,000.00	\$400,000.00
7	Landscaping, Irrigation and Street Furnishings	1	LS	\$725,000.00	\$725,000.00
<b>Sub Total:</b>					<b>\$3,327,193.83</b>
<b>Construction Contingency (20%):</b>					<b>\$665,438.77</b>
<b>Total:</b>					<b>\$3,992,632.60</b>

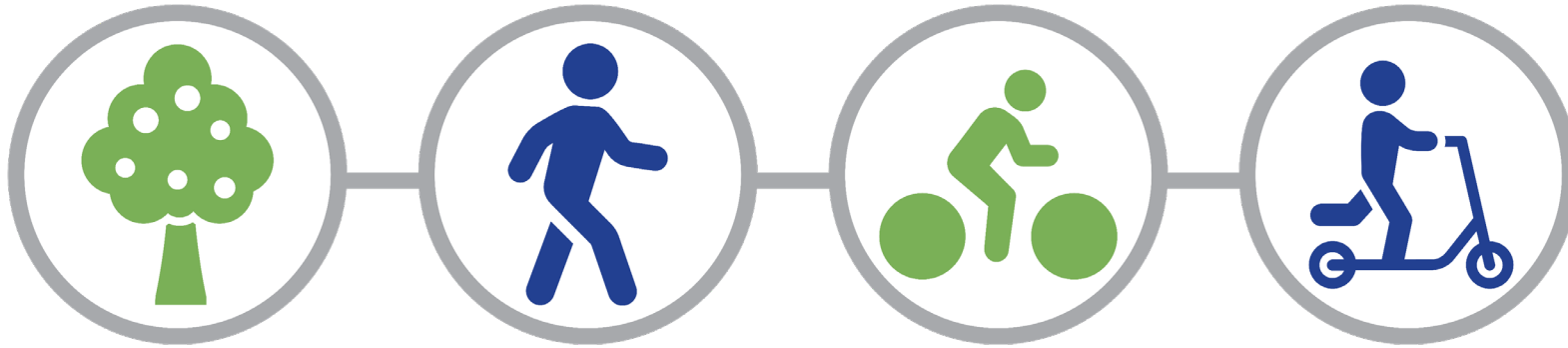
- Key Items to Remember:**
- A. Asphalt grind and overlay
  - B. Physical/raised buffers for separated bikeways
  - C. Sidewalk, curb and gutter, and ramp enhancements
  - D. Median and driveway enhancements
  - E. Signage and striping
  - F. Landscaping, stormwater, and lighting enhancements
  - G. Mobilization, traffic management, surveying, and construction contingencies

# Other Related Recommendations



- Recommendations were also created for the streets in the immediate neighborhood adjacent to West Hermosa Street.
- The planning team assessed existing conditions such as sidewalks, curb ramps, bicycle facilities, trees, and overall right-of-way widths to develop appropriate recommendations.
- City is encouraged to implement recommendations as funding becomes available.





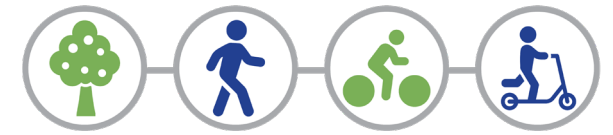
# West Hermosa Street Corridor and Neighborhood Enhancement Plan

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Next Steps

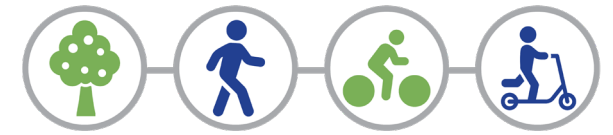
# Next Steps

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- Adjust pre-final document per City Council comments
- Package and send all project documents to City Staff via Dropbox
- Encourage the City to explore funding opportunities to begin implementing recommendations identified in this document
- KTUA and CivicWell are happy to help in the future! We both have extensive experience pursuing, winning, and implementing projects using grant funding sources.

# Next Steps



Chapter 5 of the document contains information on phasing and funding sources the City can explore

## 5.1 Funding Opportunities

### 5.1.1 Phasing and Implementation Strategies

The City of Lindsay will need to determine how to pursue funding opportunities to move the conceptual design of the Preferred Concept forward. For example, the City can pursue a multi-million dollar large infrastructure grant to implement as much of the Preferred Concept as possible, or they can pursue smaller grants to implemented parts of the design in phases over time. The following suggestions and Table 5-1 can be used by the City to help with project phasing and implementation:

#### Phase Option 1: Large Infrastructure Project

This option can be considered a one-phase approach that is meant to implement the entire concept in one take. This is considered the most expensive option and would require a comprehensive and thorough grant application to stand out against other large infrastructure projects.

#### Phase Option 2: Bikeway Improvements

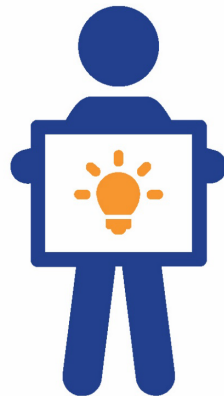
Pursue funding to implement bikeway improvements. The City can consider installing striped buffered bike lanes as a first phase. When additional funding becomes available, then the bike lanes can be upgraded to the recommended Class IV separated bikeways with either planted for paved buffered.

#### Phase Option 3: Pedestrian Improvements

Pursue funding to implement the pedestrian improvements that include high-visibility crosswalks, enhanced crossings with rectangular rapid flashing beacons, sidewalk maintenance and/or replacement, and wayfinding/regulatory signage.

#### Phase Option 4: Green Infrastructure Improvements

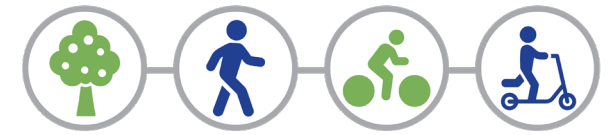
Pursue funding to implement green infrastructure elements that include stormwater management, trees, and sustainable landscaping. Elements such as curb inlets that allow stormwater to flow into the recommended parkways so water can be filtered, designing parkways as bioswales, or adding street trees most often qualify under grants dedicated to green infrastructure.



**The City should consider combining project elements to minimize phasing and to maximize points on competitive grant applications**

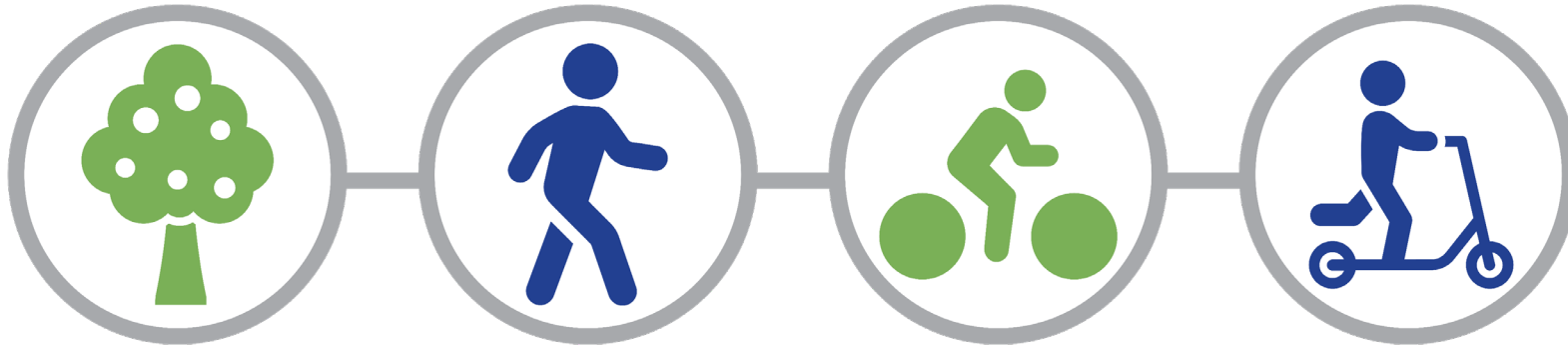


# Next Steps



Chapter 5 of the document contains information on phasing and funding sources the City can explore

Funding Source	Purpose/ Description	Funding Cycle	Active Transportation			Project Examples
			Inf.	NI	Plan	
Sustainable Transportation Planning Grants	The program includes \$29.5 million to encourage local and regional planning that furthers state goals, including, but not limited to, the goals and best practices cited in the Regional Transportation Plan Guidelines adopted by the California Transportation Commission.	Annual			X	<ul style="list-style-type: none"> <li>• Safe Routes to School Plan</li> <li>• Active Transportation Plan</li> <li>• Bike/ped Trail/Path Feasibility Study</li> <li>• Complete Streets Plan</li> <li>• Sustainable Communities Plan</li> <li>• Transit-Oriented Development Plan</li> <li>• First/Last Mile Connectivity Plan</li> </ul>
Urban Greening	<p>The Program supports the development of green infrastructure projects that reduce GHG emissions and provide multiple benefits. Must include at least one of the following:</p> <ul style="list-style-type: none"> <li>- Sequester and store carbon by planting trees</li> <li>- Reduce building energy use by strategically planting trees to shade buildings</li> <li>- Reduce commute vehicle miles traveled by constructing bicycle paths, bicycle lanes or pedestrian facilities that provide safe routes for travel between residences, workplaces, commercial centers, and schools. (California Climate Investments)</li> </ul>	Annual	X			<ul style="list-style-type: none"> <li>• Non-motorized urban trails that provide safe routes for both recreation and travel between residences, workplaces, commercial centers, and schools</li> <li>• Projects that expand or improve the usability of existing active transportation routes (e.g., walking or bicycle paths) or create new active transportation routes that are publicly accessible by walking</li> <li>• Complete Green Streets</li> </ul>
Local Partnership Program - Competitive and Formulaic	The primary objective of this program is to provide funding to counties, cities, districts, and regional transportation agencies in which voters have approved fees or taxes dedicated solely to transportation improvements or that have imposed fees, including uniform developer fees, dedicated solely to transportation improvements. Funding includes \$200M/year to improve aging Infrastructure, Road Conditions, Active Transportation, Transit and rail, Health and Safety Benefits	March - June	X	X	X	<ul style="list-style-type: none"> <li>• Close sidewalk gap, install class II bike lanes and cycle track, curb extensions, pedestrian enhancements, improvements to lighting and signage</li> <li>• Construct 4 single-lane and 1 multi-lane roundabouts, and improvements to street, pedestrian and bicycle facilities</li> <li>• Expressway pedestrian overcrossing</li> </ul>



**Thank you!**  
**Happy to answer questions.**

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## STAFF REPORT

TO: Lindsay City Council  
FROM: Neyba Amezcua, Director of City Services and Planning  
Mari Carrillo, Human Resources Manager  
DEPARTMENT: City Services and Planning  
Human Resources  
ITEM NO.: 10.2  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Consider the Approval of Job Descriptions for the Utility Operator Trainee, Utility Operator I, Utility Operator II, and Utility Operator III Job Positions.

### **BACKGROUND | ANALYSIS**

In addition to the essential duties and responsibilities as described in the Utility Operator Trainee, Utility Operator I, Utility Operator II and Utility Operator III job descriptions attached to this report, these positions are steps towards the separation of duties between Maintenance positions and the required certifications & responsibilities of the Utility Operator positions.

The Utility Operator Trainee, Utility Operator I, Utility Operator II, and Utility Operator III positions will work under the broad direction of the Director of City Services & Planning, or their designee. If approved, the City plans to begin recruitment for all positions in the current fiscal year.

Staff recommends that Council approve the Utility Operator Trainee, Utility Operator I, Utility Operator II, and Utility Operator III job descriptions, so that staff may begin the recruitment process.

The essential duties and responsibilities of the **Utility Operator Trainee** include, but are not limited to:

- Utility Operator Trainee performs a variety of unskilled and semi-skilled tasks and maintenance work in the operation.
- Maintenance and repair of wastewater treatment facilities and systems.
- This is an entry level class, assigned to work under supervision on a training. General work is observed and reviewed during performance and upon completion.
- Assists in the operation of wastewater treatment plant equipment such as pumps, valves, motors and blowers.

The essential duties and responsibilities of the **Utility Operator I and II** include, but are not limited to:

- Utility Operator performs a variety of semi-skilled and skilled technical and maintenance work in the operation, maintenance and repair of wastewater treatment facilities and systems.



## STAFF REPORT

- Assists in the operation of valves and other related controls to distribute flow through unit process and application of chlorine and chemicals to the wastewater.
- Monitors control equipment such as pumps, motors, valves, blowers, sludge collectors, heat exchangers, sludge thickeners and other related process equipment.
- Reads meters, gauges and other instrumentation.

The essential duties and responsibilities of the **Utility Operator III** include, but are not limited to:

- Under general supervision, manages the operation and maintenance of facilities of a wastewater treatment plant and water system facilities. Plans, schedules, and assigns work for personnel. Performs a variety of technical tasks relative to the operations and maintenance of both the water system and wastewater treatment plant facilities and systems; and performs related work as required.
- Plans organizes, assigns, supervises, and reviews the work of assigned staff in the water treatment and wastewater treatment operations and maintenance work division.
- Determines the locations of water, sewer and storm drain lines from the appropriate sources prior to excavation.
- Responds to complaints regarding water leaks, pressure loss or no water; evaluates situation.
- Monitors operations and activities of the operations and maintenance work unit assigned to wastewater treatment; recommends improvements and modifications and prepares various reports on operations and activities; recommends and assists in the implementation of goals and objectives; implements policies and procedures.

It is the policy of the City of Lindsay to screen for any potential conflicts of interest in the recruitment process and adequately mitigate against the appearance of any bias, real or perceivable.

### FISCAL IMPACT

The fiscal impact is detailed on Table 1 below and reflects the total cost including employee benefits on an annual basis. Actual fiscal impact will be prorated by hire date for each Utility Operator Trainee, Utility Operator I, Utility Operator II, and Utility Operator III positions.

**Table 1**

Position	Minimum	Maximum
<b>Utility Operator Trainee</b>	\$50,232.00	\$ 67,315.68
<b>Utility Operator I</b>	\$70,681.52	\$ 94,720.00
<b>Utility Operator II</b>	\$ 98,367.36	\$ 131,821.67
<b>Utility Operator III</b>	\$111,121.92	\$148,914.00
<b>Total salary and benefits:</b>	<b>\$330,402.80</b>	<b>\$442,771.35</b>



## **STAFF REPORT**

### **ATTACHMENTS**

- Utility Operator Trainee Job Description
- Utility Operator I Job Description
- Utility Operator II Job Description
- Utility Operator III Job Description



**City of Lindsay**  
**Job Description**  
**Utility Operator Trainee**

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<b>Class Title:</b>	Utility Operator Trainee	<b>Salary:</b>	Tier 1: \$17.25-23.11 Hourly Tier 2: \$17.25-21.20 Hourly
<b>Department:</b>	City Services	<b>Step Range:</b>	1-7
<b>Location:</b>	150 N. Mirage Lindsay, CA. 93247	<b>Status:</b>	Full-time/Non-Exempt
<b>Date:</b>	MM/DD/YYYY	<b>Union:</b>	MISC/SEIU

**GENERAL PURPOSE:**

Under general direction, Utility Operator Trainee performs a variety of unskilled and semi-skilled tasks and maintenance work in the operation, maintenance, and repair of Water and/or Wastewater Treatment Plant (WTP and/or WWTP) facilities and systems. This is an entry level class, assigned to work under supervision on a training. General work is observed and reviewed during performance and upon completion.

**SUPERVISION RECEIVED:**

Works under the general supervision of the Utility Operator III and/or City Services Director or their designee.

**SUPERVISION EXERCISED:**

None generally.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Assists in the operation of WTP and/or WWTP equipment such as pumps, valves, motors, and blowers.
- Collects sewage and sludge samples.
- Assists in performing daily and weekly laboratory tests and analysis.
- Oils, greases, and cleans equipment as directed.
- Performs heavy manual labor and ground maintenance work.
- Paints equipment and machinery.
- Works various shifts.
- Refurbishes equipment and structures.
- Learning to properly use and read meters and gauges.
- Participates in educational and other related courses and on the job training as required.
- Performs buildings and grounds maintenance, which may involve weed control, gardening, and janitorial services.
- Operates city vehicles and equipment to perform job.
- Drives and operates heavy trucks and specialized vehicular equipment.
- Assists in reading monthly water meters.
- Performs related duties as required.



## City of Lindsay Job Description Utility Operator Trainee

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### **PERIPHERAL DUTIES:**

- Serves on various employee or other committees as assigned.
- Monitors performance of electrical systems, circuits or equipment of the treatment plant.
- Pager duty (off hours callout, weekend rounds) maybe required based on meeting position requirements.

### **ABILITY TO:**

- Learn the operations of various equipment.
- Perform minor repairs on pumps, valves and other equipment.
- Perform heavy manual labor and ground maintenance work.
- Develop and maintain effective working relationships.
- Communicate effectively in written and oral form.
- Safe work practices.
- Perform routine mathematical calculations.
- Follow oral and written directions.

### **DESIRED MINIMUM QUALIFICATIONS:**

#### **Education and Experience:**

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

- (A) Graduation from high school education or GED.
- (B) Two (2) years of experience in a maintenance of buildings and equipment, or
- (C) Any equivalent combination of education and experience.

### **SPECIAL REQUIREMENTS:**

- Possession of or the ability to obtain a valid California Driver's License by time of appointment.
- The incumbent of this position is required to participate in the State Water Quality recognized courses and on-the-job training related to water and/or wastewater treatment in order to obtain the knowledge necessary to qualify for and obtain the following certifications within twelve (12) months from time of appointment:
  - Water Distribution Operator Grade I (D1) *and/or*
  - Wastewater Treatment Plant Operator- In-Training

### **TOOLS AND EQUIPMENT:**

Motor vehicle, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, phone, calculator, and a variety of lab equipment, computer and computer program systems related to water & wastewater treatment plant operations.



## City of Lindsay Job Description Utility Operator Trainee

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### **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand, walk; talk and hear; sit; climb or balance; stoop or kneel. The employee is occasionally required to crouch or crawl; and smell.

Work hours are based on seasonal conditions. Flexible work hours or shifts are possible (5 day work week) with weekend hours. The employee must frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 75 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud

### **SELECTION GUIDELINES & APPLICATION PROCESS:**

Formal employment application must be submitted, rating of education and experience; oral interview and reference check; job related tests may be required. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Appointment is subject to successfully passing a pre-employment physical, live-scan, background, and criminal history check. Before starting work, applicants must present documentation of their identity, authorization to work in the United States and a DMV driving record. Following appointment, a 12-month probationary period may be required as the final phase of the appointment process.





## City of Lindsay Job Description Utility Operator Trainee

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### **BENEFITS:**

Tier 1 (Employees hired prior to 07/01/2018): \$17.25-23.11 Hourly

Tier 2 (Employees hired after 07/01/2018): \$17.25-21.20 Hourly

*10 Vacation Days, 13 Holidays, 10 Sick Leave days, 100% Employee Only Medical, Dental and Vision Plans, Life Insurance, Cal Pers Retirement (Classic and PEPRAs tiers depending on hire date) Deferred Comp City Match (Up to 3%), Aflac and Cafeteria Plan. Please view the City of Lindsay website Human Resource page for further benefit details.*

Utility Operator Employees are exempt from the Utility Certification Pay.

### **COVID-19 CONSIDERATIONS:**

Protecting the health and safety of our communities including our teams and of those considering a career with the City of Lindsay is our highest priority. We continue to closely monitor the evolving situation and we appreciate your understanding and flexibility with any related changes to our interviewing process. Those selected to interview will be contacted via email with instructions for a virtual or physical interview. The City of Lindsay is committed to doing everything we can to keep our staff and community safe and it will continue to adhere to all CAL/OSHA COVID-19 Emergency Temporary Standards.



## City of Lindsay Job Description Utility Operator I

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<b>Class Title:</b>	Utility Operator I	<b>Salary:</b>	Tier 1: \$24.27-32.52 HOUR Tier 2: \$24.27-29.83 HOUR
<b>Department:</b>	City Services	<b>Step Range:</b>	1-7
<b>Location:</b>	150 N. Mirage Lindsay, CA. 93247	<b>Status:</b>	Full-time/Non-Exempt
<b>Date:</b>	MM/DD/YYYY	<b>Union:</b>	MISC/SEIU

### **GENERAL PURPOSE:**

Under general direction, Utility Operator I performs a variety of semi-skilled and skilled technical and maintenance work in the operation, maintenance, and repair of Water and/or Wastewater Treatment Plant (WTP and/or WWTP) facilities and systems.

### **SUPERVISION RECEIVED:**

Works under the general supervision of the Utility Operator III and/or City Services Director or their designee.

### **SUPERVISION EXERCISED:**

Exercises general supervisor over Operator-In-Training and general maintenance workers.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Assists in the operation of valves and other related controls to distribute flow through unit process and application of chlorine and chemicals to the water and/or wastewater systems.
- Monitors control equipment such as pumps, motors, valves, blowers, sludge collectors, heat exchangers, sludge thickeners and other related process equipment.
- Reads meters, gauges, and other instrumentation.
- Assist in water digs, water line break repairs, sewer inspections, and sewer plugs.
- Assist in the monthly city-wide water meter reading.
- Adjusts or alters chemical treatment of the plant as necessary.
- Collects samples for observation and analysis from unit processes.
- Performs daily and weekly laboratory analysis as needed for process adjustments and performance indicators.
- Performs preventative maintenance to equipment, such as routine service, lubrication and cleaning of process equipment and machinery.
- Operates a wide variety of tools and equipment used in minor mechanical repair and operation of process equipment.
- Assists in minor repairs to all process equipment as needed.
- Performs buildings and grounds maintenance, which may involve weed control, gardening, and janitorial services.
- Assists in the preventative maintenance of equipment.
- Performs routine preventative maintenance tasks.
- Oils, greases, and cleans equipment as directed.
- Performs heavy manual labor and ground maintenance work.
- Refurbishes equipment and structures.



## City of Lindsay Job Description Utility Operator I

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- Operates city vehicles and equipment to perform job.
- Drives and operates heavy trucks and specialized vehicular equipment.
- Assists in reading monthly water meters.
- Performs related duties as required.

### **PERIPHERAL DUTIES:**

- Serves on various employee or other committees as assigned.
- Maintains the drawings and schematics of electrical and other systems in the treatment plant.
- Monitors performance of electrical systems, circuits or equipment of the treatment plant.
- Pager duty (off hours callout, weekend rounds) is required based on meeting position requirements.

### **ABILITY TO:**

- Learn the operations of various equipment.
- Perform minor repairs on pumps, valves, and other equipment.
- Perform heavy manual labor and ground maintenance work.
- Develop and maintain effective working relationships.
- Communicate effectively in written and oral form.
- Basic principles and procedures of water and/or wastewater treatment, with specific emphasis on procedures involved in operations and maintenance of percolation ponds and secondary treatment plants.
- Methods, materials, and equipment used in the operation and maintenance of a water and/or wastewater treatment facility.
- Basic laboratory procedures and analysis.
- Safe work practices.
- Basic computer skills and knowledge of SCADA systems.
- Perform routine mathematical calculations.
- Follow oral and written directions.
- Operate forklifts and other related equipment.

### **DESIRED MINIMUM QUALIFICATIONS:**

#### **Education and Experience:**

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

- (A) Graduation from high school education or GED equivalent, and college or technical training in biology, environmental science, chemistry, or a closely related field, **and**
- (B) Basic Computer skills and knowledge of SCADA systems.
- (C) Two (2) years of experience in a wastewater utility, **or**
- (D) Any equivalent combination of education and experience.



## City of Lindsay Job Description Utility Operator I

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### **SPECIAL REQUIREMENTS:**

- Possession of or ability to obtain a valid California Driver's License by time of appointment.
- Possession of a valid State Water Resources Control Board Certifications:
  - Water Treatment & Distribution Operator Grade I (D1 & T1) *and/or*
  - Wastewater Treatment Plant Operator Grade I.

### **TOOLS AND EQUIPMENT:**

Motor vehicle, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, phone, calculator, and a variety of lab equipment, computer and computer program systems related to Water and/or WWTP operations.

### **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand, walk; talk and hear; sit; climb or balance; stoop or kneel. The employee is occasionally required to crouch or crawl; and smell.

Work hours are based on seasonal conditions. Flexible work hours or shifts are possible (5-day work week) with weekend hours. The employee must frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 75 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.



## City of Lindsay Job Description Utility Operator I

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### **SELECTION GUIDELINES & APPLICATION PROCESS:**

Formal employment application must be submitted, rating of education and experience; oral interview and reference check; job related tests may be required. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Appointment is subject to successfully passing a pre-employment physical, live-scan, background, and criminal history check. Before starting work, applicants must present documentation of their identity, authorization to work in the United States and a DMV driving record. Following appointment, a 12-month probationary period may be required as the final phase of the appointment process.

### **BENEFITS:**

Tier 1 (Employees hired prior to 07/01/2018): \$24.27-32.52 HOUR

Tier 2 (Employees hired after 07/01/2018): \$24.27-29.83 HOUR

*10 Vacation Days, 13 Holidays, 10 Sick Leave days, 100% Employee Only Medical, Dental and Vision Plans, Life Insurance, Cal Pers Retirement (Classic and PEPRA tiers depending on hire date) Deferred Comp City Match (Up to 3%), Aflac and Cafeteria Plan. Please view the City of Lindsay website Human Resource page for further benefit details.*

Utility Operator Employee are exempt from the Utility Certification Pay.

### **COVID-19 CONSIDERATIONS:**

Protecting the health and safety of our communities including our teams and of those considering a career with the City of Lindsay is our highest priority. We continue to closely monitor the evolving situation and we appreciate your understanding and flexibility with any related changes to our interviewing process. Those selected to interview will be contacted via email with instructions for a virtual or physical interview. The City of Lindsay is committed to doing everything we can to keep our staff and community safe and it will continue to adhere to all CAL/OSHA COVID-19 Emergency Temporary Standards.



**City of Lindsay**  
**Job Description**  
**Utility Operator II**

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<b>Class Title:</b>	Utility Operator II	<b>Salary:</b>	Tier 1: \$33.78-45.26 HOUR Tier 2: \$33.78-41.52 HOUR
<b>Department:</b>	City Services	<b>Step Range:</b>	1-7
<b>Location:</b>	150 N. Mirage Lindsay, CA. 93247	<b>Status:</b>	Full-time/Non-Exempt
<b>Date:</b>	MM/DD/YYYY	<b>Union:</b>	MISC/SEIU

**GENERAL PURPOSE:**

Under general direction, Utility Operator II performs a variety of semi-skilled and skilled technical and maintenance work in the operation, maintenance, and repair of Water and/or Wastewater Treatment Plant (WTP and/or WWTP) facilities and systems.

**SUPERVISION RECEIVED:**

Works under the general supervision of the Utility Operator III and/or City Services Director or their designee.

**SUPERVISION EXERCISED:**

Exercises general supervisor over Operator-In-Training, Operators I, and general Maintenance Workers.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Assists in the operation of valves and other related controls to distribute flow through unit process and application of chlorine and chemicals to the water and/or wastewater systems.
- Records statistical data concerning plant operations; maintains, operates, repairs, and replaces equipment as necessary.
- Assist in water digs, water line break repairs, sewer inspections, and sewer plugs.
- Assist in the monthly city-wide water meter reading.
- Monitors control equipment such as pumps, motors, valves, blowers, sludge collectors, heat exchangers, sludge thickeners and other related process equipment.
- Reads meters, gauges, and other instrumentation.
- Trains and maintains lesser skilled operators in acceptable methods and procedures to assure accuracy of test results.
- Adjusts or alters chemical treatment of the plant as necessary.
- Collects samples for observation and analysis from unit processes.
- Contains and disposes of hazardous wastes generated by the lab.
- Performs daily and weekly laboratory analysis as needed for process adjustments and performance indicators.
- Performs preventative maintenance to equipment, such as routine service, lubrication and cleaning of process equipment and machinery.
- Operates a wide variety of tools and equipment used in minor mechanical repair and operation of process equipment.
- Assists in minor repairs to all process equipment as needed.



## City of Lindsay Job Description Utility Operator II

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- Performs buildings and grounds maintenance, which may involve weed control, gardening, and janitorial services.
- Assists in the preventative maintenance of equipment.
- Performs routine preventative maintenance tasks.
- Oils, greases, and cleans equipment as directed.
- Performs heavy manual labor and ground maintenance work.
- Assures that plant operates within required standards.
- Refurbishes equipment and structures.
- Operates city vehicles and equipment to perform job.
- Drives and operates heavy trucks and specialized vehicular equipment.
- Performs related duties as required.

### **PERIPHERAL DUTIES:**

- Serves on various employee or other committees as assigned.
- Maintains the drawings and schematics of electrical and other systems in the treatment plant.
- Monitors performance of electrical systems, circuits or equipment of the treatment plant.
- Pager duty (off hours callout, weekend rounds) is required.

### **ABILITY TO:**

- Learn the operations of various equipment.
- Perform minor repairs on pumps, valves, and other equipment.
- Perform heavy manual labor and ground maintenance work.
- Develop and maintain effective working relationships.
- Communicate effectively in written and oral form.
- Basic principles and procedures of water and/or wastewater treatment, with specific emphasis on procedures involved in operations and maintenance of percolation ponds and secondary treatment plants.
- Methods, materials, and equipment used in the operation and maintenance of a water and/or wastewater treatment facility.
- Basic laboratory procedures and analysis.
- Safe work practices.
- Basic computer skills and knowledge of SCADA systems.
- Perform routine mathematical calculations.
- Follow oral and written directions.
- Operate forklifts and other related equipment.

### **DESIRED MINIMUM QUALIFICATIONS:**

#### **Education and Experience:**

Any combination of experience and education that could likely provide the required



## City of Lindsay Job Description Utility Operator II

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knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

- (A) Graduation from high school education or GED equivalent, and college or technical training in biology, environmental science, chemistry, or a closely related field, *and*
- (B) Basic Computer skills and knowledge of SCADA systems.
- (C) Two (2) years of experience in a wastewater utility, *or*
- (D) Any equivalent combination of education and experience.

### **SPECIAL REQUIREMENTS:**

- Possession of or ability to obtain a valid California Driver's License by time of appointment.
- Possession of a valid State Water Resources Control Board Certifications:
  - Water Treatment & Distribution Operator Grade II (D2 & T2) *and/or*
  - Wastewater Treatment Plant Operator Grade II.

### **TOOLS AND EQUIPMENT**

Motor vehicle, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, phone, calculator, and a variety of lab equipment, computer and computer program systems related to Water and/or WWTP operations.

### **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand, walk; talk and hear; sit; climb or balance; stoop or kneel. The employee is occasionally required to crouch or crawl; and smell.

Work hours are based on seasonal conditions. Flexible work hours or shifts are possible (5-day work week) with weekend hours. The employee must frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 75 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.





## City of Lindsay Job Description Utility Operator II

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### **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.

### **SELECTION GUIDELINES & APPLICATION PROCESS:**

Formal employment application must be submitted, rating of education and experience; oral interview and reference check; job related tests may be required. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Appointment is subject to successfully passing a pre-employment physical, live-scan, background, and criminal history check. Before starting work, applicants must present documentation of their identity, authorization to work in the United States and a DMV driving record. Following appointment, a 12-month probationary period may be required as the final phase of the appointment process.

### **BENEFITS:**

Tier 1 (Employees hired prior to 07/01/2018): \$33.78-45.26 HOUR

Tier 2 (Employees hired after 07/01/2018): \$33.78-41.52 HOUR

*10 Vacation Days, 13 Holidays, 10 Sick Leave days, 100% Employee Only Medical, Dental and Vision Plans, Life Insurance, Cal Pers Retirement (Classic and PEPRAs tiers depending on hire date) Deferred Comp City Match (Up to 3%), Aflac and Cafeteria Plan. Please view the City of Lindsay website Human Resource page for further benefit details.*

Utility Operator Employees are exempt from the Utility Certification Pay.



## City of Lindsay Job Description Utility Operator II

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### **COVID-19 CONSIDERATIONS:**

Protecting the health and safety of our communities including our teams and of those considering a career with the City of Lindsay is our highest priority. We continue to closely monitor the evolving situation and we appreciate your understanding and flexibility with any related changes to our interviewing process. Those selected to interview will be contacted via email with instructions for a virtual or physical interview. The City of Lindsay is committed to doing everything we can to keep our staff and community safe and it will continue to adhere to all CAL/OSHA COVID-19 Emergency Temporary Standards.



## City of Lindsay Job Description Utility Operator III

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<b>Class Title:</b>	Utility Operator III	<b>Salary:</b>	Tier 1: \$38.16-51.13 HOUR Tier 2: \$38.16-46.90 HOUR
<b>Department:</b>	City Services	<b>Step Range:</b>	1-7
<b>Location:</b>	150 N. Mirage Lindsay, CA. 93247	<b>Status:</b>	Full-time/Non- Exempt
<b>Date:</b>	MM/DD/YYYY	<b>Union:</b>	None

### **GENERAL PURPOSE:**

Under general supervision, manages the operation and maintenance of facilities of Water and/or Wastewater Treatment Plant (WTP and/or WWTP) facilities and systems. Plans, schedules, and assigns work for personnel. Performs a variety of technical tasks relative to the operations and maintenance of both the Water and Wastewater Treatment Plant facilities and systems; and performs related work as required.

### **SUPERVISION RECEIVED:**

Works under the general supervision of the Director of City Services or their designee.

### **SUPERVISION EXERCISED:**

Exercises general supervisor over Operator-In-Training, Operators I and II, and general Maintenance Workers.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Plans organizes, assigns, supervises, and reviews the work of assigned staff in the water treatment and wastewater treatment operations and maintenance work division.
- Determines the locations of water, sewer and storm drain lines from the appropriate sources prior to excavation.
- Responds to complaints regarding water leaks, pressure loss or no water; evaluates situation.
- Monitors operations and activities of the operations and maintenance work unit assigned to wastewater treatment; recommends improvements and modifications and prepares various reports on operations and activities; recommends and assists in the implementation of goals and objectives; implements policies and procedures.
- Answers questions and provides information to the public; investigates complaints; recommends corrective actions to resolve issues.
- Contacts residents and business owners in area where services will be disrupted and explains when services will be shut off and how soon it will be turned back on.
- Trains staff in work and safety procedures (Standard Operating Procedures) and in the operation and use of equipment and supplies; implements procedures and standards.
- Provides input on employee performance evaluations; works with employees to correct deficiencies; implements discipline procedures
- Determines and recommends equipment, materials, and staffing needs for assigned maintenance projects; participates in the annual budget preparation; prepares detailed cost estimates with appropriate justifications, as required; maintains a variety of records and prepares routine reports of work performance.



## City of Lindsay Job Description Utility Operator III

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- Develops and reviews staff and regulatory reports related to collection system maintenance, wastewater treatment maintenance and operations, laboratory, and storm drain maintenance activities and services; assists with reports presented to the City Council and other commissions, committees, and boards; performs a variety of public relations and outreach work related to assigned activities.
- Monitors and controls supplies and equipment; orders supplies and tools as necessary; prepares documents for equipment procurement; participates in informal bid processes for vendor selection. Monitoring and adjusting the operation of water system pumps, motors and other equipment.
- Accurately reading gauges, dials and other instruments that depict and/or record data.
- Servicing, maintaining, and repairing a variety of water system equipment, including pumps, valves, motors, filters and meters.
- Inspecting water system equipment and facilities to locate needed repairs and making repairs to various water system equipment as required.
- Participates in the administration of preventive maintenance, in-service training, and safety programs; develops safety programs that meet Federal and State standards; ensures compliance with safety procedures.
- Implements adopted water, storm drain maintenance and wastewater collection, testing, distribution, and treatment maintenance and operations plans, policies, and standards.
- Monitors changes in regulations and technology that may affect operations; implements policy and procedural changes after approval.
- Performs the most difficult operations, maintenance, and repair duties in the area of work assigned.
- Reviews laboratory results to ensure adherence to ensure compliance with regulatory requirements.
- Coordinates permit applications and renewals; researches and analyzes data; monitors testing.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Maintains logs and records of work performed; prepares periodic reports.
- Responds to operations, maintenance, and repair emergency situations as required.
- Performs other related work as required.

### **PERIPHERAL DUTIES:**

- Techniques for providing a high level of customer service to the public and City staff, in person and over the telephone.
- Work with heavy equipment.
- Perform heavy manual labor for extended periods of time in all types of weather.
- Operate a motor vehicle safely.
- Maintain accurate records and files of work performed.
- Use computer technology and applications in the performance of daily activities.
- Make sound, independent decisions within established policy and procedural guidelines.



## City of Lindsay Job Description Utility Operator III

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- Establish and maintain a variety of manual and computerized record keeping and project management systems.
- Organize own work, set priorities, and meet critical time deadlines.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Keep records and maintain reports.
- Conduct standard chemical and physical analysis of wastewater, sludge and related materials.
- Assists in the ongoing safety and injury prevention program.
- Establish and maintain effective working relationships with those contacted in the course of the work.
- Work with heavy equipment requiring good motor coordination and physical strength.
- Responds to operations, maintenance, and repair emergency situations as required.
- Pager duty (off hours callout, weekend rounds) is required.

### **MINIMUM QUALIFICATIONS:**

#### **Knowledge of:**

- Principles and practice of water system operations and wastewater processing techniques.
- SCADA, GIS, GPS, Asset Management, Project Management, meter programming equipment, underground locator and locating marker technology, confined space procedures.
- Water, Utility, BMP's.
- Principles of valves, pumps, motors, and various types of electrical and electronic equipment
- Operating principles of valves, pumps, motors, and various types of equipment, materials and tools used in operations of the water systems and wastewater treatment.
- Safe work practices.
- Read water meter routes, inspect, service and replace meters, fittings, and meter boxes.
- Basic mechanical, electrical, and hydraulic principles.
- Basic and advanced arithmetic and statistical techniques.
- Knowledge of applicable Federal, State and local laws, ordinances, regulations, guidelines relevant to assign duties.

### **DESIRED MINIMUM QUALIFICATIONS:**

#### **Education and Experience:**

- Valid State Driver's License or the ability to obtain one prior to employment.
- High School graduation of GED equivalent.
- Specialized Training in wastewater treatment.
- Personnel supervision, and the area of assignment, and four (4) years of responsible experience in the operation of a wastewater treatment plant.
- One (1) year of lead or supervisory experience.



## City of Lindsay Job Description Utility Operator III

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### **SPECIAL REQUIREMENTS:**

- Possession of or ability to obtain a valid California Driver's License by time of appointment.
- Possession of a valid State Water Resources Control Board Certifications:
  - Water Treatment & Distribution Operator Grade III (D3 & T3) *and*
  - Wastewater Treatment Plant Operator Grade III.

### **TOOLS AND EQUIPMENT:**

Motor vehicle, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, phone, calculator, and a variety of lab equipment, computer and computer program systems related to Water & Wastewater Treatment Plant operations.

### **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand, walk; talk and hear; sit; climb or balance; stoop or kneel. The employee is occasionally required to crouch or crawl; and smell.

Work hours are based on seasonal conditions. Flexible work hours or shifts are possible (5 day work week) with weekend hours. The employee must frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 75 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions. The employee occasionally works in high, precarious places and is occasionally exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.



## City of Lindsay Job Description Utility Operator III

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### **SELECTION GUIDELINES & APPLICATION PROCESS:**

Formal employment application must be submitted, rating of education and experience; oral interview and reference check; job related tests may be required. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Appointment is subject to successfully passing a pre-employment physical, live-scan, background, and criminal history check. Before starting work, applicants must present documentation of their identity, authorization to work in the United States and a DMV driving record. Following appointment, a 12-month probationary period may be required as the final phase of the appointment process.

### **BENEFITS:**

Tier 1 (Employees hired prior to 07/01/2018): \$38.16-51.13 HOUR

Tier 2 (Employees hired after 07/01/2018): \$38.16-46.90 HOUR

*10 Vacation Days, 13 Holidays, 10 Sick Leave days, 100% Employee Only Medical, Dental and Vision Plans, Life Insurance, Cal Pers Retirement (Classic and PEPRA tiers depending on hire date) Deferred Comp City Match (Up to 3%), Aflac and Cafeteria Plan. Please view the City of Lindsay website Human Resource page for further benefit details.*

Utility Operator Employee are exempt from the Utility Certification Pay.

### **COVID-19 CONSIDERATIONS:**

Protecting the health and safety of our communities including our teams and of those considering a career with the City of Lindsay is our highest priority. We continue to closely monitor the evolving situation and we appreciate your understanding and flexibility with any related changes to our interviewing process. Those selected to interview will be contacted via email with instructions for a virtual or physical interview. The City of Lindsay is committed to doing everything we can to keep our staff and community safe and it will continue to adhere to all CAL/OSHA COVID-19 Emergency Temporary Standards.



## STAFF REPORT

TO: Lindsay City Council  
FROM: Joseph Tanner, City Manager  
Francesca Quintana, City Clerk & Assistant to the City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 10.3  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Consider the Appointment of Delegates for the 2023 Lindsay Sister City Committee Trip.

### **BACKGROUND | ANALYSIS**

On December 13, 2022, Ono Sister City Committee members held a presentation before Council where they debriefed on the Committee's most recent trip to Ono City in Japan. At that presentation the Committee asked that Council consider the appointment of delegates for the 2023 delegate trip.

The trip to Ono City Japan will take place August 17, 2023, through August 23, 2023. Delegates can expect to depart Lindsay California on August 16, 2023, and return on August 24, 2023. During their stay, delegates will be housed in a hotel and be provided with meals.

The Committee requests that Council appoint four (4) delegates from among its Council and/or City Staff. Those selected individuals must possess a current valid passport, commit to five (5) years of membership dues, service at the Committee's yearly fundraising dinner, and commit to hosting an Ono City visitor in their home or chairing a dinner committee.

Names of the appointed delegates should be forwarded to the Committee no later than January 11, 2023, to ensure that they are notified of an interview time with the Committee. The Committee will hold these interviews on January 11, 2023, from 4:30 – 6:00 PM at the Lindsay Wellness Center.

### **FISCAL IMPACT**

The City will be responsible for the cost of the round-trip flights for the four (4) delegates, membership dues for the four (4) delegates, and anniversary offerings to Ono City. The overall anticipated cost is \$13,300 - \$14,000 and would be sourced from FUND 1014010-038002.

### **ATTACHMENTS**

- None.





## STAFF REPORT

TO: Lindsay City Council  
FROM: Neyba Amezcua, Director of City Services and Planning  
DEPARTMENT: City Services & Planning  
ITEM NO.: 10.4  
MEETING DATE: January 10, 2022

### ACTION & RECOMMENDATION

Discussion and Direction Regarding the Linda Vista Rehabilitation Project.

### BACKGROUND | ANALYSIS

The engineering consultant, QK Inc., has completed the project plans, specifications, & estimate for the Linda Vista Rehabilitation Project and is ready to start the procurement process. However, as the City Council is aware, Staff is currently working towards the completion of a Water Feasibility Study. A component of the Feasibility Study is the evaluation of the City's water distribution main pipelines. The Linda Vista water main line has been identified as an area of concern due to the water pressure being under twenty (20) pounds per square inch (psi). A potential solution to reach a normal operating pressure is to increase the pipe size from 6" to an 8" diameter pipeline.

Staff is seeking direction from the Council on how to proceed with the project. Staff asks that Council consider the following options:

**Option 1:** Authorize Staff to go out to bid for the street project as approved and designed.

**Option 2:** Do not authorize Staff to go out to bid and hold the project until water funding is available to fix the water main line.

**Option 3:** Provide an alternative direction to Staff.

### FISCAL IMPACT

**Option 1:** \$1,800,000 Budget Approved

**Option 2:** Budget TBD

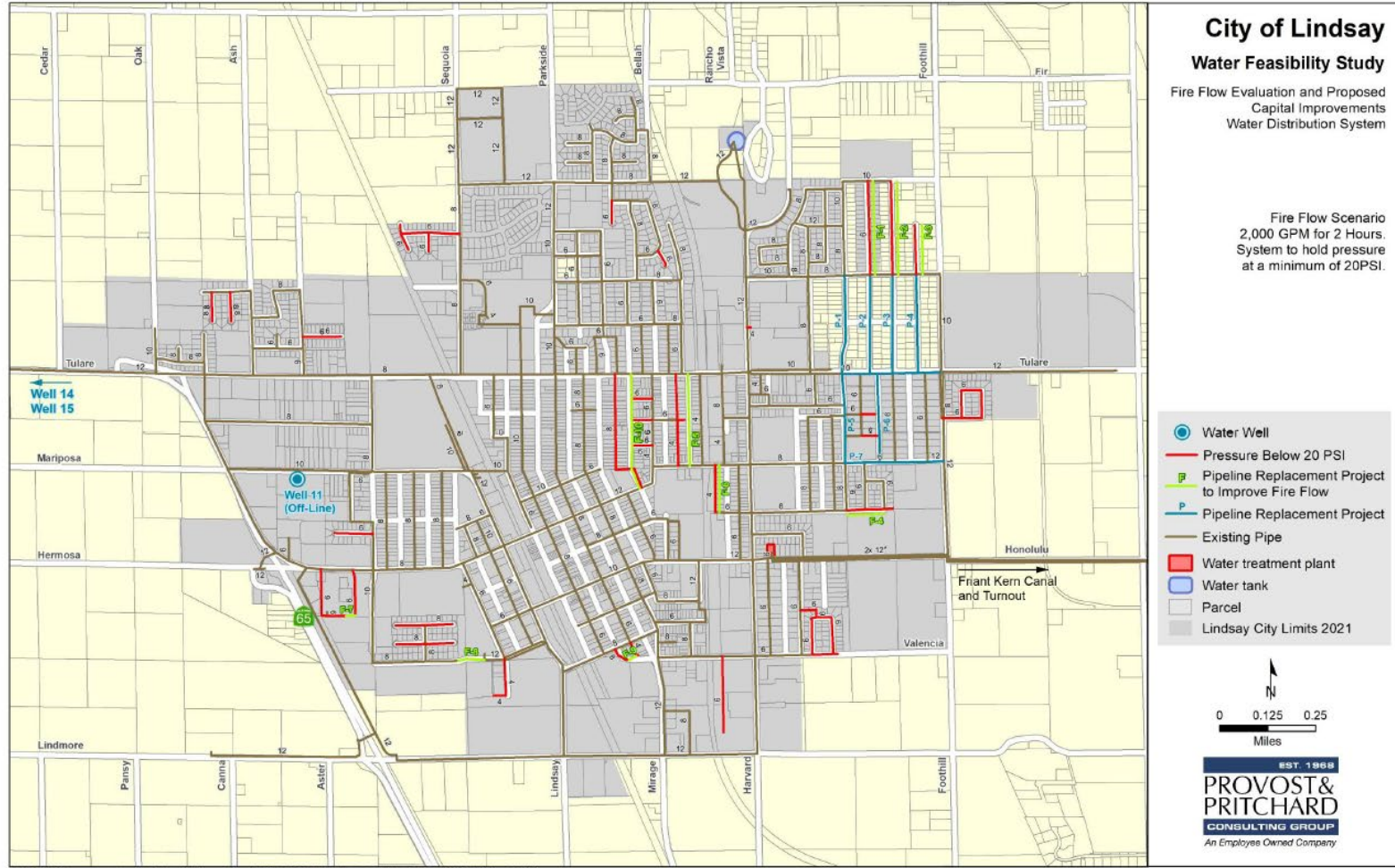
**Option 3:** Budget TBD

### ATTACHMENTS

- Fire Flow Evaluation Map

**SECTION THREE**

**Figure 3-4: Fire Flow Evaluation**





## STAFF REPORT

TO: Lindsay City Council  
FROM: Joseph M. Tanner, City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 10.5  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Consider the Approval of Resolution 23-02, Approving a Contract with Lew Edwards Group (LEG) to Provide Planning, Communication, and Engagement Services for Quality-of-Life Vision, and Approving a Contract with Fairbank, Maslin, Maullin, Metz & Associates (FM3) to Conduct a Quality of Life/Satisfaction Survey for the City of Lindsay, and Authorize City Manager to Execute Any Documents Thereto.

Staff recommends that the City Council approve Resolution 23-02, approving a contract with the Lew Edwards Group (LEG), to provide planning, communication, and engagement services in connection with the City's strategic plan vision, as identified in "Task One" of the Scope of Services attached to the Professional Services Agreement. Resolution 23-02 also approves a contract with Fairbank, Maslin, Maullin, Metz & Associates (FM3) for the purposes of conducting a community survey.

### **BACKGROUND | ANALYSIS**

Both City Staff and the City Council have expressed their clear intention to determine the community's views on the current quality of life in the City of Lindsay, the community's desires for improving that quality of life and the potential means of achieving the community's goals.

The first step in achieving this City Council goal is to determine the attitudes and beliefs of the community in a reliable and statistically sound survey. LEG will serve as the lead consultant on this effort and will, as an initial step, develop appropriate questions and consult with FM3 regarding producing the survey.

The City is interested in conducting an objective, statistically reliable survey of City of Lindsay voters to profile their needs, priorities, preferences, and satisfaction related to city services and facilities, measure community interest in additional funding for city services and facilities, and gather data on a variety of quality-of-life, issue, and policy-related matters. Following an assessment of the City's updated opinion research, LEG will develop initial Strategic Recommendations as described in its proposal. LEG will assist the City in developing or adding value to selected copy for appropriate engagement and communications materials to deliver and saturate the eventual informational message, including guest



## **STAFF REPORT**

columns, copy for links on the City website, and focused Power Point Presentations for informational Speakers' Bureau, Stakeholder, Key Influential and community presentations.

For items related specifically to our Quality-of-Life project, LEG will provide first drafts of selected materials for the review and approval of the City. The current proposal is for the first phase of the effort (described as "Task One" in the Scope of Services) but they have provided information on the entirety of the process as their extensive experience suggests will be appropriate. The City Council, after receiving the results of Task One, will determine whether to proceed with the subsequent tasks.

Staff has reviewed the marketplace for reliable firms that can perform these services, and determined that the nature of the service, the reputation of the service provider and the quality of the work vary widely in the available firms. For this reason, Staff is strongly recommending that Council award sole source contracts to LEG and FM3, rather than a lengthy and expensive request for proposals, which would result in various levels of cost but with no assurance of work quality or reliability. The California Government Code and the City's Procurement Policy both permit sole source contracts for the performance of specialized professional services and staff believes that this is an instance when a sole source procedure is the preferred method.

Although LEG has not previously performed such services for the City, their reputation in the State is extremely strong.

### **FISCAL IMPACT**

LEG would perform Task One for a flat fee of \$15,000, provided that the term does not exceed the typical timing of 90 days to perform this work. Following Task One, when the City's project parameters are better known, the parties can choose to extend our contract as appropriate, with the term and rate to be subject to discussion at that time.

The total estimated cost for the community research through FM3 is \$26,850. This price is comprehensive and includes all costs for questionnaire design; sample acquisition and preparation; translation; programming; email, text, and postcard invitations; survey hosting; bilingual interviewing; data entry and analysis; and reporting.

These costs would be sourced from American Rescue Plan Act Funds.

### **ATTACHMENTS**

- Draft LEG Proposal to Provide Planning, Communications & Engagement Services to Support the City of Lindsay's Fiscal Sustainability Vision
- LEG Task One Assessment Services



## **STAFF REPORT**

- FM3 Scope and Cost Memo
- Resolution No. 23-02



*Proposal to Provide  
Planning, Communications & Engagement  
Services to Support the City of Lindsay's  
Fiscal Sustainability Vision*

*January 5, 2023*



City Manager Joseph Tanner  
City of Lindsay  
251 E. Honolulu Street  
Lindsay, CA 93247

Dear City Manager Tanner:

Thank you for reaching out to The Lew Edwards Group (LEG) to partner with the City on a fiscal sustainability and community engagement project. A collaboration with LEG will provide the City of Lindsay with the following:

- ✓ A *California leader in fiscal sustainability approaches for local government.* LEG has enacted over \$42 Billion with a 95% enactment rate, closing out our most recent 2022 cycle with 66 enactments and wins.
- ✓ A firm offering *nationally recognized, award-winning* public outreach and communications approaches, including awards for culturally competent communications.
- ✓ *A firm with extensive experience within Tulare County and your greater region.* In addition to the Tulare Council of Governments, LEG has also successfully represented the cities of Dinuba, Exeter, Porterville, Tulare, and Visalia on their fiscal sustainability needs.

I so enjoyed seeing you again last year and meeting your amazing staff team. LEG would be so excited to help the City engage its residents as it plans for its fiscal sustainability vision!

Warmly,

A handwritten signature in blue ink, appearing to read 'Catherine Lew Edwards', with a long horizontal flourish extending to the right.

Co-Founder & Principal Consultant  
510-594-0224 x 261  
[catherine@lewedwardsgroup.com](mailto:catherine@lewedwardsgroup.com)

## Refresher on The Lew Edwards Group

As you know, LEG is a California leader in providing strategic communications, long-term planning, and revenue generation services to local governments throughout California. Our firm is celebrating its 26<sup>th</sup> year as a company. Local government or public agency representation constitutes more than two-thirds of our practice. LEG is proud to be a woman, Black-Native American, and AAPI-owned firm.

LEG functions as a Lead Consultant to our clients. Experts from LEG are frequently sought-after trainers and speakers for the **League of California Cities, California Municipal Treasurers Association, California Society of Municipal Finance Officers, Local Government Commission, Institute for Local Government, and Municipal Management Association** among others. LEG's direct mail products have been recognized on multiple occasions in the prestigious national Pollie Awards.

For a comprehensive list of clients, visit [www.lewedwardsgroup.com](http://www.lewedwardsgroup.com).

## Typical Scope of Services/Project Approach

As you recall from our previously successful collaborations, LEG services can be summarized as follows:

1. Provide Lead Project Coordination
2. Assist in facilitating/designing the Community Survey to be conducted by the City's research professional, independently evaluating the results, and utilizing identified public perspectives in designing a Project Plan
3. Developing the Project's Strategic Plan, recommend ongoing Public Engagement and Communications throughout the process
4. Assist with Ballot Measure Development if viable to proceed and desired by a client.

## Lead Project Services

LEG prides itself on a supportive, team building approach with consistent planning teleconferences with the City and your research professional. LEG recommends FM3 Research, a renowned California opinion research organization with whom you have also enjoyed previous collaboration and success. With the input of all participants, LEG will develop meeting agendas and facilitate sessions to support the timely deployment of key project activities.

LEG approaches its partnership with personal dedication, enthusiasm, and a commitment to excellent service, recognizing that our ultimate consumer is not only the City of Lindsay, but most importantly, the constituents the City represents.



## **Facilitate Efforts to Conduct a Community Survey**

As we have discussed, LEG recommends that the City conduct a community survey as the first step in the process to gauge residents' current attitudes towards fiscal issues and the City's management; identify community priorities and the viability of potential 2023 Property Owner and/or 2024 revenue measure/s; and identify effective information in communicating with constituents about the City's fiscal sustainability needs.

Following completion of the City's community survey, LEG will independently evaluate survey results, provide strategic analysis, and develop a recommended Communications/Engagement Plan and timetable based on our firm's review and interpretation of the data.

## **Community Engagement**

Following our assessment of the City's survey, LEG will develop initial Strategic Recommendations. LEG will assist the City in developing copy for appropriate engagement and communications materials to deliver and deliver your informational message, copy for links on the City website, a City Newsletter, or a Power Point Presentation for informational (online) Speakers' Bureau, Stakeholder, Key Influential and community presentations. LEG will provide first drafts of selected materials for the review and approval by the City. Remember also that due to FPPC restrictions, any mailed collateral cannot feature elected officials except in a limited manner.

### Project Communication Goals

1. Develop messages to effectively engage, respond to questions from, and inform the public
2. Provide structure and effective communications outreach content to educate the public about the needs and the city services at stake
3. Use all available vehicles, including direct mail and social media/Internet-based communications platforms to inform and engage your public
4. Working with City staff, ensure that project communications are conducted in a culturally competent manner

### Development of Informational Messages

Our project collaboration will have the goal of informing the public and raising awareness of the City's quality of life vision and fiscal sustainability needs. "Message discipline" and a clear, concise focus are critical to our informational effort. LEG will draft and refine talking points for City staff use.

It is essential that the community be engaged, creating two-way and collaborative dialogue with your public. Otherwise, "government" is simply imposing its decisions on the community which is not effective.

### Direct Mail/Social Media/Digital Media

LEG recommends a communications plan that will allow the City to raise awareness of city needs beyond already-active stakeholders and key influentials, to a broader public. LEG will draft text copy and provide samples for the City's staff and vendors to design/print/mail for any materials specifically related to this project. Doing so is often less expensive for our clients and supports any existing local vendor relationships our clients have.

In consultation with City staff, LEG will also draft and/or refine informational handouts, press releases and website copy, with appropriate materials (charts, graphs, visual aids, etc.) to communicate messages and information. In addition, LEG will draft, review and/or refine supporting fact sheets, flyers, and other communications. Other communications vehicles include your City website, social media (such as Facebook, Twitter, Instagram, and other platforms) and a Speakers' Bureau program.

LEG assists in drafting information or adding value for social media as part of our multi-disciplinary public outreach effort and advises our clients to augment or expand their digital media reach and communications in light of today's multi-faceted communications.

### Press Coverage

LEG will review earned (non-paid) media press opportunities with City staff. Balanced press coverage will build additional constituent engagement throughout the process, which is critical to engaging community stakeholders and informing your public about your needs. While LEG does not function as a spokesperson, we can support the City's communications efforts by developing additional collaterals such as project-related press releases, media backgrounders, talking and rapid response needs, as necessary for dissemination to local media.

### Ballot Measure Development

Should potential property owner and/or ballot measure/s be viable, LEG will collaborate with the City Attorney and City staff on measure structure/s and wording to address the public's interests and priorities.

LEG will collaborate closely with your team to refine the ballot question and develop other ballot measure components so that they are understandable to the average person. This addresses specific documents such as the measure ordinance, ballot question, property owner balloting package, city resolution, and staff report to ensure that all property owner or voter handbook materials are understandable to the average person, not just lawyers.

## PROFESSIONAL FEE

Without exception, LEG does not bill on an hourly or time and materials basis. Professional fees are the City's costs to retain LEG's strategic services and do not include hard project costs such as polling, graphics, or other project expenses such as legal and election costs. For example, mailing costs will need to be budgeted for separately as they are in addition to LEG's fee.

LEG's standard municipal rate currently is \$6,500 per month. LEG suggests the following:

-Task One Assessment Phase to assist your opinion research professional in the design of an on-point, culturally competent community survey to assess public priorities and perspectives, including up to two fiscal sustainability approaches. LEG would perform Task One for a flat fee of \$15,000, provided that the term does not exceed the typical timing of 90 days to perform this work.

Following Task One, when the City's project parameters are better known the parties can choose to extend our contract as appropriate, with the term and rate to be subject to discussion at that time.

Of course, should the City need to terminate or suspend its planning because the project is not viable or for reasons external to the project, the parties would end the agreement with fees incurred through Task One. Thank you for considering LEG as your partner for this important work.

## TASK ONE ASSESSMENT SERVICES

*As of November 13, 2022*

The Lew Edwards Group shall provide Lead Consulting Services for the City's initial assessment phase that include the following:

- Review current City, budget, demographic, policy, and other pertinent service information
- Review City background materials
- Review and analyze current media clips about City
- Lead initial planning sessions
- Facilitate and add value to Opinion Research partner's design and creation of a project-specific opinion research study
- Independently review opinion research results and provide Strategic Recommendations to City
- Provide additional strategic advice as needed, including recommended messaging and next steps

Legal advice is not within Consultant's scope of services. The parties can agree to extend agreement for additional services –if so, additional professional fees shall apply.

## PAYMENT OF SERVICES

Consultant will invoice City for Task One Assessment Services at the flat rate of Fifteen Thousand Dollars (\$15,000), due and payable in payment increments over two - three invoices. This Scope of Work is presumed by the parties to take no more than a 90-day period.



**TO** Joe Tanner, City Manager

**FROM** Richard Bernard, PhD  
FM3 Research

**RE:** City of Lindsay Community Satisfaction and Budget Priority Survey - Scope and Cost Memo

**DATE** November 18, 2022

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Fairbank, Maslin, Maullin, Metz & Associates (FM3) is pleased to submit this short scope of work to conduct research assessing community satisfaction and budget priorities in the City of Lindsay. Below are the proposed research specifications and estimated costs.

**Strategic Considerations** In order to increase trust and participation in this survey, FM3 proposes to send a postcard to all households in the City of Lindsay (approximately 3,900) prior to fielding so that people are prepared when they receive their invitations to participate.

**Methodology** Dual-mode resident survey using a combination of online and telephone interviews

**Respondent Contact Method** Telephone calls, email invitations, and text invitations

**Population & Sample** FM3 would aim to receive approximately 100 responses from the overall adult population of the City, resulting in a margin of error of  $\pm 9.8\%$  at the 95% confidence level (i.e., in 95 out of 100 cases).

**Questionnaire** 15 minutes

**Language** All surveys (telephone and online) will be available in both English and Spanish.

**Deliverables** Following the completion of the survey, we will provide:

- A final questionnaire for easy reference
- A complete analysis of key survey results in PowerPoint
- A presentation of the survey results

FM3 will also be available for ongoing consultation and any further analysis of the research.

**Cost** **The total estimated cost for this research is \$26,850.**



This price is comprehensive and includes all costs for questionnaire design; sample acquisition and preparation; translation; programming; email, text, and postcard invitations; survey hosting; bilingual interviewing; data entry and analysis; and reporting.

FM3 would welcome the opportunity to work with you on this research, and if you have any questions or if there is any further information I can provide, please do not hesitate to contact me.

**Richard Bernard, PhD, FM3 Partner**

Fairbank, Maslin, Maullin, Metz & Associates (FM3)

12100 Wilshire Boulevard, Suite 350

Los Angeles, CA 90025

(310) 428-1809 (cell)

[Bernard@FM3Research.com](mailto:Bernard@FM3Research.com)



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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**NUMBER** 23-02

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING A CONTRACT WITH LEW EDWARDS GROUP (LEG) TO PROVIDE PLANNING, COMMUNICATION, AND ENGAGEMENT SERVICES FOR QUALITY-OF-LIFE VISION, AND APPROVING A CONTRACT WITH FAIRBANK, MASLIN, MAULLIN, METZ & ASSOCIATES (FM3) TO CONDUCT A QUALITY OF LIFE/SATISFACTION SURVEY FOR THE CITY OF LINDSAY, AND AUTHORIZE CITY MANAGER TO EXECUTE ANY DOCUMENTS THERETO

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on January 10, 2023, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, both City Staff and the City Council have expressed their clear intention to determine the community's views on the current quality of life in the City of Lindsay, the community's desires for improving that quality of life and the potential means of achieving the community's goals; and

**WHEREAS**, the first step in achieving this City Council goal is to determine the attitudes and beliefs of the community in a reliable and statistically sound survey; and

**WHEREAS**, Staff has reviewed the marketplace for reliable firms that can perform these necessary services, and determined that the nature of the service, the reputation of the service provider and the quality of the work vary widely in the available firms; and

**WHEREAS**, it is the desire of the City Council to award sole source contracts to LEG and FM3, rather than a lengthy and expensive request for proposals, which would result in various levels of cost but with no assurance of work quality or reliability; and

**WHEREAS**, the California Government Code and the City's Procurement Policy both permit sole source contracts for the performance of specialized professional services and staff believes that this is an instance when a sole source procedure is the preferred method; and

**WHEREAS**, the City Council of the City of Lindsay hereby approves the sole source contracts with LEG and FM3, and grants authorization to the City Manager to execute any documents thereto.

RESOLUTION NO. 23-02

Page 1 of 2



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

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

- SECTION 1. The recitals set forth above are true and correct and are incorporated into this Resolution by this reference together with any definitions and findings set forth therein.
- SECTION 2. The City Council hereby affirms, based on the marketplace for reliable firms that can perform the necessary services, and determined that the nature of the service, the reputation of the service provider and the quality of the work vary widely in the available firms, and awards sole source contracts to LEG and FM3, and grants authorization to the City Manager to execute any documents thereto.
- SECTION 3. This Resolution shall take effect immediately upon its adoption.

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

MEETING DATE	January 10, 2023
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





# Lindsay City Council Goals, Strategies, and Action Plan 2023-2025

## **Mission Statement**

*The mission of the City of Lindsay is to deliver quality services in a financially sustainable, transparent manner while prioritizing safety, infrastructure, community, and quality of life.*

## **City Council**

Hipolito A. Cerros, Mayor  
Yolanda Flores, Mayor Pro Tem  
Rosaena Sanchez, Councilmember  
Ramiro Serna, Councilmember  
Ramona Caudillo, Councilmember

## Mission Statement

*The mission of the City of Lindsay is to deliver quality services in a financially sustainable, transparent manner while prioritizing safety, infrastructure, community, and quality of life.*

## Overview

In the fulfillment of the duties set above, the Council, in collaboration with City staff, is committed to the following set of five overarching goals:

*Goal 1. Ensure the City is Fiscally Sustainable and Resilient.*

*Goal 2. Provide a Safe, Clean Community Environment for All.*

*Goal 3. Expand the Economic Base in Lindsay.*

*Goal 4. Invest in Critical Streets, Water, and Sewer Infrastructure.*

*Goal 5. Improve the Quality of Life for People that Live and Work in Lindsay.*

## Accomplishments

As the City of Lindsay moves forward, it is important to look back and recognize past accomplishments, as well as identify future potential for growth. Focusing on the City's successes is important for maintaining and expanding upon the City's momentum for positive change.

*Goal 1. Ensure the City is Fiscally Sustainable and Resilient.*

- Hired 10 Interns
- Completed 32 recruitments City-wide
- Negotiated the sale and closed escrow on McDermond Field House
- Developed a Long-Range Financial Plan
- Approved an American Rescue Plan Act Spending Plan
- New City Auditor Contract
- Hired Interim Director of Recreation
- Updated User Fees
- Established a 115 Trust
- Updated City's Cash Handling Policy
- **Improved financial stability**
- Hired City Services Project Manager
- Awarded \$400K by USDA
- Began the Report Writing Room remodel
- **A balanced budget**
- **Clean City Audit**

*Goal 2. Provide a Safe, Clean Community Environment for All.*

- Establishment of Volunteer Fire Program
- Organize/Cleanup of Wellness Center
- Approved a Social Media Policy
- Installed cameras at City Hall
- Purchased two Public Safety vehicles
- **Hired a Director of Public Safety**
- Hosted the first Community Police Academy
- Developed a Designated Exchange Zone
- Established a Public Safety Chaplain
- Implemented Body Cameras
- Began a Neighborhood Watch Program
- Began a Business Watch Program
- **Hired a Full time Community Service Officer (Formerly Animal Control)**
- Implemented Stop Sticks/Pursuit Termination devices in all on duty vehicles
- Implemented Narcan in all units
- Hosted a successful Active Shooter Training for employees
- All employees received level 1 National Incident Management System training
- Implemented a Homeless Outreach Officer
- Hosted Emergency Operations Center Training
- Hired second School Resource Officer

*Goal 3. Expand the Economic Base in Lindsay.*

- **Updated Mobile Vending Ordinance**
- New contract with Friday Night Market operator approved
- Team California membership
- **Purchased 122 E. Honolulu St. & 190 S. Elmwood Ave.**
- Approved Conditional Use Permit for second dispensary

*Goal 4. Invest in Critical Streets, Water, and Sewer Infrastructure.*

- Completed the Mariposa Basin Project
- Concept design for Lindsay Transit Center
- **Agreement with Tulare County to repair Lindmore Street**
- **Completed Slurry Seal construction on 21 streets for a total of 797,274 Square Feet**
- **Completed Cape Seal construction on 15 streets for a total of 503,730 Square Feet**

*Goal 5. Improve the Quality of Life for People that Live and Work in Lindsay.*

- **\$298,000 dollars given to Lindsay families in Mortgage, Rent, and Utility Assistance**
- **\$30,000 dollars expended in shower head distribution, toilet replacement rebates, and turf rebates**
- Received additional \$4.5M funding for Olive Bowl Park project.

- Gave away over 350 food kits for Thanksgiving to Lindsay Residents
- Partnered with Healthy Start Family Resource Center on Winter Coat Drive for local kids
- **Hosted many events including: Santa Night, Tree Lighting Festival, National Night Out, and Lindsay Camp Out**
- Partnered with Rawhide baseball team and held fundraiser for Little League baseball
- Installed historic bell at City Hall
- Employee Wellness Patio built
- Developed Patch Projects (Cancer Awareness/Autism Awareness)
- Developed the Kiwanis Employee of the Quarter Award
- Developed and hosted the first Memorial Day Sunset Service

## 2023-2025 Goals, Strategies, and Action Plan

### *Goal 1. Ensure the City is Fiscally Sustainable and Resilient.*

Plan for stable and consistent fiscal solvency through prudent management of general fund reserves, facility replacement reserves, pension obligations, and consistent evaluation for cost and operational efficiencies.

**Maintain and update policies and procedures accordingly to meet current laws, regulations, and best practice standards.**

#### Strategies

- Operate City government in a fiscally responsible and prudent manner to ensure that the City of Lindsay makes sound fiscal decisions.
- Develop, update, and maintain fiscal policies to ensure appropriate oversight and best practices.
- Review the City's fees and rates schedule.
- Ensure that enterprise funds generate appropriate revenue and not a drag on the General Fund.

#### Action Items

1. Implement Corrective Action Plan in Response to State Auditor Report 2020-804.  
**Partial Completed. Waiting on final determination from the State Auditor.**
2. ~~Fund City's Section 115 Trust.~~  
**Completed.**
3. ~~Adopt & Implement a Five-Year Financial Planning Policy.~~  
**Completed.**
4. Create a rolling five-year financial forecast.  
**Finance will implement during the Budget Cycle.**

5. Review all rates and fees for municipal services as needed or at least every 5 years.  
**Ongoing.**
6. Review Water, Sewer & Refuse rates every five years.  
**Underway.**
7. Continue property tax billing for sewer and refuse services.  
**Completed/Ongoing.**
8. **Update Personnel Rules and Regulations.**

## ***Goal 2. Provide a Safe, and Clean Community Environment for All.***

Ensure an appropriate response to community needs including fire preparedness, public safety and crime prevention, and public health emergencies by prioritizing the pursuit of reliable funding sources, community-centered policing, and transparency.

### Strategies

- Increase Fire Department personnel.
- Explore additional training opportunities.
- Identify funding sources other than the General Fund for public safety equipment.
- Work with community partners and other governmental agencies on crime prevention.
- Ensure that the City of Lindsay is prepared for emergencies.
- Engage and effectively respond to the Community's safety concerns.

### Action Items

1. ~~Analyze and evaluate the effectiveness of using a combined police and fire department.~~  
**Completed.**
2. ~~Consider the addition of two (2) full-time firefighter positions if the City's budget permits.~~  
**Completed.**
3. ~~Identify public safety equipment needs and collaborate with Senator Melissa Hurtado's office to identify potential funding sources.~~  
**Completed.**
4. ~~Continue the use of the Wellness Center as a community testing and vaccine site in response to COVID-19.~~  
**Completed.**
5. Ensure all City staff receive level 1 NIMS training.  
**Completed/Ongoing.**
6. **Bid and award contract for downtown fire damaged properties.**
7. **Expand the Volunteer Firefighter program.**
8. **Develop a priority list for the \$2M State of California Direct allocation.**

### ***Goal 3. Expand the Economic Base in Lindsay.***

Increase economic activity and job creation in the City to increase revenue and diversify the local economy.

#### Strategies

- Grow the number of employment opportunities in Lindsay.
- Assist business growth for existing businesses.
- Recruit retail and other sales or excess tax generating businesses.
- Focus on the redevelopment of Downtown Lindsay.

#### Action Items

1. Identify beautification and property rehabilitation projects in the Downtown Lindsay.  
**Ongoing.**
2. Expand the City's retail base by developing marketing plans to recruit retailers.  
**Ongoing.**
3. Support the City's existing small businesses and small business expansion. ~~through the development of a small business grant program.~~
4. Develop relationships with property owners and potential cannabis growers to develop cannabis cultivation projects.  
**Ongoing.**
5. Cultivate working relationship between City staff and business owners to gather information and assist when appropriate. **Ongoing**
6. **Organize meetings with local developers/investors to promote key sites in Lindsay.**
7. **Review and update the City's business sign ordinance.**
8. **Review Cannabis dispensaries Conditions of Approval and revenues.**
9. **Review Transit Occupancy Tax.**

### ***Goal 4. Invest in Critical Streets, Water, and Sewer Infrastructure.***

Replace deteriorated streets, enhance infrastructure for water and sewer.

#### Strategies

- Continue to monitor drought conditions throughout the state and in the region.
- Develop and maintain infrastructure resources to support sustainable growth.
- Ensure funding is in place for long-term fiscal stability.
- Make Community Faculties Districts part of all new projects.
- Ensure City's street fee is accurate and updated on a regular basis.
- Work with and partner with Tulare County on funding street projects that our residents use.

### Action Items

1. Implement American Rescue Plan Spending Plan and complete identified projects.
  - I. Infrastructure Projects (56% of Total ARPA Funds)
    - i. Water Projects: \$1,549,350.00
    - ii. Sewer Projects: \$242,500.00
  - II. Focus on repairing streets – **Ongoing**
  - III. Complete Linda Vista Project – **Underway**
2. **Communicate and educate the public on water issues and costs.**
3. **Identify critical needs in the Water and Sewer Systems**
4. **Collaborate with Senator Melissa Hurtado's office to identify potential funding sources.**

### *Goal 5. Improve the Quality of Life for People that Live and Work in Lindsay.*

Improve and enhance the condition of public amenities, parks, streetscapes, and **transit system** to bolster the quality of life for our community and impart a positive impression on City visitors.

### Strategies

- **Improve City's water quality.**
- Provide high quality recreation options for residents of all ages.
- Fund Recreation activities without using General Fund.
- Invest and redevelop parks.
- Continue to development important partnerships with Lindsay Unified School District and Lindsay.
- Bring much needed housing, employment, youth, and family services to the residents of Lindsay.
- Determine potential recreation sites.
- Create a work environment for City employees that promotes and supports employee development, growth, and community.

### Action Items

1. Continue financial support Wellness Center and health and wellness activities in the City.
2. Complete renovation of Olive Bowl/Kaku Park.  
**Ongoing.**
3. ~~Review the long-term goals for McDermont Fieldhouse.~~  
**Completed.**
4. Redevelop 284 E. Hermosa St. as a Resource Center for housing, employment, youth, and family services.  
**Ongoing.**
5. ~~Review Friday Night Market operations.~~

Completed.

6. Explore funding opportunities for improvements at Harvard Park.
7. Install improvements to Sierra Vista Landscape and Lighting Assessment district.
8. Explore funding opportunities & install additional murals within the City.
9. Conduct assessment of the City through a community survey.
10. Support Community Diversity.
11. Explore funding and design opportunities for additional park amenities such as pickle ball and Frisbee Golf.
12. Provide Customer Service training to employees on a regular basis.
13. Continue to explore additional funding opportunities for the Lindsay Transit Center.





## STAFF REPORT

TO: Lindsay City Council  
FROM: Francesca Quintana, City Clerk & Assistant to the City Manager  
DEPARTMENT: City Manager  
ITEM NO.: 11.2  
MEETING DATE: January 10, 2023

### **ACTION & RECOMMENDATION**

Amendments to City Council Handbook and Review of City Charter.

This item is informational and presented only for the purpose of discussion. No City Council action is required at this time.

### **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 which consisted of eleven (11) sections and two (2) appendices.

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.

Since the adoption of the Handbook, members of the Council and Staff have identified the need for amendments. A redline copy of the Handbook with proposed amendments to notable sections such as travel, future items, and meeting decorum is attached to this report, as well as a copy of the Lindsay City Charter for reference.

Staff recommends that Council conduct a review of the Handbook and provide Staff with any additional recommendations.

### **FISCAL IMPACT**

No fiscal impact associated with this action.

### **ATTACHMENTS**

- Draft Amended City Council Handbook – Redline Copy



# City of Lindsay

## City Council Handbook

Approved and Adopted:

01-11-2022 by Resolution 22-05

Amended:

MM-DD-YYY~~09-27-2022~~ by Resolution ~~xx22~~-xx

Last Updated: January~~January~~ 2022

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## 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.

~~1.1~~

1.2 Values~~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.

1.2—

1.31.4 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.

1.41.5 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.

3.73.8 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.

3.83.9 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.

3.93.10 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.

3.103.11 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.



**3.11**

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.<sup>1</sup>

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.*

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<sup>1</sup> 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. 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. A special meeting may be called at any time in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting.~~ Notice of the meeting must be given in accordance with law. Public

comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

- 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.

7.1a. 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.

7.27.4 "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.

- 7.37.5 "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.

7.47.6 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 a 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. Including all supporting documents if applicable, shall be submitted to the City Manager or City Clerk by 5:00 p.m. of the Wednesday preceding a Tuesday Regular Meeting. 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.

~~7.4~~

~~7.4 Proclamations. Council requests for proclamations shall include either a sample proclamation to be used as a guide or shall provide sufficient information to enable the City Clerk in preparing the proclamation. Proclamations or certificates of recognition will not be issued for:~~

- ~~— Political Campaigns or Endorsements of Political Candidates.~~
- ~~— Events, organizations, or individuals with no direct relationship to the City of Lindsay.~~
- ~~— Events, organizations, or individuals contrary to City policies or any applicable law or regulation.~~

## **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 agenda 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.~~

d.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.
  - b.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



**ACKNOWLEDGEMENTS**

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# Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

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# Chapter 1

## IT IS THE PEOPLE’S BUSINESS

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# 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."*<sup>1</sup>

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."*<sup>2</sup>

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."*<sup>3</sup>

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.<sup>4</sup>

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.<sup>5</sup>

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.

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

## 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.<sup>6</sup> 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.

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

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# 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.<sup>1</sup>*



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

A “legislative body” includes:

- **The “governing body”** of a local agency<sup>2</sup> and certain of its subsidiary bodies; “or any other local body created by state or federal statute.”<sup>2</sup> 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.<sup>3</sup> A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.<sup>4</sup> The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.<sup>5</sup> Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.<sup>6</sup>

- **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.<sup>7</sup> 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.<sup>8</sup>

- **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.<sup>9</sup> 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.<sup>10</sup> “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.<sup>11</sup>
- 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.<sup>12</sup> These include some nonprofit corporations created by local agencies.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

**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.<sup>16</sup>

### 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.<sup>17</sup> 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.<sup>18</sup>
- 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.<sup>19</sup>

**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.<sup>20</sup>
- 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.<sup>21</sup>
- County central committees of political parties are also not Brown Act bodies.<sup>22</sup>

#### 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

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# 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."<sup>1</sup> 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.<sup>2</sup>

### 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.<sup>3</sup>
- **"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.<sup>4</sup>
- **"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.<sup>5</sup>
- **"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.<sup>6</sup>

### Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:<sup>7</sup>

#### *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.<sup>8</sup> 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).<sup>9</sup>

**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.<sup>10</sup> 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.<sup>11</sup>



**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.”<sup>12</sup> 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.<sup>13</sup> 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.”<sup>14</sup>

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.<sup>15</sup>

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

**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."<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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.”<sup>21</sup> 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:<sup>22</sup>

- 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.<sup>23</sup>

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:<sup>24</sup>

- 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.<sup>25</sup>

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.<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup>



## 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)

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







# Chapter 4

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# 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.”<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

**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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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."<sup>9</sup> 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.<sup>10</sup>

**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?

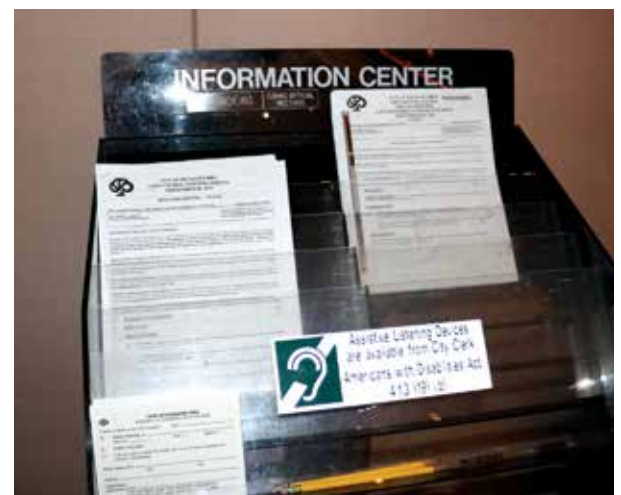
**A.** *Yes, so long as it does not result in extended discussion or action by the body.*

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.<sup>11</sup>



### 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.<sup>12</sup>

### 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.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

### Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup> However, they are generally consistent with the Brown Act. An item is probably void if not posted.<sup>19</sup> 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.<sup>20</sup>

### **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.<sup>21</sup> 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.<sup>22</sup> 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:<sup>23</sup>

- 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.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup> This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.<sup>27</sup>

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.<sup>28</sup>

Action by secret ballot, whether preliminary or final, is flatly prohibited.<sup>29</sup>

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.<sup>30</sup>

**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.<sup>31</sup> Ejection is justified only when audience members actually disrupt the proceedings.<sup>32</sup> 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.<sup>33</sup>

### 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.<sup>34</sup> A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.<sup>35</sup>

**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.<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.<sup>39</sup>



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.<sup>40</sup>

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.<sup>41</sup>

### 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.<sup>42</sup>

**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.<sup>43</sup>

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**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.

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**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.<sup>44</sup>

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.<sup>45</sup>

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.<sup>46</sup>

**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.XIII C, XIII D 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](http://www.cacities.org/opengovernment). A current version of the Brown Act may be found at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).





# Chapter 5

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# 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.<sup>1</sup>



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.<sup>2</sup> 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.<sup>3</sup>

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),<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

**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.<sup>17</sup> 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.<sup>18</sup>

**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.<sup>19</sup>

**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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup>



**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 concern<sup>24</sup> and the names of the parties with whom its negotiator may negotiate.<sup>25</sup>

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.<sup>26</sup>

**“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.”<sup>27</sup> 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.<sup>28</sup> The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.<sup>29</sup> That authority may be delegated to a subsidiary appointed body.<sup>30</sup>

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,<sup>31</sup> 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.<sup>32</sup> The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.<sup>33</sup> If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.<sup>34</sup>

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.<sup>35</sup>

- 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.<sup>39</sup>

**"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,<sup>40</sup> 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.<sup>41</sup>

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.<sup>42</sup>

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.<sup>43</sup> 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.<sup>44</sup>

Public participation under the Rodda Act also takes another form.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup>

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.<sup>48</sup> Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.<sup>49</sup>

### 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.<sup>50</sup>

**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.<sup>51</sup>

## 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.<sup>52</sup> 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.<sup>53</sup>

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.<sup>54</sup>

## 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.<sup>55</sup>

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.<sup>56</sup>



### 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,<sup>57</sup> consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,<sup>58</sup> 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,<sup>59</sup> 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,<sup>60</sup> 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.<sup>61</sup>

**PRACTICE TIP:** Meetings are either open or closed. There is nothing “in between.”<sup>62</sup>

### 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.<sup>63</sup>

**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.<sup>64</sup> 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.<sup>65</sup> 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.<sup>66</sup>

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,<sup>67</sup> though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.<sup>68</sup> 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.<sup>69</sup>

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.<sup>70</sup>

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.<sup>71</sup> 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

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# 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.<sup>1</sup> 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;<sup>2</sup>
- 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.<sup>3</sup> 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,<sup>4</sup> the challenger must show prejudice as a result of the alleged violation.<sup>5</sup> An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.<sup>6</sup>

### 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.<sup>7</sup> 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.<sup>8</sup> The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> The unconditional commitment must be substantially in the form set forth in the Brown Act.<sup>12</sup> No legal action may thereafter be commenced regarding the past action.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

### 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.

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**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.

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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.<sup>16</sup> Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup>

### 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.<sup>20</sup>

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.<sup>21</sup>

"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.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup>

**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.<sup>25</sup> 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.<sup>26</sup>

## 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*



## MISSION AND CORE BELIEFS

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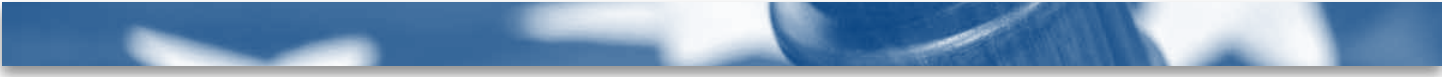
### About the League of California Cities

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

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### ABOUT THE AUTHOR

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



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## INTRODUCTION

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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](http://www.facebook.com/terms.php), and [www.facebook.com/communitystandards](http://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.

**CHARTER OF THE  
CITY OF LINDSAY**

**January 8, 1996**

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**CHARTER OF THE  
CITY OF LINDSAY, CALIFORNIA  
January 8, 1996**

**Vision Statement:**

The citizens of the City of Lindsay do enact this Charter to form a better City government for all citizens of the City, to provide for the public health, safety, welfare and morals of its residents, property owners and businesses, and to preserve and to enhance the quality of life for ourselves, our families, our neighbors, and our businesses, for now and the future.

**ARTICLE I**

**NAME, BOUNDARIES AND FORM OF  
GOVERNMENT**

**Section 1.01 Name.**

The municipal corporation now existing and known as the City of Lindsay shall remain and continue to exist as a municipal corporation under the name "City of Lindsay", but as a California Constitution Home Rule Charter City.

**Section 1.02 Boundaries.**

The boundaries of the City of Lindsay shall be as now established, and may be changed in the future as provided by law, by this Charter, or by ordinance.

**Section 1.03 Form of Government.**

The organizational form of government under which the City of Lindsay shall operate shall be that which is commonly known as "The Council-Manager Plan".

**ARTICLE II**

**POWERS, DUTIES AND OBLIGATIONS OF  
THE CITY**

**Section 2.01 Powers of the City.**

The City shall have all powers possible for a city to have under the Constitution and laws of the United

States and of the State of California as fully and completely as though those powers were specifically enumerated in this Charter.

**Section 2.02 General Law Powers.**

Nothing in this Charter shall be construed to prevent or restrict the City from exercising any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the General Laws of the State of California. All General Law powers of cities in California are hereby declared to be possessed by the City.

**Section 2.03 Municipal Affairs.**

The City may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter and applicable United States and California Constitution provisions, and decisions of courts with competent jurisdiction. As regards municipal affairs, and all powers granted herein and hereby, this Charter shall supersede all laws inconsistent therewith.

**Section 2.04 Intergovernmental Powers.**

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any agency of the State of California, or any governmental jurisdiction or non-profit corporation thereof, or the United States or any of its agencies.

**Section 2.05 Liberal Interpretation.**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way any of the powers granted by this Charter.

**Section 2.06 Duties and Obligations of the City Council.**

A. Duties. The City Council shall have the power and it shall be the duty, obligation and responsibility of the City Council to develop plans and programs, provide adequate financial and physical re-

sources for, and to implement fully such plans and programs as it finds necessary to accomplish the duties and obligations set out in this Charter, and State and federal law.

B. Balanced Programs. The City Council shall make provision for, budget for, and at all times provide adequate financial resources and physical facilities for and shall have the power to maintain a balanced and full range of quality City services, activities and facilities to provide equitably for the quality of life for all economic, social, ethnic and age groups and geographical areas within the City.

**ARTICLE III**

**MAYOR AND CITY COUNCIL**

**Section 3.01 City Council.**

A. The Council. There shall be a City Council composed of five Councilmembers elected by the voters of the City at large.

B. Eligibility. Only registered voters of the City residing within the corporate boundaries of the City shall be eligible to file for, run for, and to hold the office of Councilmember.

C. Regular Election. The regular election of Councilmembers shall be held on the first Tuesday after the first Monday of November in even numbered years, unless such date is changed by ordinance.

D. Election of Councilmembers. A regular Council election shall be held in November of 1996, at which election three Councilmembers shall be elected. A regular Council election shall be held in November of 1998, at which election two Councilmembers shall be elected.

E. Who Elected. The winner or winners in each election in which the office of Councilmember is to be filled shall be those candidates receiving the highest number of votes, in descending order, until all vacant Councilmember positions are filled.

F. Term. Councilmembers shall serve for four years or until their successor is elected and qualified, except as set out hereinafter in this Charter. The terms of Councilmembers shall begin as soon as pos-

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sible after canvass of the election is certified and each Councilmember elected files all required disclosure or other statements required by law or ordinance.

G. Non-Prohibition. The prohibition referred to in Article III, Section 3.14 A shall not apply to any person who holds the office of Councilmember at the time of the adoption of this Charter.

### **Section 3.02 Judge of Qualifications.**

A. Additional Standards of Conduct. The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office. The Council shall have the power to set additional standards of conduct for its members beyond those specified in this Charter or by State law, and may provide for such penalties as it deems appropriate, including forfeiture of office.

B. Exercise of Qualification Powers. To exercise the judge of qualifications powers the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A Councilmember charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation within the City at least one week in advance of the hearing.

C. Decision Subject to Judicial Review. Decisions made by the Council under this Section shall be subject to judicial review.

### **Section 3.03 Vacancies and Forfeiture of Office.**

A. Vacancies. The office of a Councilmember shall become vacant upon the Councilmember's death, resignation, removal from office or forfeiture of office in any manner prescribed by law or by ordinance.

B. Forfeiture of Office. A Councilmember shall forfeit that office if the Councilmember:

1. Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law;

2. Violates any express provision or prohibition of this Charter;

3. Is convicted of a crime involving moral turpitude, or;

4. Fails to attend three consecutive regular meetings of the Council without being excused by the Council.

5. Establishes residence outside the City.

### **Section 3.04 Filling of Council Vacancies.**

A. Vacancy. Should a vacancy in the City Council occur more than 90 days prior to the election at which Councilmembers are to be elected the vacancy shall be filled by majority vote of the remaining members of the City Council by the appointment of a qualified person to fill the remainder of the unexpired term.

B. Filling Vacancy By Regular Election. No appointment shall be made if the vacancy occurs less than 90 days prior to such election, in which case the vacancy shall be filled through the regular election process for the remainder of the unexpired term, if any.

C. Procedure to Fill Vacancy by Appointment. Within 15 working days of the occurrence of the Council vacancy, following a published notification of such vacancy, persons who are eligible for and interested in filling the vacancy shall file a standard application with the City Clerk. On the 16th working day following the creation of the vacancy, the City Clerk shall provide to the remaining Councilmembers the applications of all eligible applicants. Within 30 calendar days of receipt of said applications by the City Council the Council shall make an appointment from among the eligible applicants.

### **Section 3.05 Compensation and Expenses.**

The City Council may determine the annual salary of the Mayor and Councilmembers by ordinance, but no ordinance increasing such salary shall become effective until the date of the commencement of the terms of Councilmembers elected at the next regular election. The Mayor and Councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

**Section 3.06 Powers and Duties of the City Council.**

A. Powers. All powers of the City shall be vested in the City Council except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law and by this Charter.

B. Duties of the City Council. The Council shall make policy for the City and, additionally, shall be responsible to the people of Lindsay for, but not limited to the following duties and responsibilities:

1. Considering ordinances and resolutions and adopting those which it determines to be necessary for the governance, proper administration and adequate financing of the City;
2. Providing oversight of the City Manager and all municipal activities under his/her purview;
3. Carrying out all provisions of this Charter, City ordinances and applicable State and federal laws;
4. Conducting such reviews and taking such actions as may be required for the effective governance and financing of the City;
5. Performing such other duties as may by State law, ordinance or resolution be assigned to the City Council, but in no way conflict with the duties of the City Manager as set out in this Charter or by ordinance.

**Section 3.07 Council Procedure.**

A. Regular Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may by ordinance prescribe, and may provide for more frequent meetings as it shall determine.

B. Special Meetings. Special meetings of the Council may be held on the call of the Mayor or of three or more members of the City Council.

C. Notice and Agendas for Meetings. Notice of all meetings of the City Council shall be provided and all meeting agendas shall be prepared and all meetings held pursuant to State law and procedures established by the Council by ordinance.

D. Rules and Minutes. The City Council shall determine its own rules and order of business by ordinance.

E. Minute Book. The City Clerk shall keep a minute book of the proceedings of the Council, which book shall be a public record.

F. Voting. Voting on ordinances and resolutions shall be as determined by ordinance. All votes shall be recorded in the minute book. The number of votes required to adopt any issue before the Council shall be as determined by the rules of the Council.

G. Quorum. Three members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council.

**Section 3.08 Actions Requiring an Ordinance.**

A. Acts Required By Ordinance. In addition to other acts required by law or by this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any City department, office, agency, authority or corporation;
2. Levy taxes;
3. Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed;
4. Grant, renew or extend a franchise;
5. Authorize the borrowing of money except as provided elsewhere in this Charter;
6. Convey title to or lease or authorize the conveyance or lease of any lands owned by the City;
7. Regulate land use and development; and,
8. Amend or repeal any ordinance previously adopted.

B. Other Acts. Acts other than those referred to in the preceding Sub-Section may be taken by ordinance, resolution or motion, as determined by the rules of the Council.

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### Section 3.09 Ordinances in General.

A. Form. Every proposed ordinance shall be introduced in writing in the final form required for adoption as prescribed in the Council rules, and shall be enacted or repealed in the form: "The City Council of the City of Lindsay does ordain".

B. In Writing. A copy of any proposed ordinance shall be provided to the City Clerk a minimum of three days prior to the meeting at which such ordinance is proposed to be introduced. The City Clerk immediately shall distribute a copy of such proposed ordinance to each Councilmember, the City Manager and City Attorney, and any member of the public who requests such.

C. One Subject. No ordinance shall contain more than one subject, which shall be clearly expressed in its title.

D. Procedure. An ordinance may be introduced by any Councilmember at any regular, special or adjourned meeting of the Council, subject to the time limitations of this Section.

E. Reading and Adoption. An ordinance may be read by title only at the time of its introduction, and must be available to the public in full text in the office of the City Clerk when introduced. The second reading and adoption of the introduced ordinance shall be held at a regular, special or adjourned meeting of the Council, which meeting shall be not less than five calendar days after its introduction. The ordinance may be read by title only at the second reading.

F. Ordinance Effective Date. Except as otherwise provided in this Charter, by State law and by ordinance, every adopted ordinance shall become effective at the expiration of 30 days after adoption, or at any later date specified in the ordinance.

G. Adoption of Standard Codes. The Council may adopt standard codes, compilations and codifications by reference thereto in an adopting ordinance, without specific verbatim publication or codification in the City Code. Such Codes shall be:

1. Adopted by ordinance by the procedure and requirements prescribed for ordinances generally, except that:

a.) The requirement for distribution and filing of copies of the ordinance shall be construed to include copies of the specific standard Code as well as of the adopting ordinance, and;

b.) A copy of each adopted standard Code as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk and maintained as a matter of public record in the office of the City Clerk;

2. Made available by the City Clerk for distribution or for purchase at a reasonable price.

H. Ordinance Publication. The City Clerk shall publish every ordinance adopted by the City Council, in full text or as a brief summary thereof, within 20 days following such adoption, in a newspaper of general circulation in the City or, if there is no newspaper of general circulation in the City, by posting in three established public places.

### Section 3.10 Emergency Ordinances.

A. Emergency Defined. To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one or more emergency ordinances.

B. Manner of Adoption. Emergency ordinances shall be:

1. Introduced in the form and manner prescribed for ordinances generally;

2. Plainly designated as an emergency ordinance, including after the enacting clause a declaration stating that an emergency exists and describing it in clear and specific terms;

3. Introduced with or without the provision of copies three days in advance;

4. Adopted after reading in entirety, with or without amendment, or rejected, at the meeting at which it is introduced;

5. Adopted only by a four fifths affirmative vote of the City Council if the Council consists of five members, three Councilmembers if the Council consists of only four members, and all three members if the Council consists of only three members;

6. Effective upon adoption or at such later time as stated in the ordinance;

7. Published and printed as prescribed for other adopted ordinances;

C. Manner of Repeal. Emergency ordinances automatically shall be repealed as of the 61st day following the date on which it was adopted, but such automatic repeal shall not prevent reenactment of the ordinance in the manner specified in this Charter if the emergency still exists, or:

1. Repealed or replaced by adoption of another ordinance in the manner specified in this Charter; or

2. Repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

**Section 3.11 Ordinance Authentication, Recording and Codes.**

A. Recordation. The City Clerk shall authenticate by signing and shall record in full in properly indexed books kept for the purpose, each ordinance and resolution adopted by the City Council.

B. Codification. Within three years after adoption of this Charter, and at least every ten years thereafter, the City Council shall provide for and the City Clerk shall prepare or have prepared a general codification of all City Ordinances having the force and effect of law.

C. Codification Adoption. The general codification shall be adopted by the Council by ordinance and shall be reproduced promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, and such Codes adopted by reference and such other rules, regulations and resolutions of the City as the Council may specify.

D. Code Name and Availability. The codification shall be cited officially as the Lindsay City Code. Copies of the Code shall be furnished to City officers, placed in libraries and public offices for free public reference, and made available for purchase at a reasonable price as fixed by the City Council.

E. Reproduction of Ordinances. The City Clerk shall cause each ordinance and each amendment to this Charter to be reproduced promptly following its adoption, and such ordinances and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the City Council.

F. Reproduction of Code. Following reproduction and distribution of the first Lindsay City Code, and at all times thereafter, the ordinances and Charter shall be reproduced in substantially the same style as the Code currently in effect, and shall be suitable in form for integration therein.

G. Distribution. The Council shall make such arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the City standard codes adopted by reference.

**Section 3.12 Mayor.**

A. Office of Mayor. The office of Mayor is hereby created. The City Council shall elect from among its members a Mayor who shall serve at the pleasure of the City Council.

B. Duties of Mayor. The duties of the Mayor shall be assigned by the Council by ordinance, which shall include but not be limited to the duties listed in this Sub-Section:

1. Preside at meetings of the City Council;

2. Represent the City in intergovernmental relationships;

3. Be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law;

C. No Administrative Duties. The Mayor shall have no administrative duties.

D. Process of Selection. The process for the selection of Mayor and Mayor Pro Tem shall be included in and as set out in the rules of the Council.

**Section 3.13 Mayor Pro Tem.**

The office of Mayor Pro Tem is hereby created. The City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council. The Mayor Pro Tem shall act as Mayor during the Mayor's absence or disability.

**Section 3.14 Prohibitions on City Council.**

A. Future City Employment. No former Councilmember shall hold any compensated appointive office or employment with the City of Lindsay until



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four years after the expiration of the term for which the Councilmember was elected to the Council.

B. Exception. Nothing in this Section shall be construed to prohibit the Council from selecting any current or former Councilmember to represent the City on the governing board of any regional or other intergovernmental agency.

C. Employee Appointments and Removals. Neither the City Council nor any of its members shall in any manner control or influence the appointment or removal of any City department head or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint.

D. Expression of Views. Nothing in this Section shall be construed to limit the ability of the City Council or of Councilmembers to express its and their views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of City department heads and employees.

E. Interference with Administration. The Council and Councilmembers shall deal with City department heads and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor any Councilmember shall give orders to any such department head or employee, either publicly or privately.

### **Section 3.15 Independent Audit.**

A. Order of Audit. The City Council shall provide for an annual independent audit of all City accounts and may provide for more frequent audits as it deems necessary.

B. Restrictions. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The person or firm selected by the City Council shall be experienced in the audit of California city governments.

C. Designation of Audit Firm. The City Council may, without requiring competitive bids, designate such accountants or firm to conduct the audit annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be

made not later than 30 days prior to the close of the fiscal year to be audited.

## ARTICLE IV

### CITY MANAGER

#### **Section 4.01 City Manager Appointment.**

A. Office of City Manager. The office of City Manager is hereby created. The City Council by majority vote shall appoint a City Manager through the mechanism of an employment agreement.

B. Qualifications. The City Manager shall be selected and appointed solely on the basis of executive and administrative qualifications.

C. Requirements. The City Manager:

1. Shall serve at the pleasure of the City Council;

2. Shall be the chief executive and administrative officer of the City, all its agencies, authorities and corporations;

3. Shall be paid such salary, receive such benefits and have such expenses paid by the City on his/her behalf as are commensurate with and necessary to execute the responsibilities of the position and as shall be fixed by the Council;

D. Restrictions on Employment Agreement. The City Manager employment agreement shall set out the terms and conditions of employment, pay, benefits, goals and objectives, a requirement for periodic and regular performance evaluations, obligations, and termination compensation. The agreement shall be for an indefinite term, and shall be a public record.

E. Reduction of Salary and Benefits. The salary and benefits of the City Manager shall not be reduced by the City Council at any time unless the salaries and benefits of all City employees are reduced in the same percentage as proposed for the City Manager.

#### **Section 4.02 Acting City Manager.**

By letter filed with the City Clerk, the City Manager shall designate a City department head or employee to exercise the powers and perform the duties of City Manager on those occasions the City Manager will be absent from the City for longer than 48

hours. The City Council shall designate an Acting City Manager in the event of the disability of the City Manager or at the request of the City Manager.

**Section 4.03 Powers and Duties of City Manager.**

A. Chief Executive Officer. The City Manager shall be responsible to the City Council for the administration of all City affairs placed in the City Manager’s charge by ordinance or this Charter.

B. Duties By Ordinance. The duties of the City Manager shall be established by ordinance, which duties shall include but not be limited to the duties assigned by this Charter.

C. Charter Duties. The City Manager shall:

1. Appoint, remove and discipline all employees of the City pursuant to requirements set out in this Charter and an ordinance establishing a merit system of appointment and employment;

2. Delegate the appointment, removal and discipline of subordinate employees to the department heads to which those employees are assigned, but shall approve, modify or disapprove all recommendations for appointment, removal and disciplinary actions taken against employees by department heads, pursuant to the terms of this Charter and the City Personnel Ordinance;

3. Direct and supervise the administration of all departments, offices, agencies, authorities, corporations, utilities and enterprises of the City;

4. Attend all City Council meetings, both public and closed, at which the City Manager shall have the right to take part in discussion but shall have no vote but, absent a directive to the contrary, the City Manager shall not be entitled to attend any closed session of the Council when suspension, dismissal or any disciplinary action against the City Manager is discussed;

5. Prepare annually, submit and administer the budget, capital improvement plan and other plans and programs of the City as required by and set out in this Charter or by ordinance;

6. Keep the Council informed of the financial condition, current and future needs of the City, and make recommendations to the Council concerning

the affairs of the City as he/she shall deem necessary or desirable;

7. Provide for enforcement and faithful execution of all laws, regulations and rules of the City, all Charter provisions, all acts of the Council, and administration of all contracts to which the City is a party;

8. Submit to the City Council and make available to the public for an appropriate fee, a complete report on the finances and administrative activities of the City and of all its agencies, authorities and corporations, utilities and enterprises as of the end of each fiscal year;

9. Make such other reports as the City Council may require concerning the needs and operations of all City departments, offices, agencies, authorities, corporations, utilities and enterprises;

10. Provide staff support to the Mayor and Councilmembers;

11. Coordinate, cooperate with, and oversee and supervise the work of the City Clerk and City Attorney;

12. Engage in no incompatible business, occupation or activity;

13. Receive notice of all meetings of the City Council and all City boards, committees, commissions, agencies, authorities, corporations, utilities and enterprises;

14. Be entitled to participate in the deliberations of any City board, committee, commission, agency, authority and corporation, but shall have no vote therein; and,

15. Perform such other duties consistent with this Charter as may be required by the City Council by ordinance, resolution, minute order or contract.

**ARTICLE V**

**CITY CLERK**

**Section 5.01 Office of City Clerk.**

The office of City Clerk is hereby created. The City Manager shall recommend the person to be appointed and the Council shall appoint and, if neces-

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sary, may remove the City Clerk. The City Clerk may be either full or part time.

### **Section 5.02 Duties of City Clerk.**

A. Duties. The duties of the City Clerk shall be established by ordinance, which duties shall include but not be limited to the duties assigned by this Charter.

B. Charter Duties. The City Clerk shall:

1. Act as Clerk to the City Council and all other City agencies, authorities and corporations;
2. Maintain the minute book, book of ordinances, book of resolutions, and all other documents and records of the City Council;
3. Conduct, supervise the conduct of, or oversee the contract conduct of all City elections;
4. Maintain the integrity of and provide for public access to, safety of, and inspection of all City public records;
5. Perform and fulfill all duties assigned to the City Clerk by this Charter;
6. Cooperate with and coordinate the work of the City Clerk with that of the City Manager, all City department heads, and the City Attorney; and,
7. Perform such other duties consistent with this Charter as may be required by the City Council by ordinance, resolution or motion; and,
8. May be designated as a department head, at the discretion of the City Manager.

C. Statutory Duties. Perform all duties required of a City Clerk by State law.

## ARTICLE VI

### CITY ATTORNEY

#### **Section 6.01 Office of City Attorney.**

The office of City Attorney is hereby created. The City Council shall appoint and, if necessary, may remove the City Attorney. The City Attorney may be either full or part time, or retained under contract.

#### **Section 6.02 Duties of City Attorney.**

A. Duties. The duties of the City Attorney shall be established by ordinance, which duties shall in-

clude but not be limited to the duties assigned by this Charter.

B. Charter Duties. The City Attorney shall be the chief legal officer of the City, whose duties shall include but not be limited to:

1. Advising the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City matters, provided, however, that the City Attorney shall not be required to advise any of these officials concerning his/her liabilities relating to personal conflicts of interest;

2. Representing the City in legal proceedings;

3. Preparing, or reviewing and approving as to form, all ordinances, contracts and other needed City legal documents;

4. Select and retain specialist counsel when there is a need for such specialized legal services, subject to approval of the City Council;

5. Cooperate with and coordinate the work of the City Attorney with that of the City Manager, all City department heads, and the City Clerk;

6. Perform all duties required of a City Attorney by State law; and,

7. Perform such other duties consistent with this Charter as may be required by the City Council by ordinance, resolution, minute order or contract.

#### **Section 6.03 Special Counsel.**

The City Council may retain special counsel when representation by the City Attorney would create an impermissible conflict.

## ARTICLE VII

### DEPARTMENTS, AGENCIES AND EMPLOYEES

#### **Section 7.01 Departments.**

A. Creation of Departments. The City Manager shall recommend and the City Council shall by ordinance create, reorganize and abolish City departments, divisions, offices, agencies, authorities and corporations as necessary for the effective manage-

ment of the City, in addition to those created by this Charter.

B. Functions. The functions of all City departments, divisions, offices, agencies, authorities and corporations shall be determined and assigned by ordinance.

C. Prohibition on Revision. No function assigned by this Charter to a particular department or office may be discontinued or, unless this Charter specifically so provides, assigned to any other.

D. Direction. All departments, offices, agencies, authorities and corporations of the City government shall be under the direction and supervision of the City Manager.

E. City Manager as Department Head. With consent of the Council, the City Manager may serve as the head of one or more such departments, offices, agencies, authorities or corporations, or may appoint one person as the head of two or more departments.

**Section 7.02 Department Heads.**

A. Appointment. The City Manager shall appoint a department head for each department, which person shall be qualified in the field of expertise encompassed within the assigned department.

B. Removal. All department heads shall serve at the pleasure of the City Manager and be subject to his/her direction and supervision.

C. Requirements. All department heads shall be City employees for the purposes of powers and duties, and be provided employment agreements by the City Manager setting out the terms and conditions of employment, pay, benefits, goals and objectives, a requirement for periodic and regular performance evaluations, obligations, and termination. Such agreements shall not exceed four years and shall be a public record.

D. Restrictions. No department head may engage in any incompatible business, occupation or activity.

**Section 7.03 Personnel System.**

A. By Ordinance. The City Council shall adopt a City Personnel Ordinance providing for the establishment, regulation and maintenance of a personnel

system governing those City human resource policies and procedures available to the City Manager or his/her designee for the effective administration of the employees of the City.

B. Merit System. In making appointments and promotions of City employees the appointing authority shall be guided by the requirements set out in the City Personnel Ordinance.

C. Personnel System Components. The City Personnel Ordinance shall include, but not be limited to the following:

1. An integrated classification and pay plan, force reduction procedures, working conditions, discipline and dismissal, in-service training, grievances, relationships with employee organizations, regular and periodic employee performance evaluations, and incentive plans; and,

2. Open, publicly posted and competitive employee selection processes utilizing, where and when feasible, validated examinations at entry level and objective evaluative processes for all other classifications; and,

3. Such other personnel and human resource management provisions as shall be deemed to be necessary, adopted by resolution.

D. Fair Employment Practices. The City personnel system shall in all manner and respects comply fully with all federal and State laws governing fair employment practices and prohibiting discrimination in all forms.

**Section 7.04 Boards, Commissions and Committees.**

A. How Created. The City Council by ordinance or resolution may create, modify, combine and abolish such boards, commissions and committees as it shall determine.

B. Appointments. Boards, commissions and committees established by ordinance shall consist of members nominated by the Mayor and approved by the Council. Boards, commissions and committees established by resolution shall be appointed by the Mayor from nominees presented to him/her by the Council.

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C. Powers and Duties. The ordinance shall prescribe their powers and duties, determine the number and qualifications of the members, their method of selection, term of office and removal, and fix their compensation, if any.

D. Limitation. All boards, commissions and committees only shall be advisory to the City Council, and may not exercise any administrative or management powers.

**ARTICLE VIII**

**FINANCIAL PROCEDURES**

**Section 8.01 Financial Systems.**

A. By Ordinance. The City Council by ordinance shall provide for, assure implementation of, and enforce an integrated budgeting and financial management system for the City which shall include, but not be limited to the following:

B. Financing the Budget. The provision in the annual budget of information for each fund, agency, authority and corporation, indicating that for any fund the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, plus the use of appropriated reserves;

C. Fiscal Year. The establishment of the time span of a fiscal year; and,

D. Other Matters. Such other matters as determined as necessary and appropriate to secure the financial, service and administrative goals of the City, expressed in financial terms as recommended by the City Manager and as set out in this Charter.

**Section 8.02 Submission of Budget and Budget Message.**

A. Budget Calendar. On or before the first day of the last month of each fiscal year the City Manager shall submit to the City Council a budget for the ensuing fiscal year, and an accompanying message.

B. Budget Message. The City Manager’s budget message shall explain the budget both in fiscal terms and in terms of the work program. Additionally, it shall:

1. Outline the proposed financial policies of the City for the ensuing fiscal year;
2. Describe the important features of the budget;
3. Indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes;
4. Summarize the City’s debt position; and,
5. Include such other material as the City Manager deems desirable.

**Section 8.03 Annual Budget.**

A. Contents. The annual budget presented by the City Manager shall contain but not be restricted to the following:

B. Comprehensive Financial Plan. A complete financial plan for all City funds, offices, departments, agencies, authorities, corporations, utilities, enterprises and activities for the ensuing fiscal year;

C. Summaries. Summaries and totals adequate to provide a comprehensive and consolidated view of the City’s financial condition;

D. Contents of Budget. Sections of the budget shall provide for and contain:

1. The goals and objectives proposed to be achieved by appropriations during the ensuing fiscal year, detailed for each fund by organization unit, program, purpose or activity, and the method of financing such proposed appropriations;
2. Comparative amounts for actual and estimated revenues and expenditures for the current fiscal year and actual revenues and expenditures for the preceding fiscal year;
3. Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing of each such capital expenditure; and,
4. Anticipated revenues, expenses, balances and reserves, and the purpose of said reserve, for each City fund, including all utility, enterprise, reserve, and internal service funds, and for each City agency, authority, corporation, utility and enterprise.

**Section 8.04 City Council Review of Budget.**

A. City Council. Immediately on receiving the recommended budget from the City Manager the City Council shall:

B. Consideration. At either regular or special meetings receive, study and consider the City Manager’s recommended budget and budget message;

C. Notice and Hearing. Cause to be published in a newspaper of general circulation or, if no such newspaper exists, to post in three established public places in the City the general summary of the budget as presented by the City Manager, and a notice stating:

1. The places and times where copies of the budget and message are available for inspection by the public; and,

2. The time and place, not less than five days after such publication, for a public hearing on the budget;

D. Amendments. Amend the recommended budget as the Council shall see fit, except that no revisions shall be made contrary to the provisions of this Charter;

E. Prohibited Amendments. Amend the budget to add to or increase programs or amounts or to delete or decrease any programs or amounts, except expenditures required by law or for debt service, but no amendment to the budget shall increase the authorized expenditures for any fund to an amount greater than total estimated income and carried forward fund balances, plus appropriated reserves.

**Section 8.05 Adoption of Budget.**

The City Council shall adopt the budget on or before the last day of the last month of the fiscal year currently ending. If the Council fails to adopt the budget by the date prescribed in this Charter then the budget as recommended by the City Manager shall go into effect.

**Section 8.06 Budget Amendments After Adoption.**

A. Amount of Budget. If during the fiscal year the City Manager certifies in writing to the City Council that there are available for appropriation

revenues in excess of those contained in the adopted budget, the City Council may make supplemental appropriations for the year up to the amount of the excess.

B. Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Any such emergency appropriation shall be made by resolution stating the exact nature of the emergency.

C. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available and anticipated by the adopted budget will be insufficient to finance the expenditures for which appropriations have been made, the City Manager shall:

1. Report such a condition in writing to the City Council without delay, indicating the estimated amount of the deficit;

2. Report any remedial action taken by the City Manager; and,

3. Make recommendations to the City Council for further actions to be taken.

D. Prevention of Deficit. The City Council shall take such actions as it determines necessary to prevent any budget deficit and, for that purpose it may reduce one or more appropriations to assure that a budget deficit is prevented.

E. Budgetary Transfers. The City Manager may transfer monies between departments, divisions, programs and accounts within funds and departments, but within dollar or percentage of fund limits set by the Council annually as a part of the budget, but only the Council by resolution may transfer monies between funds and from unappropriated or fund balances or reserves to any fund or appropriations account. All budgetary transfers made by the City Manager shall be reported in writing quarterly to the City Council.

**Section 8.07 Overexpenditures Prohibited.**

A. Total of Budget. The total of proposed expenditures shall not exceed the total of estimated revenues plus carried forward fund balance and appropriated reserves, for any fund.

## CHARTER

B. **Payment Restrictions.** No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made by the Council and unless the City Manager or his/her designee first certifies that there is a sufficient unencumbered balance in such appropriation and that sufficient monies therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

C. **Illegal Payment.** Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal.

D. **Securities Exception.** Nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or in part by the issuance of municipal securities, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year provided such contract or lease is not explicitly prohibited by the provisions of the California Constitution.

E. **Constitutional Limitation.** The status of the City budget and finances shall in all respects at all times be in compliance with California Constitution Article XVI, Section 18.

### **Section 8.08 Lapse of Appropriations.**

A. **When Lapse.** Every appropriation, except as provided for herein, shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

B. **Capital Outlay Appropriations.** All appropriations for capital outlay items shall continue in force until expended, revised or repealed. The purpose of any such capital outlay appropriation shall be deemed abandoned after three years pass without disbursement from or encumbrance against the appropriation.

C. **Other Exemptions.** Appropriations involving trust and agency accounts and reserves shall not lapse until specifically provided either by the annual budget or separate resolution.

### **Section 8.09 Capital Program and Budget.**

A. **Five Year Program.** The City Manager annually shall prepare and submit to the City Council a five year Capital Program, which Program shall be submitted as a separate part of but be considered by the Council concurrent with the Annual Budget.

B. **Program Contents.** The Capital Program shall include but not be limited to the following:

1. A general summary of its contents;
2. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each improvement or proposed expenditure;
3. Cost estimates and recommended time schedules for each improvement or other capital expenditure;
4. Method of financing for each improvement or other capital expenditure; and,
5. The estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired.

C. **Capital Program Adoption.** The Capital Program shall be a part of and adopted as part of the Annual Budget.

### **Section 8.10 Public Documents.**

Copies of the annual budget and message, the annual audit, the annual financial report if it be a separate document, and all appropriate summarizing documents shall be filed with the City Clerk as permanent public records, and shall be made available to the public for inspection and review.

### **Section 8.11 Purchasing and Contracting.**

A. **By Ordinance.** The Council by ordinance shall provide for a purchasing and contracting system assuring a maximum of competition for the lowest price consistent with a stated level of quality.

B. **The Basic System.** The Purchasing and Contracting Ordinance shall provide for and comply with all provisions of this Section and of this Charter, but not be limited to:

1. Control of the system by the City Manager, who shall be empowered to make purchases and to

award contracts for amounts of \$25,000 or less, annually adjusted in amount as set out herein;

2. Delegation of responsibility by the City Manager to any appointed subordinate;

3. A requirement that should contracts or purchases in amount of \$25,000 or less be awarded to any one vendor or contractor cumulatively totalling \$75,000 in any three year period then, in that event, the competitive process set out herein shall be followed prior to the award of subsequent contracts to such vendor or contractor, should such process otherwise be required;

4. An informal bid solicitation process for purchases and contracts in amount between \$25,001 and \$74,999, which amounts shall be adjusted annually in amount as set out herein;

5. The acquisition of the services of professional service providers in such a manner that specialized abilities and knowledge shall be considered in addition to quality and price and, if appropriate as determined by the City Manager, without the competitive processes set out herein;

6. Additional procedures and requirements to fulfill the provisions of this Section and this Charter; and,

7. Such other matters as shall be determined to be required by the City Council.

C. Award of Contracts and Purchases. Award of contracts and purchases shall be made to the lowest responsible bidder or vendor meeting specifications, except as provided herein and in the Purchasing and Contracting Ordinance.

D. Sealed Competitive Bids. Sealed bids for competitive purchases involving the expenditure of \$75,000 or more shall be secured, but this amount and all dollar amounts set out in this Section shall be revised by the Council annually as part of the annual budget by a revision factor determined by utilizing published reliable indicators or indices of price changes.

E. Waiver of Bids. Waiver of competitive bidding for purchase of non-competitive items and contracting for services is permitted in emergencies, for copyrighted and patented items and services, and for professional or specialized services for which a writ-

ten finding is filed with the City Clerk regarding the reason for such non-competitive, emergency or sole source acquisition.

F. Prohibitions. Splitting contracts or purchases to avoid dollar limits is prohibited.

G. Rejections. The City Council may reject any and all bids for any good or service.

H. Bid Bonds. A bid bond or cashiers check shall be required for all sealed bids.

I. Public Notification. The City Manager shall cause full public notification of all calls for sealed bids by providing ten days notice through publications appropriate to the subject of the call for bids.

J. Public Works Determination. The Purchasing and Contracting Ordinance shall set out a procedure for determination of which public works or improvement projects are to be performed by City forces and which are to be let to contract.

K. Bidding and Wages. The City Council may by ordinance or resolution adopt prevailing wage, geographic boundaries and other guidelines and restrictions, including local bidding preference, governing public works and other City contracts.

**Section 8.12 Miscellaneous Fiscal Procedures.**

A. By Ordinance. The City Council by ordinance shall provide for the following, and other appropriate and necessary fiscal and financial procedures, which procedures shall comply with State law unless the ordinance specifies otherwise:

B. Petty Cash. The creation, administration and control of petty cash accounts;

C. Claims and Demands. The receipt and disposition of claims and demands against the City;

D. Warrants and Checks. Issuance and redemption of warrants, if any, and checks drawn on the City treasury, and;

E. Actions. Legal actions against the City.



**ARTICLE IX**

**TAXATION, REVENUES AND DEBT**

**Section 9.01 Property Taxation.**

A. Council Shall Not Levy. The City Council shall not levy an ad valorem property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter, provided, however, that an ad valorem property tax in excess thereof may be levied if authorized by the California Constitution, State law or this Charter.

B. Separate Taxing Areas. The City Council may establish by ordinance separate taxing areas within the City for the levy of a tax in excess of any rate, if authorized by the California Constitution or State law by the affirmative vote of the requisite number of voters within the area voting on a proposition to impose or to increase such levy.

C. Ad Valorem Levies. The City Council may seek and the voters of the City may vote on a proposition to authorize or to increase ad valorem taxes provided such vote and such tax comply with all provisions of the California Constitution, State law or this Charter.

D. Procedure for Assessment. The procedure and authority for the assessment, levy and collection of taxes and assessments may be prescribed by ordinance and, in the absence of such an ordinance, the procedure and authority applicable thereto shall be that prescribed by State law.

**Section 9.02 Tax Limit.**

A. Vote Required. No City tax shall be imposed or increased in rate by the City Council without an affirming vote of a majority of the voters, except as provided in this Section.

B. Adjustments to Tax Limit. The City Council shall have the authority to impose and to increase taxes without the affirming vote set out herein to raise revenues to the level that City revenues existed in fiscal year 1988-1989 but which, during or subsequent to such year, were removed from the City by action of the State or federal governments; provided,

however, that should the State or federal governments reinstate such previous City revenues, then, to the extent of the reinstatement, City taxes shall be reduced.

C. Adjustment for Mandates. No affirming vote as set out herein shall be required for any tax increase in amount sufficient to meet the official estimate of cost for any State or federal mandate for which no State or federal revenue or grant has been provided, for which neither of a fee nor charge may be collected in amount adequate to meet the financial requirements of the mandate.

D. Adjustment for Inflation and Deflation. For computational purposes of this Section, tax rates and revenue amounts shall be adjusted annually, starting with fiscal year 1988-1989, by the California Constitution Article XIII B and Proposition 133 annual percentage increase in appropriation limitation applicable to the City.

**Section 9.03 Balanced Revenue System.**

The City Council shall maintain a revenue structure adequate to meet City financial requirements for execution of the balanced programs determined by the City Council necessary to carry out the duties, obligations and mandates of this Charter, which revenue structure shall be balanced equitably between taxes, fees, utility and enterprise charges, and assessments insofar as the City Council is legally permitted, and comply with the judicially-determined requirements, definitions and intent of California Constitution Articles XIII A and B.

**Section 9.04 Annual Review of Rates & Fees.**

A. Annual Review of Costs. Annually and concurrently with, or at such time prior to the presentation of the annual budget as he/she shall determine, the City Manager each year shall present a report to the City Council containing a comprehensive review of the costs of all City services, utilities and enterprises.

B. Consideration of Report. As part of the annual budget consideration, the City Council shall set such fees and rates as it shall determine appropriate to recover the costs reasonably borne necessary to

provide each such service, utility and enterprise provided by the City, pursuant to the provisions of Article XIII B of the California Constitution.

C. Failure to Act. If the Council shall fail to act as required in this Section, then such rates as are required to comply with this Section shall go into effect automatically at such time as is designated in the annual report of costs of services, utilities and enterprises for each individual service, utility and enterprise.

D. Repeal by Council. Prior to the adoption of the annual budget the Council may by resolution specifically repeal any such automatic fee, rate or charge increases or decreases as would be caused by its inaction, provided, however, that such resolution shall contain adequate reasoning and justification for such repeal as is necessary to explain why such City service costs reasonably borne are not being met in full or are producing excess revenues over costs reasonably borne.

**Section 9.05 Debt.**

A. By Ordinance. The City by ordinance may issue all manner of securities and incur all manner of indebtedness.

B. General Obligation Debt Limit. Indebtedness of the City as evidenced by issued general obligation bonds shall at no time exceed ten percent of the assessed valuation of all property taxable by the City.

**Section 9.06 Depositories and Investments.**

A. By Ordinance. The City Manager shall recommend and the City Council shall provide by ordinance for the receipt and accounting of all revenues, monies and assets received by the City or any of its agencies, authorities, corporations, utilities and enterprises, from any and all sources.

B. Written Investment Policy. The City Manager shall recommend and the City Council by resolution shall adopt a policy to govern the investment of all City monies, which policy shall include but not be limited to the following:

1. Provision for the investment of all monies in such a manner as to assure the preservation and safety of principal and the integrity of record keeping;

2. Types of allowable investments;

3. Safekeeping of securities.

C. Compliance With State Law. The investment of City monies at all times shall be in compliance with all provisions of State law governing the receipt, processing, deposit, accounting, security and reporting of public monies. The City investment policy may be more conservative or restrictive than State law, but in no manner shall the investment policy be less restrictive.

D. Custody of Monies. The Financial Custody and Investment Ordinance shall establish the City department which shall have custody of all City monies and investments, which department shall deposit all monies and investments in such depository or depositories as may be designated by resolution of the Council or, if no such resolution be adopted, then in such depository or depositories as may be designated in writing by the City Manager.

E. Security of Deposits. The Ordinance, resolution and depository system shall provide for the regular deposit of City monies and appropriate safeguards and systems to assure a minimum of risk, maximum safety, and a high level of collateralized or federally-insured security, without exception, for such City monies and securities held by any depository, agent or agency.

F. Audit. A review of the City investment policy, procedures and security shall be made as a part of the annual audit, and the contracted audit firm shall make appropriate observations and recommendations to the City Council.

**ARTICLE X**

**ELECTIONS**

**Section 10.01 Election Procedures.**

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California Elections Code for the holding of municipal elections, so far as the same are not in conflict with this Charter.

## CHARTER

### **Section 10.02 Special Elections.**

The City Council may call special elections for such purposes as the Council may prescribe. A special election may be held on any date specified by the Council.

### **Section 10.03 Initiative, Referendum and Recall.**

The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by the California Constitution and State law.

## ARTICLE XI

### GENERAL PROVISIONS

#### **Section 11.01 Conflicts of Interest.**

A. Prohibition. The use of public office or employment for private gain is prohibited.

B. Implementation. The Council shall implement this Section by ordinance adopting and assuring compliance with the laws of the State of California and the common law principles regarding such conflicts, which ordinance also shall prohibit, but not be limited to prohibiting those activities set out in this Section.

C. Appearances For Influence. Appearances by or statements made to, or influence exercised by City officials or employees to, before or to any City officer, department or employee, or any City agency, authority or corporation on behalf of private interests are prohibited.

D. Compensated Influence. A former Councilmember or City officer or employee may not be compensated in any way for attempting to influence any action of the Council or City for two years after the end of service on the Council or with the City.

E. Application and Interpretation. In interpreting this Section the general common law conflict of interest rule shall be applied, which rule strictly requires public officers and employees to avoid placing themselves in a position in which personal interest may come into conflict with their duty to the public.

F. Violations. In addition to any fines or other punishments for violations of conflict of interest ordinance provisions or regulations issued thereunder promulgated under this Section or State law, any person convicted of a violation of this Section, or of any equivalent State law or regulation, shall be ineligible for a period of five years following such conviction to hold any City office or employment and, if currently holding office or employment, shall be deemed to have automatically forfeited his or her office or position of employment.

#### **Section 11.02 Franchises.**

A. Granting of Franchise. The City Council may grant a franchise to any person, partnership, corporation or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid to the City for such franchise grant.

B. Franchise Ordinance. The Council may prescribe by ordinance the method and procedure for granting franchises, together with additional terms and conditions for making such grants.

C. Franchise Procedure. No person, partnership, corporation or other legal entity shall furnish the City or its inhabitants or properties lying within the City limits, or any portion of the City, with any service which uses any portion of the public streets, ways, easements, alleys, rights-of-way or places in the City as the same may now exist or may hereafter exist, for any purpose, without a City franchise secured under the procedures set out hereunder, except insofar as he/she or it may be entitled to do so by direct authority of the California Constitution, the Constitution or laws of the United States, or final decisions of courts of competent jurisdiction.

D. Limit. Nothing in this Section shall be construed to limit the ability of the City to seek, to accept and to grant easements for specific purposes over specific parcels of public property for limited purposes.

E. Franchise Term. The term of the franchise shall be determined by the City Council by ordi-

nance. All franchises shall include a provision which reserves to the City the right to take over at any time the works, plant and property constructed under the franchise grant at their depreciated physical valuation and without compensation for franchise or goodwill.

F. Acquisition. No franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or exercise of the power of eminent domain, and nothing therein shall be construed to contract away or to modify or abridge, either for a term or for perpetuity, the City’s right of eminent domain with respect to the property of the possessor of any franchise.

G. Franchise Condition. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority or agency, in any administrative or judicial proceeding, in excess of any amount actually paid by the grantee to the City at the time of the franchise grant.

H. Resolution of Intent. Before granting any franchise the City Council shall adopt a resolution declaring its intention to do so, stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix the day, hour and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council to be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in a newspaper of general circulation in the City or, if there is no newspaper of general circulation in the City, by posting in three established public places.

I. Franchise Adoption. After hearing all persons desiring to be heard, the Council may deny or, by ordinance may grant the franchise on the terms and conditions specified in the resolution.

**Section 11.03 Violations.**

A. Misdemeanor. A violation of any ordinance of the City shall constitute a misdemeanor unless, by ordinance, it is made an infraction.

B. Maximum Fine. The maximum fine or penalty for a misdemeanor or infraction shall be the same as established by the general laws, unless a contrary intention is expressed in the City ordinance.

C. Enforcement. Violations of City ordinances or of provisions of this Charter may be prosecuted in the name of the People of the State of California or redressed by civil action.

D. Charter Compliance. Compliance with any mandated duty prescribed in this Charter may be had through civil action or, if appropriate, criminal proceedings.

E. Violation of Charter. Notwithstanding the criminal penalties provided for above, a Councilmember shall forfeit office pursuant to this Charter if a court of law has found that the Councilmember has violated this Charter or any provision thereof, or willfully has failed to carry out any provision of this Charter.

**Section 11.04 Definitions.**

Unless the provisions or the context otherwise requires, as used in this Charter:

A. “Shall” is mandatory and “may” is permissive;

B. “City” is the City of Lindsay and “department”, “commission”, “agency”, “committee”, “board”, “authority”, “corporation”, “division”, “program”, “utility”, “enterprise”, “non-profit corporation”, “officer”, or “employee” is a department, commission, agency, committee, board, authority, corporation, division, program, utility, enterprise, non-profit corporation, officer, or employee, as the case may be, of the City of Lindsay;

C. “Council” is the City Council of the City of Lindsay;

D. “Councilmember” is a member of the City Council of the City of Lindsay;

E. “Law” includes ordinance;

F. “State” is the State of California;

G. “Federal” is the government of the United States of America;

H. “Voter” shall be as defined by State law;

I. “He/she”, “his/her”, “he” and “she” shall be interchangeable without regard to gender; and,

## CHARTER

J. “Ad Valorem” shall mean “according to value” as defined by State law.

### ARTICLE XII

#### CHARTER AMENDMENT

##### Section 12.01 Charter Amendment.

Amendments to this Charter shall be approved by a majority of the voters of the City at an election on a date as determined by the City Council.

##### Section 12.02 How Amended.

A. Amendments. Amendments to this Charter may be framed and proposed in any manner provided by law or by any of:

B. Council Ordinance. An ordinance of the City Council containing the full text of the proposed amendment;

C. Initiative. An initiative by the voters of the City; or

D. Charter Commission. A report with specific full text as prepared by a duly elected Charter Commission as created pursuant to State law.

##### Section 12.03 Amendment Election.

If a majority of the voters of the City voting on a proposed Charter amendment vote in favor of such amendment, the amendment shall become effective at the time fixed in the amendment, but if no time is therein fixed, at the time the approved amendment is filed with the California Secretary of State by the City Clerk and chaptered by the Secretary of State. The City Clerk shall file the results of a Charter amendment election with the Secretary of State within 30 days following the election.

### ARTICLE XIII

#### TRANSITION AND SEVERABILITY

##### Section 13.01 Transition.

All City ordinances, resolutions, orders, rules and regulations which are in force when this Charter becomes effective shall remain in effect until repealed,

except to the extent that they are inconsistent, disagree in any respect with, or interfere with the effective operation of this Charter or of ordinances adopted pursuant thereto.

##### Section 13.02 Severability.

If any provision of this Charter is held to be invalid the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid the application of this Charter and its provisions or circumstances shall not be affected thereby.

##### Section 13.03 Transition of Current Elected Officials.

A. Existing City Council. At the time of the adoption of this Charter Councilmembers then serving shall serve until the end of the term for which they have been elected, and until their successors have been elected and qualified.

B. Elected City Clerk. The elected City Clerk shall have the option of remaining in the elected position until the end of the current term for which he/she has been elected or at such time as the office shall be vacated, or of resigning from such elected position and seeking the position of appointed City Clerk.

C. Elected City Treasurer. The elected City Treasurer shall remain in the elected position until the end of the current term for which he/she has been elected or at such time as the office shall be vacated.

##### Section 13.04 Continuity of Laws, Officers and Employees.

A. Continuation of Rights. The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it on the effective date of this Charter, and shall be subject to all its debts, obligations and liabilities.

B. Continuation of Acts. All lawful ordinances, resolutions, orders, rules and regulations in force on the effective date of this Charter and not in conflict or inconsistent with this Charter herewith are continued in force until repealed or amended.

C. Continuation of Officers and Employees. The present officers of the City shall retain their respective offices and employment subject to the provisions of this Charter, and an employee holding a City position at the time this Charter takes effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to any employee selection or evaluation process as a condition of continuance in the same position, but in all other respects shall be subject to the Personnel Ordinance provided for in Section 7.03 of this Charter.

D. Non-Interference With Court Orders. Nothing herein shall be construed to interfere with or to modify any order or decision of any court of competent jurisdiction provided, however, that this Charter shall in all respects supersede any such court order or decision which does not apply specifically to home rule charter cities under the California Constitution or the United States Constitution.

E. Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred

to the City department, office or agency designated by this Charter or, if the Charter makes no provision, designated by the City Council by ordinance.

F. Transfer of Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties but, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the City Council.

G. Rights and Claims. All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

END

PROPOSED AND SUBMITTED BY THE CITY COUNCIL  
OF THE CITY OF LINDSAY, CALIFORNIA  
FOR VOTER APPROVAL  
on this 8th day of January, 1996

\_\_\_\_\_  
Valeriano Saucedo, Mayor  
Chair, Charter Commission

\_\_\_\_\_  
Cynthia Rios, Mayor Pro Tem  
Vice Chair, Charter Commission

\_\_\_\_\_  
Ellen Hendricks, Councilmember  
Member, Charter Commission

\_\_\_\_\_  
John Hill, Councilmember  
Member, Charter Commission

\_\_\_\_\_  
John Stava, Councilmember  
Member, Charter Commission

CHARTER

CITY OF LINDSAY  
CITIZENS CHARTER ADVISORY COMMITTEE

Recommended to the Lindsay City Council and Lindsay Charter Commission for adoption and placement on the April 9, 1996 City Election ballot:

---

Vahnn Blue, Member

---

Tom Elson, Member

---

Josie Figueroa, Member

---

Janet Kliegl, Member

---

Herman Landers, Member

---

Paul Leavens, Member

---

Ed Murray, Member

---

Richard E. Pitcher, Member

---

Ben Rivas, Member

---

Derrill Roberts, Member

---

Leonor Serna, Member

---

Tom Spurlock, Member

---

Robert Tienken, Member

STAFF TO  
LINDSAY CHARTER COMMISSION  
LINDSAY CITIZENS CHARTER ADVISORY COMMITTEE

---

William Drennen, City Manager

---

Bobbi Paul, City Clerk

---

Walter McCormick, City Attorney

---

Douglas W. Ayres  
Executive Director

---

Pamela S. Swift  
Deputy Executive Director and Secretary

Lindsay Charter Commission  
Lindsay Citizens Charter Advisory Committee

(Resolution calling election follows, when adopted)





**CHARTER INDEX**

A

ACTING CITY MANAGER § 4.02

AMENDMENT

    Amendment election § 12.03

    Charter amendment § 12.01

    How amended § 12.02

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**SUPPLEMENT NO. 3**  
**INSERTION GUIDE**  
**LINDSAY MUNICIPAL CODE**

**February, 2007**

**(Covering Ordinances through 522)**

This supplement consists of reprinted pages replacing existing pages in the Lindsay Municipal Code.

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This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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