

**REGULAR MEETING  
DUNSMUIR CITY COUNCIL  
COUNCIL CHAMBERS  
5902 DUNSMUIR AVE, DUNSMUIR, CA  
8933 OAKLAND AVE SOUTH, BLOOMINGTON, MN  
MARCH 19, 2015  
CLOSED SESSION: NONE  
REGULAR SESSION: 6:00 P.M.**

As a courtesy, please turn off cell phones and electronic devices while the meeting is in session. Thank you.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **CLOSED SESSION - NONE**
4. **FLAG SALUTE**
5. **APPROVAL OF AGENDA**
6. **APPROVAL OF MINUTES**

A. Regular meetings of February 19, 2015 and March 5, 2015

7. **COMMITTEE REPORTS**

8. **ANNOUNCEMENTS AND PUBLIC COMMENT**

Regular City Council meetings are televised on Channel 15 to keep the City residents informed of City Council actions and deliberations that affect the community (meetings are scheduled to be televised on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. Meetings that take place on dates other than the 1<sup>st</sup> and 3<sup>rd</sup> Thursday will not be televised).

This time is set aside for citizens to address the City Council on matters listed on the Consent Agenda as well as other items **not** included on the Regular Agenda. If your comments concern an item noted on the regular agenda, please address the Council when that item is open for public comment. **Each speaker is allocated three (3) minutes to speak. Speakers may not exceed their time.** Comments should be limited to matters within the jurisdiction of the City. Speaker forms are available from the City Clerk, 5915 Dunsmuir Avenue, Dunsmuir, on the City's website, or at the back of the meeting hall. The City Council can only take action on matters that are on the Agenda, but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the City Council, please provide a minimum of seven (7) copies.

9. **ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

Members of the Council or staff may ask questions, request reports for a later meeting, or ask that an item be placed on a future agenda on any subject within the Council's jurisdiction.

A. In response to request to Senator Ted Gaines, California State Department of Parks and Recreation to contact City about Mossbrae Falls and possible tour

- B. Interim City Manager to attend March 24 Friends of the Library meeting to discuss possible transactions and uses tax measure
- C. Notice has been received that City is not eligible to apply for CDBG funding unless Housing Element of General Plan is updated by April 10, 2015 and certified by State Department of Housing and Community Development
- D. Report by Councilman Craig on possible new website

## 10. CONSENT AGENDA

The Consent Agenda consists of proposed actions on business matters which are considered routine and for which approval is based on previously approved City policy or practice. The Consent Agenda will be approved by a single motion to "Adopt the Consent Agenda" and Council Members will vote without debate. Council Members may remove a Consent Agenda matter for any reason and request that it be placed on the Agenda for discussion and consideration. Matters removed from the Consent Agenda will be placed on the agenda as an item of "New Business" for discussion and consideration.

## 11. PUBLIC HEARING - NONE

### Public Hearing Protocol:

- a. Mayor will describe the purpose of the Public Hearing
- b. City Staff will provide the Staff Report
- c. City Staff will respond to questions by the City Council
- d. Mayor will open the Public Hearing
- e. Citizens wanting to comment will come to the podium, provide the City Clerk with their name and address and provide their comments.
- f. Mayor will close the Public Hearing

## 12. OLD BUSINESS

- A. Discussion and possible action on final draft City Council protocols
- B. Discussion and authorization to make final payment to Dunton Construction Inc. for work on Tauhindauli Park Viewing Platform, and authorize request for payment of overages on this project from Tauhindauli Park and Trail Endowment Fund

## 13. NEW BUSINESS

- A. Discussion and authorization for Interim City Manager to execute contract for Wage compliance monitoring services for construction work on Community Center and Replacement of Water Mains
- B. Receive and consider possible future action(s) on report from February 28, 2015 Community meeting
- C. Review, discussion and possible action on City Council committees and assignments
- D. Discussion and possible action on Resolution granting consent to the County of Siskiyou to form the Siskiyou County Tourism Improvement District (SCTID)
- E. Discussion and possible action regarding referring to the Dunsmuir Parks and Recreation District Board of Directors investigation of possible use of City property as Bent Rail Park.

**14. ADJOURNMENT:**

**Copies of this agenda were posted at City Hall, Dunsmuir City Library, Dunsmuir Park and Recreation District Office and at the Post Office on or before 6:00 pm Sunday, March 15, 2015.**

**The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification 48 hours prior to the meeting will enable the City reasonable arrangements to accommodate participation in the meeting.**

**CERTIFICATION**

This is the official Dunsmuir City Council Agenda created and posted in accordance with the Dunsmuir City Council Protocols.

*Deputy City Clerk*  
*Jules Oshere for*  
\_\_\_\_\_  
City Manager

03-16-2015  
Date

**September 16, 2014**  
**City of Dunsmuir Special Council Meeting Minutes**

**1. CALL TO ORDER:**

The Special Meeting was call to order at 6:01 pm by Mayor Keisler.

**2. ROLL CALL:**

Council Members present: Steele, Welch, Kelby, Keisler

Council members absent: Padula

City staff present: Bains

City official present: M. Kelby

**3. CLOSED SESSION – NONE**

**4. FLAG SALUTE**

**5. APPROVAL OF AGENDA AND MINUTES/AGENDA REVISIONS:**

Motion to approve agenda with no previous minutes by Steele, second by Welch. Voice vote 4-0-0-1.

**6. ANNOUNCEMENTS AND REPRORTS FROM COUNCIL AND STAFF:**

Keisler announced that this meeting was not being taped on Channel 15 due to its being a special council meeting

Bains announced that the up-coming City wide clean-up day would include allowing residents to bring in paint.

Bains reported on her meeting with Weed City Manager Ron Stock at the Weed City Hall conveying the council commitment of Dunsmuir City to help victims of the Boles Creek Fire that decimated large portions of Weed.

Discussion.

Keisler commended residents, Louie Dewey, Mark Juarez, Blaze Barnes, and other undisclosed residents for offering temporary housing.

Steele offered the use of Red Cross stored emergency supplies at Dunsmuir High School should they deemed them to be needed. Hope Church in Mt. Shasta is the designated collection point for Dunsmuir residents who wish to offer in-kind donations. One hundred thirty people were in shelters in the cities of Mt Shasta and Yreka. He reminded residents that the Red Cross would also need cash donations.

**8. NEW BUSINESS:**

Keisler thanked the people for their involvement and assistance. He inquired whether any Dunsmuir involved fire fighters who were candidates for the up-coming Planning Commissioners interviews would need accommodation by way of on-line ore teleprompter (sic).

Bains stated the council may wish to consider Candidate Lanier, as having an excused absence from this day's interviews due to his involvement in fire response to the Weed Fire.

Bains further read the parameters previously set by council for the interviews, Planning Commission Mission Statement, and the list of their required duties.

Interviews commenced from a list of questions previously prepared by the council and staff and having been sent to the candidates. Welch protested the process, stating that he had special questions to ask.

**CANDIDATES INTERVIEWED:**

Bruce Deutsch emphasized that commissioners' decisions need to be based on fairness to all and that everyone understand the rules.

Ann Powers emphasized that circumstances that previously impacted her ability to attend Planning Commission Meetings had been resolved.

John Poston emphasized that his experience as a General Planner, General Contractor, and electrical contractor gave him understanding of what it takes for successful projects.

Forrest Lamb emphasized that the Planning Commission was the "Stewards of the Town".

Council Discussion.

Welch reviewed Planning Commission requirements and that commissioners need to be prepared for their meetings.

Keisler emphasized that commissioners must follow rules and decisions were not easy.

Kelby reminded candidates that they may not bow to pressure, but must follow state regulations, city ordinances as well as the general plan.

Steele stated that decisions were a process and there were no quick decisions. He then clarified the score cards with the candidate ranking system of 1 to 5 (1 being lowest and 5 highest) for consideration by the Mayor for selection and then for council approval of the final appointments.

Consensus was that Candidate Lanier be contacted by phone conference and Bains contact him by email.

Kelby stated that the new Planning Commissioners receive training packets.

Keisler stated that the selection of new Planning Commissioners would be finalized at the next Regular Council Meeting to be held on Thursday, September 18, 2014 at 6 pm at the Council Chambers.

**9. ADJOURNMENT: 7:12 pm**

**Attest:**

\_\_\_\_\_  
**Mayor Keisler**

\_\_\_\_\_  
**City Official Mabel Kelby  
for the City Clerk.**

**CITY OF DUNSMUIR  
CITY COUNCIL MEETING MINUTES  
FEBRUARY 19, 2015**

**CALL TO ORDER:**

Meeting was called to order at 6:00 pm by Mayor Keisler.

**ROLL CALL:**

Council members present: Craig, Kelby, Spurlock, Syrrist, Keisler

City staff present: Iskra

City official present: Wilson

Flag salute.

**APPROVAL OF AGENDA:**

Council member Kelby suggested tabling Old Business item B, stating that the letter was supposed to be amongst several agencies, and that he would like to see the issue straightened out.

Mayor Keisler disagreed, stating that the letter was passed around between multiple parties, including Union Pacific Railroad, the Mt. Shasta Trail Association, and Chamber Director Richard Dinges.

Motion to approve agenda as presented by Kelby, second by Craig. Voice vote: 5-0-0-0, motion carried.

**APPROVAL OF MINUTES:**

Motion to approve by Kelby, second by Spurlock. Voice vote: 5-0-0-0, motion carried.

**COMMITTEE REPORTS:**

Council member Craig reviewed meetings of the Media Improvement Committee, stating that they are working to get meetings broadcast and streaming on the web. He stated that there are still major issues with the technical equipment.

Council member Craig stated that the Integrated Regional Water Management Plan committee had met, and that he is getting up to speed on the complexities of the group. He stated that projects are being scored to rank them, and that Dunsmuir has submitted a plan for water main replacements.

Mr. Craig reviewed the meeting of the Protocols Committee, stating that the final sections would be submitted for approval at the next meeting.

He reviewed the Water Rate Study/Water Master Plan update, stating that PACE required additional documents in order to get a preliminary set of date. He stated that there is a draft schedule for the whole project, and that there would be a public workshop in early March.

Staff member Julie Iskra stated that the City is working on a nuisance abatement for the Best Choice Inn.

**FEBRUARY 19, 2015**  
**CITY OF DUNSMUIR MEETING MINUTES**  
**PAGE 2**

**ANNOUNCEMENTS AND PUBLIC COMMENT:**

Audience member Lily Jones stated that the cemetery information is partially online, but that the site is not active or correct. She stated that she would like to get a link on the City website, and get the information online. She suggested a possible 8<sup>th</sup> grade project mapping the cemetery with the ability to pinpoint individuals. She reviewed items that she would like to have in the cemetery to identify different blocks.

Audience member Peter Arth stated that the Community Garden is moving forward with gardening activities, and that they would like to start a green waste composting project in cooperation with the City.

Mr. Arth spoke regarding the visioning session scheduled for February 28, stating that the citizens have been given a broad, unfocused request, and asked that City Council state clearly what it wants from the citizens.

Siskiyou County Sheriff's Sergeant Rees reviewed the January statistics, and encouraged everyone to lock their doors.

**ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

Council member Craig stated that due to the Brown Acct, Council can't respond to public comment regarding items that are not on the agenda.

Council member Spurlock stated that he would be interested in getting some cemetery information online.

**OLD BUSINESS:**

A) Discussion and possible action-Addendum to previous Siskiyou County Sheriff's Dept MOU Resolution 2015-05

Review by staff member Iskra.

Undersheriff Villani reviewed the sheriff's office's relationship with Dunsmuir. He explained that the auditor had concerns about substantiating the hourly rate. He stated that the rate includes the indirect cost rate, and that the contract was changed to remove the Consumer Price Index, per auditor concerns.

Discussion.

Motion to approve by Kelby, second by Craig. Roll Call Vote:

Ayes: 5

Nays: 0

Abstain: 0

Absent: 0 Motion carried, 5-0-0-0.

B) Discussion and possible action-Letter to Senator Ted Gaines requesting support for the Mossbrae Falls Trail Project

Review of letter by Mayor Keisler, explaining that the letter had been through all of the key players, and that he felt it should be approved by Council.

Council member Kelby reviewed grammatical errors within the letter and changes to be made. He suggested sending a copy of the letter to Assemblyman Dahl and to the Chair

**FEBRUARY 19, 2015**  
**CITY OF DUNSMUIR MEETING MINUTES**  
**PAGE 3**

of Parks and Beaches.

Mayor Keisler explained that the letter was being sent to Senator Gaines representative Dave Muir, and that Assemblyman Dahl would be contacted later.

Council member Craig stated that there is no mention of the committee in the letter, and that he would like to see that addressed. He stated that the letter does a good job of summarizing, but doesn't outline actions that have been taken. He also expressed concern that the other partners on the committee were not signers.

Mayor Keisler stated that the idea is for the City to reach out, and that the letter had already been reviewed by the City Attorney, U.P., and the Trail Association.

Council member Craig stated that if specific parties were going to be mentioned as supporters, then specific people should be signers of the letter as well.

Council member Spurlock agreed that if there were other signers endorsing what the City is doing, the letter would be of greater importance.

Discussion.

Audience member Mario Rubino stated that the City Attorney had stated to give the letter to the Senator, and then it would be his ball to carry. He stated that the Railroad stated that they do not write letters for this type of issue. Mr. Rubino stated that this is a letter from the Mayor requesting assistance, which is different than a City Council endorsement, and that the committee did not want an official sense behind the letter.

Discussion.

Motion to authorize Mayor Keisler to send the letter with changes by Craig, second by Syrrist. Voice vote: 5-0-0-0, motion carried.

C) Discussion and possible action to approve the contract to hire Randy Johnsen as the Interim City Manager-Resolution 2015-04.

Review by Iskra.

Motion to approve by Craig, second by Spurlock. Roll call vote:

Ayes: 5

Nays: 0

Absent: 0

Abstain: 0 Motion carried, 5-0-0-0.

**NEW BUSINESS:**

A) Discussion and possible action to approve a request from the City of Mt. Shasta to support the opposition to close the Redding Mail Processing Center in favor of West Sacramento-Resolution 2015-07

Review by Julie Iskra, explaining that the closure of the Redding office could delay the mail several days.

Audience member Laurie Barnes-Harley expressed support for the Resolution.

Council member Kelby reviewed the handling process, explaining that sorting is not done locally anymore. He stated that the handling is very quick, and he did not think there would be a decay, but that jobs are needed in our area.

**FEBRUARY 19, 2015**  
**CITY OF DUNSMUIR MEETING MINUTES**  
**PAGE 4**

Council member Spurlock expressed support, and recommended that the City draft its own letter.

Motion to approve the Resolution by Kelby, second by Craig. Voice vote: 5-0-0-0, motion carried.

B) Discussion and possible action to approve an agreement with Siskiyou Media Council to work with the City free of charge for four weeks for public broadcasting-Resolution 2015-06

Review by Mrs. Iskra.

Council member Craig explained that the Resolution is to organize and codify the relationship, and to come up with proposals to bring back to Council. He stated that the Committee is working to improve the system and would make a recommendation.

Siskiyou Media Council representative Greg Messer explained that the four weeks would allow Council to review options and to make a decision.

Audience member Mario Rubino stated that there are ongoing issues with the system, and that the committee is trying to work through the process in order to get a high-definition signal.

Council member Craig stated that there is currently online streaming, and that they are working to get better audio/visual.

Discussion.

Motion to approve by Craig, second by Spurlock. Voice vote: 5-0-0-0, motion carried.

Council member Craig made a motion that an item regarding completed protocols/discussion and possible action be added to next agenda, second by Mayor Keisler.

Brief discussion regarding adding a link for the cemetery to the website, Mrs. Iskra suggested adding the item to the next agenda. Council members Craig and Kelby stated that Mrs. Jones would need to bring a proposal to City Hall before the agenda meeting in order to be added to the next agenda.

**ADJOURNMENT: 7:33 pm**

---

**Mayor Keisler**

**ATTEST:**

---

**City Clerk Wilson**

**CITY OF DUNSMUIR  
CITY COUNCIL MEETING MINUTES  
MARCH 5, 2015**

**CALL TO ORDER:**

Meeting was called to order at 6:00 pm by Mayor Keisler.

**ROLL CALL:**

Council members present: Craig, Kelby, Spurlock, Syrrist, Keisler

City staff present: Johnsen

City official present: Wilson

Flag salute

**APPROVAL OF AGENDA:**

Interim City Manager Johnsen requested the addition of an urgency item to appoint a temporary accountant.

Motion to add the item as New Business item 'E' by Craig, second by Spurlock. Voice vote: 5-0-0-0, motion carried.

Motion by Mayor Keisler to reverse Consent Agenda items A and B, second by Craig. Voice vote: 5-0-0-0.

Motion to approve agenda as amended by Craig, second by Keisler. Voice vote: 5-0-0-0, motion carried.

**COMMITTEE REPORTS:**

Council member Craig stated that the Protocols Committee had met and that the protocols should be ready to approve next Council meeting. He reviewed the meeting of the Integrated Regional Water Management Plan, stating that there would be a committee meeting to discuss potential grants for the City of Dunsmuir. Council member Craig gave an update regarding the Media Improvement Committee, and stated that he would be bringing an update at the next meeting.

Council member Spurlock stated that the Tourism and Economic Development committee had met regarding events within the City, and that they are in the process of getting more people involved.

Mayor Keisler stated that the letter to Senator Gaines regarding Mossbrae Falls had gone out, and that he had received a call back from Dave Muir. He stated that Senator Gaines and Assemblyman Dahle would be coming to Dunsmuir to look at the issue.

**ANNOUNCEMENTS AND PUBLIC COMMENT:**

Audience member Tim Holt stated that the town hall meeting the previous week had gone well, and brought forth a lot of good ideas.

Audience member Michael Bush stated that the Mossbrae Trail has gotten a lot of positive feedback throughout town, and should be pursued.

Chamber Director Richard Dinges stated that he will be presenting a report to Council in the near future on how to market Dunsmuir.

**MARCH 5, 2015**  
**CITY OF DUNSMUIR MEETING MINUTES**  
**PAGE 2**

Audience member Linda Gnesa stated that she would be giving an assessment of the Bent Rail Park at the next meeting.

**ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

ICM Johnsen stated that he had met with Central Federal Lands and Cal Trans representatives regarding Tauhindauli Park and the Butterfly Bridge, explaining that the City is closing one grant, and getting moving on another.

Mr. Johnsen stated that staff has been working on the housing element. He explained that there would not be any Economic Development Block Grants available to apply for as there needs to be a housing element in place to apply. He stated that he had met with Jim Cook and would be giving a report, and that Dunsmuir no longer qualifies as low-income, which changes what the City can apply for.

Council member Craig stated that the facilitator of the town hall meeting did create draft data, and that the ideas will be put together in a presentation.

**CONSENT AGENDA:**

B) Request from Council member Kelby to participate via skype for March 5 and March 19, 2015 City Council Meetings

A) Receive, acknowledge, and forward \$7500 Union Pacific Grant for Children's Lunch Program

C) Receive acknowledgement of \$250 donation to The River Exchange

D) Memo from Attorney Kenny regarding CEQA Lawsuit

E) Approve Check Register as of February 27, 2015

Motion to approve by Craig, second by Spurlock. Voice vote: 5-0-0-0, motion carried.

**NEW BUSINESS:**

A) Discussion and possible action regarding cell phone for Interim City Manager  
Review by ICM Johnsen. Brief discussion. Motion to approve cell phone for City Manager, to remain with the City, by Craig, second by Syrrist. Voice vote: 5-0-0-0, motion carried.

B) Discussion and direction to ICM regarding imposition of transaction and use tax  
Review by ICM Johnsen, explaining that the Council has the option of moving forward, or making changes to the item. He recommended an increase in the tax as the benefits proposed are not significant. He reviewed the cost to conduct an election, and the anticipated revenue.

Friends of the Library representative Tim Holt stated that he would like to see the item back on the ballot, and that an increase would be good to see. He suggested a committee to come up with a draft idea.

Discussion.

Motion to direct ICM Johnsen to look into the item, meet with the Friends of the Library, and report back to Council by Keisler, second by Syrrist. Voice vote: 5-0-0-0, motion

**MARCH 5, 2015**  
**CITY OF DUNSMUIR MEETING MINUTES**  
**PAGE 3**

carried.

C) Discussion, receive and file ISO report from Fire Chief Dan Padilla  
Chief Padilla reviewed the Insurance Services Office report and the favorable rating received by the City. Report received by Council.

D) Discussion and direction to ICM regarding request from cemetery groundskeeper Lilly Jones

ICM Johnsen reviewed the item and possible options. Groundskeeper Jones reviewed the software that she would like to purchase to map the cemetery, and other projects to be done on the grounds. She reviewed the cost of the software, \$50 per year. She stated that the Dunsmuir Elementary students would be creating a map of the cemetery. Discussion. Mayor Keisler asked that Mrs. Jones bring more information regarding the software to Council. Motion to table the item to the following meeting by Keisler, second by Craig. Voice vote: 5-0-0-0, motion carried.

D) Authorize ICM to appoint part-time temporary accountant  
ICM Johnsen reviewed the item, explaining the need for financial assistance. Brief discussion. Motion to approve by Craig, second by Spurlock. Voice vote: 5-0-0-0, motion carried.

**ADJOURNMENT: 7:06 pm**

---

**Mayor Keisler**

**ATTEST:**

---

**City Clerk Wilson**

## Julie Iskra

---

**From:** Meurer, Dave <Dave.Meurer@sen.ca.gov>  
**Sent:** Wednesday, March 04, 2015 3:48 PM  
**To:** Julie Iskra  
**Subject:** RE: Assemblyman Brian Dahle

State Parks staff will be contacting you in the near future regarding a meeting and a tour.

Cordially,

Dave Meurer  
District Representative  
Office of Senator Ted Gaines  
1670 Market Street, Suite 244  
Redding CA 96001  
[Dave.Meurer@sen.ca.gov](mailto:Dave.Meurer@sen.ca.gov)  
Phone: (530) 225-3142  
Fax (530) 225-3143



## City Manager

---

**From:** City Manager  
**Sent:** Friday, March 13, 2015 3:04 PM  
**To:** 'dave.meurer@sen.ca.gov'; 'bruce.ross@asm.ca.gov'  
**Subject:** FW: Mossbrae Falls project in Dunsmuir

Thank you for your assistance. We appreciate all you have done.

Randy L. Johnsen  
Interim City Manager  
(530) 235-4822 x 103  
citymanager@ci.dunsmuir.ca.us

-----Original Message-----

**From:** Stehl, Alexandra@Parks [mailto:Alexandra.Stehl@parks.ca.gov]  
**Sent:** Friday, March 13, 2015 12:58 PM  
**To:** City Manager  
**Subject:** RE: Mossbrae Falls project in Dunsmuir

Hi Randy, thank you the phone message abd email. I am in the field and will make sure to connect with you early next week. Talk to you soon!

Alex

---

**From:** City Manager [cityadmin@dunsmuir.onmicrosoft.com]  
**Sent:** Friday, March 13, 2015 12:14 PM  
**To:** Stehl, Alexandra@Parks  
**Subject:** Mossbrae Falls project in Dunsmuir

Hi Alex,

I am Randy L. Johnsen and the present Interim City Manager for the City of Dunsmuir. I would really appreciate the opportunity to share thoughts with you about our proposed project. I don't know if you have seen the letter from our Mayor to Senator Gaines and Assemblyman Dahle. Their offices have asked that I talk with you.

I am leaving today at 4:30 pm but will be in office all next week. You can reach me at 530-235-4822 x 103. I will be happy to spend a few minutes updating you on what City of Dunsmuir is trying to do and defining what we are requesting your agency help us do.

Thank you in advance for any help you can give Dunsmuir.

Randy L. Johnsen  
Interim City Manger  
(530) 235-4822 x 103  
citymanager@ci.dunsmuir.ca.us<mailto:citymanager@ci.dunsmuir.ca.us>

## Julie Iskra

---

**From:** Ross, Bruce <Bruce.Ross@asm.ca.gov>  
**Sent:** Wednesday, March 11, 2015 10:08 AM  
**To:** Julie Iskra  
**Subject:** FW: Mossbrae Falls

Here you go. Hopefully the contact will be useful.

### **Bruce Ross**

*District Director, Assemblyman Brian Dahle*

Tel 530-223-6300 • Fax 530-223-6737 • Cel 530-229-3769

[Bruce.Ross@asm.ca.gov](mailto:Bruce.Ross@asm.ca.gov)

---

**From:** Ochoa, Melinda@Parks [mailto:Melinda.Ochoa@parks.ca.gov]  
**Sent:** Wednesday, March 04, 2015 2:30 PM  
**To:** Ross, Bruce  
**Subject:** Mossbrae Falls

Hi Bruce

I had a good conversation with our Trails expert today, Alex Stehl. She requested that you have the City of Dunsmuir (or your contact) reach out to her for guidance. Her email is [Alexandra.Stehl@parks.ca.gov](mailto:Alexandra.Stehl@parks.ca.gov) or she can be reached at 916-324-0322.

There are several steps involved in the process of trails and one of the most important questions to be answered before providing direction would be who is or who are the property owners involved. Alex said she would be happy to talk with and provide guidance as pertaining to the situation.

Thank you for reaching out. Please let me know if you have any additional questions or concerns. Mossbrae Falls looks like a great place!

Have a good day,  
Melinda

### **Melinda Ochoa**

Legislative Office

California State Parks

916-653-9907

March 10, 2015

Randy - Next Friends  
of Lib. Bd. meeting

is March 24, 5:30 p.m.

at the library - hope

you can join us for  
discussion of ballot

measure. Bd. of

Equalization estimates

\$18,000 for  $\frac{1}{4}$ % increase,

\$36,000 for  $\frac{1}{2}$ %.

— Tim H. 235-4034

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
www.hcd.ca.gov



February 18, 2015

**MEMORANDUM FOR:** Planning Directors and Interested Parties

**FROM:** Paul McDougall, Housing Policy Manager  
Leticia Johnson, CDBG Program Manager

**SUBJECT:** Housing Element and Community Development Block Grant  
(CDBG) Requirements

The State of California's CDBG program requires a current housing element pursuant to Health and Safety Code Sections 50829 and 50830. This status is a threshold requirement in the CDBG application process. Based on a preliminary review of our records, your housing element does not meet CDBG requirements and a housing element update must be completed by April 10, 2015 to be eligible for CDBG funding.

Health and Safety Code Section 50829 requires jurisdictions to submit and adopt a housing element pursuant to Government Code Section 65585 and 65588. To meet this requirement, a jurisdiction must submit a draft, consider the Department's findings and adopt the housing element. All these steps must be satisfied by April 10, 2015. The Department's Division of Housing Policy Development (HPD) makes the final determination on housing element compliance.

If your jurisdiction has a growth control (e.g., directly limiting permits or lots), the housing element should be found in compliance by the Department pursuant to Health and Safety Code Section 50830. Generally, to meet this requirement, the jurisdiction must receive a written determination of compliance from the Department pursuant to Government Code Section 65585(h). All these steps must be satisfied by April 10, 2015.

The Department welcomes the opportunity to assist you in meeting these statutory requirements and encourages you to contact the Department regarding the status of your housing element and technical assistance that may be available. For more information regarding housing element updates, contact Paul McDougall, HPD Housing Policy Manager, at Paul.McDougall@hcd.ca.gov or (916) 263-7420. For more information on CDBG requirements and deadlines, contact Leticia Johnson at Leticia.Johnson@hcd.ca.gov or 916-263-2186.

## City Council Agenda Item Interim City Manager Staff Report

**Item No:** 12.B.  
**Date:** March 19, 2015  
**Subject:** Authorize payment to Contractor of retention and release of performance bond  
Tauhindali Park Viewing Platform

Dunton Construction Company, Inc., was awarded the contract for construction of Tauhindauli Park Viewing Platform. A notice of completion on this project was recorded by the City on October 23, 2014. The contractor was paid \$103,740 on October 24, 2015. The City retained \$5,460 to be paid 30 days after recording of notice of completion. That payment has yet to be made.

This project was funded from Transportation Enhancement (TE) account of the State Transportation Improvement Program. This means that both federal and State monies comprised the grant. The grant required the City pay all costs and submit request for reimbursement of those costs. As soon as the City pays the contractor the retention amount, CalTrans as the administering agency for the grant, will reimburse the City \$40,000 which they have retained under their procedures. The total cost for the project is \$207,001.22. The total reimbursement to City will total \$192,993.43 from the grant. The City, according to correspondence in the file, intends to charge the remaining \$14,007.79 to the Tauhindauli Park and Trail Endowment Fund. If that remains the City Council's intention, staff will prepare necessary documents to complete funding of this project.

**Recommendation:**

Authorize payment to Dunton Construction Inc. of final payment/retention for work on Tauhindali Park Viewing Platform in the amount of \$5,460; authorize staff to release performance bond on this project; direct staff to notify CalTrans of final payment to Dunton Construction Company, Inc. and request release to City of retention on this project; and direct staff to invoice Tauhindauli Park and Trail Endowment Fund non-participating costs of \$14,007.79 for this project.

Note: As far as it can be determined from the project file, certain costs were non-participating (not eligible for grant funding) from the start. Additional costs were incurred during environmental work (additional work required by CalTrans) and preliminary design engineering (additional work required by CalTrans). The additional work was required to meet federal NEPA requirements.

March 20, 2015

Ms. Kelly Zolotoff  
 Office of Local Assistance  
 CA Department of Transportation,  
 1657 Riverside Dr. Mail Drop 7  
 Redding, CA 96049

Billing No: 6  
 Invoice No: 20131201  
 Federal Aide Project No. RPSTPL-5183 (005)  
 Tax ID No. 94-6000324  
 Date Project Accepted by City: Ongoing  
 Project Location: Extend Bike Path / City of Dunsmuir  
 Project Expenditure Authorization: 02-457104  
 AMS: 0200000622

Reimbursement for federal and/or state funds is claimed pursuant to Local Agency-Agreement No. N001, Program Supplement No. 02-5183R, executed on 4/30/10.

FEDERAL APPROPRIATION CODE	Environmental Studies Permits		PS&E		Constr. Engineer.	Constr-uction	Total
	L22O	L22E	L22O	L22E	Q220	Q220	
FEDERAL BUDGET	10,623.00	23,017.00	24,788.00		25,000.00	105,000.00	188,428.00
STATE BUDGET	1,377.00	2,983.00	3,212.00		0.00	0.00	7,572.00
AUTHORIZATION DATE	11/24/09	08/03/12	11/24/09		8/13/2013	8/13/2013	
Expenditures from:	05/01/10	08/03/12	11/24/09		12/10/2013	12/10/2013	
Expenditures to:	10/31/13	01/11/13	01/11/13		10/25/2014	3/20/2015	
Total Direct Costs to Date:	12,000.00	26,506.18	30,235.89		29,059.15	109,200.00	207,001.22
Less: Retention							
Liquidated Damages							
Participating Costs							
Non-participating costs		3,512.75	2,235.89		4,059.15	4,200.00	14,007.79
Total Participating Costs	<u>12,000.00</u>	<u>22,993.43</u>	<u>28,000.00</u>		<u>25,000.00</u>	<u>105,000.00</u>	<u>192,993.43</u>
Less: Participating costs on previous invoice	<u>12,000.00</u>	<u>22,993.43</u>	<u>28,000.00</u>		<u>25,000.00</u>	<u>63,740.00</u>	<u>151,733.43</u>
Change in Participating Costs*	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>		<u>0.00</u>	<u>41,260.00</u>	<u>41,260.00</u>
Federal Reimbursement Ratio	100.00%				0.00	41,260.00	41,260.00
Total Federal Share							
State Reimbursement Ratio	0.00%						
Total State Share							
Amount of this Claim	0.00	0.00	0.00		0.00	41,260.00	41,260.00

\*Direct costs are supported by attached copies of invoices.

I certify that the work covered by this invoice will be completed in accordance with the approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of this agreement.

Randy L. Johnsen, Interim City Manager (530)235-4822 Ext 103 email: citymanager@ci.dunsmuir.ca.us

## City Manager

---

**From:** Jim Elkins <jelkins@paceengineering.us>  
**Sent:** Monday, March 02, 2015 7:09 PM  
**To:** City Manager  
**Subject:** Re: Tauhindauli Viewing Platform

Yes. The contractor is due payment of the retention 30 days after the notice of completion is recorded.

They have submitted all the required paperwork such as certified payroll and DBE verification.

Jim

Sent from my iPhone

On Mar 2, 2015, at 7:05 PM, "City Manager" <[cityadmin@dunsmuir.onmicrosoft.com](mailto:cityadmin@dunsmuir.onmicrosoft.com)> wrote:

Jim,

I have found Notice of Completion recorded by City and executed by Alan Harvey. Do you know of any reason(s) we should not release the retention amount, and performance bond submitted by Contractor? Are there any reports, forms, etc. that Contractor should have submitted to comply with Dunsmuir procedures (purchasing ordinance) and State regs?

I am informed that once we pay retention, State will release the retention they are withholding from Dunsmuir, which is greater than the amount we are retaining from Contractor.

Maybe we can talk about this on Wednesday. I will put payment of retention on March 19 agenda if we are ready.

Randy L. Johnsen  
Interim City Manger  
530-235-4822 x 103  
[citymanger@ci.dunsmuir.ca.us](mailto:citymanger@ci.dunsmuir.ca.us)

COUNCIL MEMO 2014-113

October 30, 2014

To: Mayor and City Council Members

From: City Manager

Sub: Tauhindauli Viewing Platform Funding

**SUBJECT:**

This report concerns the Agenda item 13.D, to consider an inter-fund loan to pay the Contractor who recently completed work on the Tauhindauli Viewing Platform.

**OBJECTIVE:**

The City wants to be in the position to pay its bills when work on a project has been completed as it has been insofar as the Viewing Platform is concerned. In addition the City wants to be in the position of ensuring that it fully complies with the terms of its contracts and agreements, as well as with the statutes, rules and regulations governing its accounting system, granting agencies and just plain good practice. Achieving anything less than the objectives noted puts the City at risk of unintended consequences.

The Tauhindauli project is somewhat unusual because it is a project that began a number of years ago and it is totally federally funded which has some very strict rules and standards. In this instance the grant is based on reimbursing the City for actual paid expenses. The City was obligated to meet certain time deadlines which was difficult because it had to determine what had been done earlier as well as coordinating and accurately reporting actual expenses from other sources.

When this item was put on the agenda it was believed that an inter-fund loan would be required to provide the Cash required to cover a sizeable payment to the Contractor. Subsequently it was determined that the City had sufficient cash in the bank to cover the payment and that the amount would be fully reimbursed within three to four months and an inter-fund loan would no longer be required.

**PROPOSAL:**

The Total project cost to date is \$201,541.22 which will increase slightly as final billings by the consultants involved submit their final costs. The contractor's contract was for \$109,200.00 and the City is obligated to pay \$109,200 for the work completed less the retention \$5,460.00 the will be paid when the retention period expires or \$103,740.00.

The City has submitted its billing for payment which will increase due to final costs are calculated and included.

The Project has overrun the amount of grant funds approved. The overrun amount the City will have to pay is estimated to be approximately \$13,807.76 due in part to the cost of an unexpected project audit, a bid that exceeded the original grant agreement. Fortunately the City can pay for this additional cost by withdrawing funds from the Tauhindauli Endowment Fund.

At this point the City has submitted a project billing to CalTrans and the contractor has been paid, less the retainer and there is sufficient cash in the City's bank account to cover the contractor payment until the Federal reimbursement is received. Based on this set of circumstances an inter-fund loan is unnecessary and I recommend that the proposed action be returned to staff.

ADVANTAGES:

1. The City is adhering to the principle of paying for work upon completion and complying with its contractual responsibilities.
2. The City is complying with the requirements of granting agencies.

DISADVANTAGES:

1. The City will have obligated the cash amount required to cover the payment to the Contractor until reimbursement is received, however, there is more than sufficient cash in the account to cover the city's responsibilities until it is reimbursed.

ACTION:

It is recommended that the City Council return this agenda item to staff.

RECORDING REQUESTED BY  
City of Dunsmuir

WHEN RECORDED RETURN TO  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

Siskiyou County Recorder  
Mike Mallory, Recorder

DOC - 14-0009100  
Thursday, OCT 23, 2014 15:15:24  
Ttl Pd \$0.00 Nbr-0000253464  
EVH/C1/1-2

(Space above this line for Recorder's Use Only)

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN:

That the construction work hereinafter described was completed on the 6th day of October, 2014.

That the work consisted of constructing the:

**TAUHINDAULI PARK VIEWING PLATFORM**

That the City of Dunsmuir, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025, is the owner of said work.

That the work of improvement was completed in the City of Dunsmuir, State of California, at the following location(s):

**On the north side of the Sacramento River approximately 300 feet upstream from the Dunsmuir Avenue bridge.**

The name of the Contractor for said work is

**Dunton Construction Company, Inc.  
19802 Ox Yoke Road  
Anderson, CA 96007**

That the nature of the title of the stated owner is a lease agreement with the property owner (Union Pacific Railroad):

Owner: City of Dunsmuir

By   
Owner's Agent

VERIFICATION OF CONTENT

The undersigned, being duly sworn says that he is the City Administrator of the aforesaid interest or estate in the property described in the foregoing notice, that he or she has read the same, and knows the contents thereof, and that the facts stated therein are true.

10/15/14  
Date Signed

Alan N. Harvey  
Alan Harvey, City Administrator  
City of Dunsmuir

State of California  
County of Siskiyou

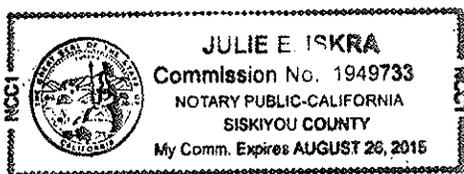
On October 15, 2014, before me, Julie E. Iskra, Notary Public, personally appeared Alan N. Harvey who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Julie E Iskra

(Seal)



## City Council Agenda Item

**Item No:** 12.A.  
**Date:** March 19, 2015  
**Subject:** Discussion and Possible action on final draft City Council protocols

The protocols committee, Councilmembers Craig and Spurlock, have made corrections requested previously and ask if there are any further requests for changes. If not, the protocols are ready for adoption.

Included in your packet is final draft protocols.

Optional motions:

Move to adopt City Council protocols dated March 19, 2015 and direct staff to provide final copy to all Councilmembers.

Move to continue discussion and possible action on final draft City Council protocols to April 2, 2015 regular meeting so that additional changes/corrections/updates can be made.

# CITY OF DUNSMUIR

## CITY COUNCIL PROTOCOLS



1. PURPOSE

1.1 FORM OF GOVERNMENT

1.2 CITY COUNCIL MISSION

1.3 CITY COUNCIL'S GUIDING PRINCIPLES

2. GOVERNING STATUTES AND REGULATORY GUIDELINES

2.1 The Brown Act

2.2 Political Reform Act

2.3 Dunsmuir Municipal Code

2.4 Dunsmuir Zoning Ordinance

2.5 Dunsmuir General Plan

2.6 Dunsmuir Fiscal Year Budget

2.7 Dunsmuir Personnel Policies and Dunsmuir Employees Memorandum of Understanding

3. COUNCIL ORGANIZATION

3.1 Newly-Elected Members

3.2 Council Member Term

3.3 Municipal Elections

3.4 City Council Vacancies and Absences

3.5 Duties of Mayor and Vice-Mayor

3.5.1 Authority of the Mayor & Vice-Mayor

3.5.2 Mayor to Facilitate Council Meetings

3.5.3 City/Council Representation At Ceremonial Functions

3.5.4 City/Council Representation on Written Correspondence

3.5.5 Presenting Awards to Groups or Individuals

3.5.6 Approval of the Agenda - Council Member Obligations

3.6 Election and Term to the Mayor and Vice Mayor

3.7 Seating Order

4. CODE OF ETHICS

5. COUNCIL ADMINISTRATION/PROFESSIONAL DEVELOPMENT

5.1 CAR ALLOWANCE

5.2 PROFESSIONAL DEVELOPMENT

5.3 TRAVEL AND EXPENSE REIMBURSEMENTS

6. APPOINTMENTS TO CITY COMMISSIONS, STANDING COMMITTEES, TASKFORCES, AND AD HOC COMMITTEES

6.1 PLANNING COMMISSION

6.2 STANDING COMMITTEES

6.3 TASK FORCES

6.4 AD HOC COMMITTEES

7.0 MEETING GUIDELINES AND PROCEDURES

7.1 MEETING DATES

7.2 CITY COUNCIL MEETING AGENDA PROTOCOL

- [7.2.1 FLOW CHART FOR AGENDA PREPARATION](#)
- [7.2.2 AGENDA ITEM INTRODUCTION](#)
- [7.2.3 PREPARATION OF A RESOLUTION AND/OR STAFF REPORT](#)
- [7.2.4 CREATION OF THE AGENDA](#)
- [7.2.4 CREATION OF THE AGENDA PACKET](#)
- [7.2.5 POSTING OF THE AGENDA](#)
- [7.3 ORDER OF AGENDA ITEMS](#)
- [7.4 MEETING CONDUCT](#)
  - [7.4.1 PUBLIC PARTICIPATION IN COUNCIL MEETINGS](#)
    - [7.4.1.1 Audience Decorum](#)
    - [7.4.1.2 Request to Speak](#)
    - [7.4.1.3 Purpose](#)
    - [7.4.1.4 Speaker Decorum](#)
    - [7.4.1.5 Time Limit](#)
    - [7.4.1.5 Public Comment on Items Not on the Agenda.](#)
    - [7.4.1.6 Speak Only Once Per Issue Per Meeting](#)
    - [7.4.1.7 Addressing the Council.](#)
    - [7.4.1.8 Yielding of Time.](#)
    - [7.4.1.9 Handouts/Audiovisual Presentations](#)
  - [7.4.2 PUBLIC COMMENTS](#)
    - [7.4.2.1 Non-Agenda Items](#)
    - [7.4.2.2 Agenda Items](#)
    - [7.4.2.3 Public Hearing Agenda Items](#)
  - [7.4.3 VIOLATION OF THE RULES OF DECORUM](#)
- [7.5 MEETING PROCEDURES](#)
- [8.0 COMMUNICATIONS](#)
  - [8.1 Processing of Mail](#)
  - [8.2 Monthly Calendars](#)
  - [8.3 Citizen Complaint Process](#)
  - [8.4 Distribution of Information](#)
  - [8.5 Use of City of Dunsmuir Letterhead & Logo](#)
  - [8.6 Representing Majority Decision vs. Individual Opinion](#)
  - [8.7 Media/Press Relations](#)
    - [8.7.1 Distribution](#)
    - [8.7.2 Press Conference](#)
    - [8.7.3 Social Media](#)
  - [8.8 Public Records Requests](#)
  - [8.9 Email and Electronic Media](#)
    - [8.9.1 Remote Video Conferencing](#)
  - [8.10 Formal Recognition by Mayor or Other City Officials](#)
- [9.0 COUNCIL / STAFF / ATTORNEY RELATIONSHIP](#)
  - [9.1 COUNCIL / STAFF RELATIONSHIPS](#)

- 9.2 COMMUNICATIONS WITH STAFF AND REQUESTS FOR INFORMATION
- 9.3 UNDUE INFLUENCE ON STAFF AND COMMISSIONS
- 9.4 COMPLAINTS REGARDING PERFORMANCE OF STAFF
- 9.5 HANDLING OF LITIGATION AND OTHER CONFIDENTIAL INFORMATION
- 9.6 CITY ATTORNEY / COUNCIL / STAFF RELATIONS

## 1. PURPOSE

These Protocols are intended to provide consistent and uniform policies, rules and practices to guide and assist City Council Members in the performance of their official duties and responsibilities and to promote effective Council communications and utilization of resources.

The Protocols are an easily accessible reference for City Council Members and the public. They are based on the California Government Code, other California Statutes governing City operations, the General Plan and Dunsmuir Municipal Code.

Although the Protocols are not law and the City Council may suspend, amend or repeal the protocols in whole or in part, they are intended to be the policy foundation and framework for the Dunsmuir City Council. By adoption of these Protocols, the Dunsmuir City Council takes on a solemn duty to ensure that the Protocols are followed in spirit as well as in word. The Protocols may be changed by adoption of a Resolution. As a matter of official policy the City Council will annually consider and re-adopt the City Council Protocols at the Regular Meeting immediately preceding the beginning of the new calendar year.

### 1.1 FORM OF GOVERNMENT

The City of Dunsmuir operates according to the Council-Manager form of government which vests legislative and policy authority in an elected City Council. One of the Council's most essential responsibilities is to employ a City Manager to serve at the pleasure of the City Council as its chief executive. It is the City Manager's responsibility to implement policies adopted by the City Council and to manage and administer the City's affairs in accordance with those policies. In addition, the City

Manager is responsible for managing problems and issues affecting City operations, and to keep City Council advised on necessary issues that may require action, and all other duties as defined in the Dunsmuir Municipal Code.

The City Council is composed of five members elected from the City on a nonpartisan basis to serve overlapping four-year terms. Three members are elected at the general election in the first even numbered year and two members in the following even numbered year. The Mayor and Vice Mayor will be elected by a majority vote of City Council Members to serve a one year term at the first Regular City Council meeting following the Certification of Election by the Siskiyou County Clerk. The Mayor will be the presiding officer at City Council meetings; serve as the official head of the City for ceremonial purposes; and, fulfill all other duties as prescribed by the Dunsmuir Municipal Code. The Vice Mayor will preside at meetings in the absence of the Mayor.

## 1.2 CITY COUNCIL MISSION

It is the City Council's Mission to serve the will of the people to preserve our heritage and natural resources while encouraging our small town culture and economic growth.

## 1.3 CITY COUNCIL'S GUIDING PRINCIPLES

- Serve Dunsmuir's citizens, visitors, and our regional neighbors as essential contributors and participants in improving the greater community.
- Encourage, welcome and respect a variety of viewpoints.
- Encourage fair, open, honest discussion and welcome and invite community input and participation.
- Use prudence and fiscally sound judgment when making decisions relative to the use of public revenues and other resources.

## **2. GOVERNING STATUTES AND REGULATORY GUIDELINES**

Governance of the City by the City Council and staff and are summarized here. These statutes contain the provisions that govern the processes and practices and should always be used to determine practices and procedures to be used in any specific situation. City Council Members, City Manager and staff are expected to be aware of the basic provisions and principles of these California Statutes, rules and regulations to ensure compliance.

## 2.1 The Brown Act

The Ralph M. Brown Act is the State Statute that guarantees the public's right to attend and participate in all Public meetings. A "meeting" takes place whenever a quorum is present or when subject matter relating to city business is addressed.

## 2.2 Political Reform Act

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 interest and Campaign Receipts and Expenditures.

## 2.3 Dunsmuir Municipal Code

The Dunsmuir Municipal Code consists of the codified ordinances adopted by the City Council to establish general municipal regulations and laws. The City Clerk is responsible for codifying ordinances following adoption by the City Council and providing the codified ordinances as updates to the Municipal Code.

## 2.4 Dunsmuir Zoning Ordinance

The City Zoning Ordinance is a comprehensive document whose purpose is to promote, protect and preserve the health, safety and general welfare of the public and to guide, control and regulate future growth and development in a sound and orderly manner. It is designed to promote achievement of the goals and purposes of the City's General Plan, to protect and enhance the character and stability of agricultural, residential, commercial, industrial and other areas within the City; and to promote excellence of design in all future developments and to preserve the internal beauty and character of the City.

## 2.5 Dunsmuir General Plan

California State Statutes require Cities to have a General Plan, which includes seven elements: Circulation, Open Space, Land Use, Housing, Conservation of Natural Resources, Safety, and Noise. The statute also allows for the addition of additional elements of which Historic District has been adopted by the City of Dunsmuir. An updated Housing Element that is consistent with State housing laws must be prepared and submitted to the State for review every five years.

## 2.6 Dunsmuir Fiscal Year Budget

The City's annual budget document consists of projections of the revenues and expenditures for the General Fund, four Enterprise Funds; Water, Sewer, Solid Waste and Airport; and several specific funds including grants. The annual Budget is approved by Resolution adopted by a majority of the City Council. The budget establishes the City of Dunsmuir financial policy and plan for the coming fiscal year, July 1 to June 30. It authorizes expenditures and staffing levels, and serves as a tool for monitoring current year goals and objectives.

The annual budget process includes compliance to and a one year extension to a FIVE YEAR PLAN OF CAPITAL IMPROVEMENTS needed to ensure that the City's infrastructure of water distribution piping, sewer collection and treatment systems, solid waste equipment, Airport improvements and General Fund street, storm water, and public buildings and facilities are developed and maintained. The Plan is a multi-year planning document used by the City to identify capital improvement needs and to coordinate financing and timing of those needs in a manner that maximizes the timely investment of City financial resources for infrastructure development based on specific Fund Master Plans.

## 2.7 Dunsmuir Personnel Policies and Dunsmuir Employees Memorandum of Understanding

Dunsmuir City Personnel policies are currently incorporated in the Memorandum of Understanding between the City and the Operating Engineers Union representing City Employees.

# **3. COUNCIL ORGANIZATION**

## 3.1 Newly-Elected Members

Newly-elected Council Members will be sworn into office generally at the regular Council meeting or as soon as possible after the certificate of election is issued by the County Clerk. Immediately upon election (even before being sworn into office), newly elected Council Members are subject to the provisions of the Brown Act.

Newly-elected Council Members shall not attend closed sessions prior to being sworn into office.

### 3.2 Council Member Term

Members of the Council shall be elected for terms of four (4) years. They shall hold office from the date at which they are sworn in by taking their Oath of Office following adoption by the Council of the official canvass of the election and until their successors are elected and qualified.

### 3.3 Municipal Elections

The general municipal elections for the City of Dunsmuir are held on the first Tuesday after the first Monday in November of even-numbered years.

### 3.4 City Council Vacancies and Absences

Per Government Code 36513, when a Council Member is absent without permission from all regular meetings for 60 days consecutively from the last regular meeting he/she attended, his/her office becomes vacant and shall be filled as any other vacancy.

Vacancies in the Council shall be filled in accordance with Government Code Section 36512.

Council Members may take leave from their duties provided written notice is provided to the City Council at least 10 business days prior to commencing the absence and approval of the absence by adoption of a City Council Resolution.

Vacancies as a result of expiration of the Member's term and 60 day absences shall filled in accordance with Government Code section 36512.

Vacancies resulting from resignation or sudden death will be filled either by appointment of the City Council or by Special Election as determined by the city Council following a completion a Public Hearing to receive public testimony on the selection process.

In the event the City Council decides to fill the position by appointment, notices and qualification requirements will be posted and advertised in the same manner as notices for Public Hearings for not less than 15 business days. All candidates for the vacancy will have a public interview to respond to questions prepared by or for the City Council. The public will have a reasonable time allocated to ask candidate's job related qualification questions. The City Council will be responsible for ensuring that questions are job related.

### 3.5 Duties of Mayor and Vice-Mayor

The Mayor shall preside at the meetings of the Council and perform such other duties consistent with the office as may be required by the Council. The Mayor does not possess any power of veto. If he/she is absent or unable to act, the Vice-Mayor shall serve until the Mayor returns or is able to act.

#### 3.5.1 Authority of the Mayor & Vice-Mayor

Subject to appeal to the full Council, the Mayor, serving as Chair, shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter "out of order." In such ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.

#### 3.5.2 Mayor to Facilitate Council Meetings

The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council Meetings. In the facilitator role, the Mayor will assist the Council to focus on their agenda, discussions and deliberations, and controls the debate and order of speakers.

The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council.

The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

The Vice-Mayor shall have all the powers and duties of the Mayor should the Mayor be absent or unable to perform any of those duties for any reason.

The Mayor or Vice-Mayor or any Member of the City Council shall not publicly state the City's position on City business that has not been approved by the majority of the City Council. (provided the Mayor may state the Mayor's support of a position in the event that advance approval of the City Council cannot be obtained in which case the Mayor's action will be submitted to the City Council for formal consideration.)

Other than the enumerated duties, the Mayor and Vice-Mayor do not have any special authority or privilege over and above that of any other Council Member.

### 3.5.3 City/Council Representation At Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. Should an individual Council Member, other than the Mayor, be asked to make a ceremonial presentation the individual Council Member should redirect the request to the Mayor. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function. The Mayor may be asked to make a presentation of a City Pin or other recognition to an individual at such ceremonial functions.

Council Members, on approval of the majority of the Council, shall be reimbursed for admission and meal expense to attend ceremonial functions for which the Council Member was invited to represent the City in accordance with the City's Travel and Expense Policy.

### 3.5.4 City/Council Representation on Written Correspondence

At times, the Mayor may be called upon to respond to written inquiries received from the public or to sign correspondence on behalf of the City. Such requests or correspondence shall reflect the position of the full Council. All such correspondence shall be copied to the full Council.

The City manager will be responsible for preparing and signing all business correspondence except when the City Manager wants the correspondence to be signed by the Mayor, in which case the Mayor is authorized to sign the correspondence, provided that all City Council Members are copied and the correspondence reflects the previously stated position of the full Council.

To ensure consistency with City Council policy, the Mayor may withhold signature until the issue is submitted to City Council for formal consideration. In the event the issue and correspondence is time sensitive, the Mayor is authorized to sign the document provided the issue is placed on the City Council's agenda to consider confirmation of the action taken.

### 3.5.5 Presenting Awards to Groups or Individuals

The Mayor, as Chair, shall make any presentation of awards at City Council meetings on behalf of the full Council to members of committees or other members of the community who have provided beneficial services to the City Dunsmuir. All such awards or items of recognition presented by the Mayor

shall be done on behalf of and with the approval of the full Council. (shall be noticed on the Regular Agenda and done on behalf of the entire City Council "without objection.") Should the Mayor not be present to make such presentation, the Vice-Mayor shall act on his/her behalf.

#### 3.5.6 Approval of the Agenda - Council Member Obligations

The Mayor, or Chair, shall work with the City Manager, City Clerk, and one other Council Member on a rotating basis to formulate the agenda for meetings. This group shall attend a pre-agenda meeting and approve the agenda before it is made public. The schedule of the rotating member on the agenda committee shall be created and agreed to at the first regular meeting in December of each year, or in the first regular or special City Council meeting following the certification of the municipal election, and upon installation of the new Council Members, if any, in years in which such election has been held.

#### 3.6 Election and Term to the Mayor and Vice Mayor

The Mayor and the Vice Mayor shall serve a one-year term and are appointed each year at the first regular meeting in December of each year, or in the first regular or special City Council meeting following the certification of the municipal election, and upon installation of the new Council Members, if any, in years in which such election has been held. The Mayor and Vice-Mayor are selected by a majority vote of the members of the City Council. The selection is done by open nomination by motion by any Council Member, and voted upon by a voice vote or selection by open ballot. The Mayor and Vice-Mayor serve at the pleasure of the other City Council Members.

#### 3.7 Seating Order

The Mayor shall have the prerogative to designate the seating order for the Council dais. Otherwise, the seating order shall be organized by seniority, with the Vice Mayor seated to the right of the Mayor, most senior Council Member on the far right side of the Vice Mayor and the least senior to the far left of the Mayor.

## **4. CODE OF ETHICS**

### 4.1 Preamble

The residents and businesses of Dunsmuir are entitled to have fair, ethical, and accountable local government. Such government requires that:

- A. Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government.
- B. Public officials participate in ethics training every two (2) years as required by AB1234.
- C. Public officials be independent, impartial, and fair in their judgment and actions.
- D. Public office be used for the public good, not for personal gain.
- E. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

#### 4.2 Public Interest

Council Members will work for the common good of the people of Dunsmuir and not for any private or personal interest, and they will endeavour to treat all persons, claims, and transactions in a fair and equitable manner.

Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

#### 4.3 Conduct

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others.

Council Members shall perform their duties in accordance with the processes and rules of order established by the council.

Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.

Council Members shall abide by the Ralph M. Brown Act and shall not hold discussions, that include more than one other City Council Member, regarding City business outside of public City Council meetings which would be considered a serial meeting.

Council Members shall base their decisions on the merits and substance of the matter submitted for review.

Council Members shall publically share substantive information that is relevant to a matter under consideration that they may have received from sources outside of the public decision-making process.

#### 4.3 Conflict of Interest

The Political Reform Act (Government Code, title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. The rules set forth in the Political Reform Act are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution.

Specifically, the Political Reform Act requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Council Member or certain family members.

The Political Reform Act requires State and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed every two years on even numbered years. In 2010, the City Council adopted its conflict of interest code.

##### 4.4.1 Statement of Economic Interest

A financial disclosure form (Statement of Economic Interest) must be filed with the City Clerk no later than April 1 of each year for financial Interests pertaining to the preceding calendar year. Newly elected Council Members must file a statement within 30 days of officially assuming office. Certain commission members and City employees are also subject to this disclosure requirement.

Commission, Committee, and Board members appointments shall not be valid, nor shall they participate in any activities of that body until they have filed the required Statement of Economic Interest, Form 700, with the City Clerk, nor shall they continue to participate in the activities of that body if they have not filed the annual Statement of Economic Interests by April 1 of any year until such time as they do file. Failure to file such statements may lead to Council revocation of the appointment.

##### 4.4.2 Sources of Assistance

The Fair Political Practices Commission (FPPC) is the state agency that administers the Public Records Act (PRA), issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a "hot line" that a Council Member may call for informal advice.

The City Attorney is available for consultation, but the City Attorney's advice on conflict matters cannot provide a Council Member with any immunity from prosecution. The City Attorney may not keep consultations confidential from the full Council, and the City Attorney's opinion is not a defense to a Fair Political Practices Commission (FPPC) enforcement action. Most conflict of interest questions ultimately depend on whether it is reasonably foreseeable that the decision will have a "material financial effect" on the Council Member's economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the City Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a formal written opinion from the FPPC provides immunity from prosecution for violations of the conflict of interest rules. The City Attorney is available to assist with preparing a request for a formal opinion.

#### 4.4.3 Identifying Conflicts

It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify staff prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

#### 4.4.4 Using Official Position to Influence

Council Members shall not attempt to coerce or influence any member, officer, official, consultant, or Commission Member of the City in awarding contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City Department.

### 4.5 General Rules

Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Council Members shall not appear on behalf of private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.

Council Members shall represent the official policies and positions of the City Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the City.

Council Members shall refrain from using their positions to unduly influence the deliberations or decisions of City commissions, boards or committees.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a 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 detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- B. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of 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 portion of the agenda reserved for uncontested matters.

- D. Notwithstanding paragraph c, a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself/herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:
- a. An interest in real property that is wholly owned by the official or members of his/her immediate family.
  - b. A business entity wholly owned by the official or member of his or her immediate family.
  - c. A business entity over which the official exercises direction and control, or over which the official and his/her spouse jointly exercises sole direction and control.

## **5. COUNCIL ADMINISTRATION/PROFESSIONAL DEVELOPMENT**

### 5.1 CAR ALLOWANCE

Council Members shall be reimbursed for mileage expenses incurred for Council Business pursuant to the City Travel and Expense Policy.

### 5.2 PROFESSIONAL DEVELOPMENT

The council may establish an annual budget for conferences, meetings, and training. Council Members shall attend these functions as approved by the council for the purpose of improving their comprehension of and proficiency in municipal affairs and/or legislative operations.

### 5.3 TRAVEL AND EXPENSE REIMBURSEMENTS

Council Members shall be subject to the travel and expense reimbursement guidelines as established for employees in the Memorandum of Understanding between the City and the Operating Engineers Union representing City Employees. Receipts for all expenses shall be included with the reimbursement request and shall be submitted within thirty days of such expenditure.

## **6. APPOINTMENTS TO CITY COMMISSIONS, STANDING COMMITTEES, TASKFORCES, AND AD HOC COMMITTEES**

City Commissions and Committees are essential participants in governing Dunsmuir and members are appointed to carry out specific responsibilities in accordance with the policies and guidelines established by California Statutes and rules and regulations governing specific public programs as well as Dunsmuir City Council Ordinances or Resolutions.

#### 6.1 PLANNING COMMISSION

Planning Commission vacancies will be advertised and posted in the same locations used for posting City Council Agendas. This posting will contain a description of the member's role and responsibilities as prescribed in the Government Code and Dunsmuir Municipal Code as well as application and appointment process. The advertising materials may request applicants to submit additional information and materials that demonstrate their knowledge and experience in fulfilling their responsibilities as members of the Planning Commission.

The City Council sitting as a Committee of the Whole at an adjourned Regular Meeting will meet with the candidates to provide them with an opportunity to present their qualifications and to respond to questions posed by the City Council.

Candidate's application materials will be distributed to all members of the City Council for their review and the Mayor will provide City Council Members with the Mayor's proposed appointments at least 10 business days prior to the meeting at which confirmation will be considered. This requirement provides individual Council Members with an opportunity to suggest or propose alternatives to those proposed by the Mayor.

Planning Commission vacancies are to be advertised twice in a locally distributed newspaper, on the cities website, and in the same locations that the City Council agendas are posted. The final date for presenting letters of interest shall not be sooner than three weeks after the first advertisement. Appointments for filling the vacancies will occur at the first regular City Council meeting after the final date of interest or at a special meeting if more letters of interest than openings are received. Interviews of the prospective members will occur, in public, at this special meeting. The questions for the interviews will be prepared in advance to insure that all areas of responsibility are considered. The mayor appoints the Planning Commissioners, based on experience and knowledge, with the consent of the majority of the Council.

#### 6.2 STANDING COMMITTEES

City Council Standing Committees are functional study committees composed of no more than two Council Members, a representative of staff assigned or provided by the City Manager, plus members of related agencies or knowledgeable members of the

public to provide oversight of administrative programs and in depth study of complex functional issues.

The Mayor will provide proposed Committee assignments to the City Council for review at least 10 business days prior to the meeting in January at which time assignments are recommended. The current list of standing committees and their areas of responsibilities are listed in Appendix A and on the city's website.

### 6.3 TASK FORCES

Task Forces are created to address complex issues related to the four Enterprises: Water, Sewer, Solid Waste, and the Airport. Task Forces are composed of unbiased members of the public that have knowledge appropriate to addressing the specific action item being considered. Task Forces are facilitated by a qualified member of staff. The selection process is the same as for selecting Planning Commissioners.

### 6.4 AD HOC COMMITTEES

Ad Hoc Committees are formed to address complex issues such as creating or modifying ordinances, but are limited to a single subject. Ad Hoc committees are facilitated by a qualified member of staff or a qualified member of the City Council. The selection process is the same as for selecting Planning Commissioners.

## **7.0 MEETING GUIDELINES AND PROCEDURES**

City Council meeting procedural matters, not otherwise provided for or controlled by state law or by any ordinance, resolution, rule or regulation of the City shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (See Appendix B).

Preparation, noticing and posting the City Council's meeting agenda is the means by which the City Council transacts the City's business. The City's business includes the internal activities essential to the cost effectiveness of the organization; consideration of the policies, the ordinances and resolutions that have the effect of law; developing and executing the plans that shape virtually all the essential aspects of community life; maintenance of the essential infrastructure that protects the public's health and welfare; and, the administration of the enforcement mechanisms essential to preserve the community's public safety.

As noted in the California Attorney General's Brown Act publication, local government public commissions, boards, councils and other legislative bodies, "...exist to aid in the conduct of

the people's business." This publication goes on to state that, "The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

## 7.1 MEETING DATES

Meeting dates for regular meetings are to be schedule and agreed upon at the first meeting of a new calendar year.

## 7.2 CITY COUNCIL MEETING AGENDA PROTOCOL

After working with the Agenda Committee, the Dunsmuir City Manager shall be the City official solely responsible for the preparation of the Dunsmuir City Council Regular Meeting Agenda subject to the following policies:

### 7.2.1 FLOW CHART FOR AGENDA PREPARATION

See Appendix C.

### 7.2.2 AGENDA ITEM INTRODUCTION

Items presented by the public for consideration at a City Council meeting and approved by a majority of the council, items proposed by public agencies, items forwarded from the Planning Commission, and items requested by two of the council members will be presented to the Agenda Committee for consideration. Matters for consideration by the City Council at a Regular Meeting may also be submitted by the City Manager or other staff member(s) that are requested or required by a wide variety of organizations and entities seeking City action of any kind.

### 7.2.3 PREPARATION OF A RESOLUTION AND/OR STAFF REPORT

It is essential that matters to be considered by the City Council at a Regular Meeting be submitted to the City Manager in a timely manner to permit sufficient time for staff review and/or the preparation of a resolution and/or staff report(s) that describe the subject and scope of the action proposed; the City staff and cost resources required to carry out the action; impact of the proposed action on existing City programs and activities; options and alternatives to the proposed action including denial; advantages and disadvantages on the City

government and community if approved; and, City Manager's recommended action being submitted for City Council consideration.

In the preparation of an unbiased staff report, the following must be considered:

- A. Conflict with existing ordinances or programs
- B. Advantages and disadvantages to the City government and community
- C. Cost of the resources required to carry out the action
- D. Findings provided from the Planning Commission, Standing Committees, Task Forces, or Ad Hoc Committees

Resolutions will be created by staff using the findings from the above criteria.

#### 7.2.4 CREATION OF THE AGENDA

Staff will forward the prospective agenda items to the Agenda Committee for consideration. This committee is composed of the City Manager, the Mayor, and one member of the City Council on a rotating basis. The agenda committee is to meet no later than the Thursday prior to the regularly scheduled meeting or at least thirty hours prior to a special meeting.

Items having a properly formatted resolution and/or a staff report prepared by staff will be added to the agenda. Items without a properly formatted resolution and/or staff report prepared by staff, will be forwarded to the council for direction in assigning:

- A. Land use issues to the Planning Commission
- B. General items to the appropriate standing committee
- C. Items related to major changes in the four Enterprises, Water, Sewer, Solid Waste, and Airport, to a Task Force
- D. Single issue items, such as ordinance creation or modification, to an Ad Hoc Committee

#### 7.2.4 CREATION OF THE AGENDA PACKET

The agenda packet is prepared by the City Clerk.

#### 7.2.5 POSTING OF THE AGENDA

It will be the responsibility of the Dunsmuir City Manager to post the official notices of all City Council's Regular and Special Meetings which will consist of the Agenda that include the date, time and place of the meeting as well as the business items to be considered. The City's official Regular Meeting notice will be posted on the secured City Hall bulletin board, 5915 Dunsmuir Avenue; the secured Post Office bulletin board, US Post Office, 5530 Dunsmuir Avenue; and, the Dunsmuir Library bulletin board, 5714 Dunsmuir Avenue at least 72 hours before the Regular Meeting and 24 hours before a Special Meeting is scheduled to be convened and called to order.

The Dunsmuir City Manager will be responsible for signing a certificate that will appear on each copy of the Agenda stating, "This is the official Dunsmuir City Council Agenda created and posted in conformance with Dunsmuir City Council Protocols. This Regular Meeting Agenda was posted under my supervision at the three locations established by City Council Protocols at least 72 hours prior to the date and time shown."

#### 7.3 ORDER OF AGENDA ITEMS

Below are the guidelines for how to order agenda items for Regular and Special meetings of the Dunsmuir City Council:

1. CALL TO ORDER
2. ROLL CALL
3. CLOSED SESSION – IF APPLICABLE
4. FLAG SALUTE
5. APPROVAL OF AGENDA
6. APPROVAL OF MINUTES
7. COMMITTEE REPORTS
8. ANNOUNCEMENTS AND PUBLIC COMMENT
9. ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF
10. CONSENT AGENDA
11. PUBLIC HEARING - IF APPLICABLE
12. OLD BUSINESS - IF APPLICABLE
13. NEW BUSINESS - IF APPLICABLE

#### 7.4 MEETING CONDUCT

## 7.4.1 PUBLIC PARTICIPATION IN COUNCIL MEETINGS

### 7.4.1.1 Audience Decorum

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; displaying large signs; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible. A member of the audience engaging in such conduct shall, at the discretion of the Mayor or a majority of the Council Members, be subject to removal from that meeting. The audience may applaud at the conclusion of the presentation of a proclamation or other presentation of honor made by the City Council.

### 7.4.1.2 Request to Speak

Members of the public may address the City Council during Public Comments and/or before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor. To aid this process, a sign-up sheet will be made available at the meeting location at the beginning of the meeting. At the start of the meeting the City Clerk will deliver the sheet to the Mayor in preparation for public comments.

Citizens wishing to speak will be invited to do so in the order in which they sign up. Once everyone on the sheet has had a chance to speak, anyone else wishing to speak will be invited by the Mayor to do so.

### 7.4.1.3 Purpose

The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter and jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.

### 7.4.1.4 Speaker Decorum

Each person addressing the City Council shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting as described above. Any person who so disrupts the meeting shall, at the discretion of the Mayor or a majority of the Council Members, be subject to removal from that meeting.

#### 7.4.1.5 Time Limit

In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker shall limit comments to three (3) minutes. If a large number of people wish to speak, this time may be shortened by the Mayor so that the number of persons wishing to speak may be accommodated within the time available.

#### 7.4.1.5 Public Comment on Items Not on the Agenda.

Public Comment for items not on the agenda will be heard at the beginning of the meeting for a maximum of thirty (30) minutes. Any persons desiring to speak beyond the thirty minute time frame will be heard at the end of the meeting.

#### 7.4.1.6 Speak Only Once Per Issue Per Meeting

Second opportunities for the public to speak on the same issue at the same meeting will not be permitted unless mandated by State or local law.

#### 7.4.1.7 Addressing the Council.

Comment and testimony are to be directed to the Mayor. Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience are not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor.

#### 7.4.1.8 Yielding of Time.

It is understood that a person making a request to speak does so on his own behalf. For this reason and to guarantee all persons an ample opportunity to be heard, all speakers will be recognized for the same amount of time. No speaker will be allowed to yield part or all of his time to another, and no speaker will be credited with time requested but not used by another.

#### 7.4.1.9 Handouts/Audiovisual Presentations

Any handouts or audiovisual presentations to be provided to the City Council by a member of the audience must be received by the City Clerk at least forty-eight (48) hours prior to the meeting. Ten (10) copies of the handout must be provided; and a flashdrive, CD, DVD, or videocassette must be provided of the audiovisual presentation.

### 7.4.2 PUBLIC COMMENTS

#### 7.4.2.1 Non-Agenda Items

The Agenda shall provide for public comment about matters that are within the jurisdiction of the City, but are not specifically listed on the Agenda. The Public Comments period shall be for a maximum of thirty (30) minutes.. Persons may speak under Public Comments for a maximum of three (3) minutes and shall not be allowed to defer any portion of their time to any other person.

State law prohibits the City Council from taking action on any item not listed on the Agenda unless the Council makes a determination that an emergency exists or that the need to take immediate action on the item arose subsequent to the final posting of the Agenda. Council Members or staff members may occasionally provide a brief response to comments made by the public when recognized by the Mayor for the purpose of doing so.

#### 7.4.2.2 Agenda Items

Public comment will be accepted on agenda items. Persons may speak about an agenda item for a maximum of three (3) minutes and will not be allowed to defer any portion of their time to any other person.

#### 7.4.2.3 Public Hearing Agenda Items

At Public Hearings the property owner or the applicant has the burden of proof and, therefore, shall be allowed twenty (20) minutes for an initial presentation and an additional ten (10) minutes for rebuttal following the other comments on the matter. The Mayor may allow more time if required to provide due process for the property owner or applicant. An appellant, other than the property owner or applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property which is the subject of the Public Hearing, may have up to ten (10) minutes to speak on behalf of the group and shall not be allowed to defer any portion of their time to other speakers. All other members of the public may speak during the Public Hearing for a maximum of three (3) minutes and shall not be allowed to defer any portion of their time to other speakers. In the event the time required for members of the public to speak would exceed ninety (90) minutes, the Mayor may reduce the maximum time limit for members of the public to speak.

#### 7.4.3 VIOLATION OF THE RULES OF DECORUM

Upon violation of the rules of decorum established outlined herein, the procedure to enforce the rules shall be as follows:

- A. **Warning.** The Mayor shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Mayor, the person persists in violating the rules, the Mayor shall call for a short recess of the meeting. Any representative of law enforcement who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating the rules and that he or she is requested to cease such conduct. If upon resumption of the meeting the violation persists, the Mayor shall order another recess, whereupon the Mayor shall have the authority to ask the law enforcement personnel to remove the person from the meeting and/or to cite the person as being in violation of Penal Code Section 403.
- B. **Motion to Enforce.** If the Mayor fails to enforce the rules of decorum set forth herein, a majority of the City Council may move to require the Mayor to do so, and an affirmative vote of a majority of the Council shall order the person to be warned and/or removed from the meeting.
- C. **Clearing the Room.** Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups

of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the City Council, the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.

- D. **Violation of the California Penal Code.** A person or persons who substantially impair(s) the conduct of a City Council meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

## 7.5 MEETING PROCEDURES

See Appendix B - Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century.

## 8.0 COMMUNICATIONS

### 8.1 Processing of Mail

Written letters and memoranda received by the City on a specific agenda, addressed to a Council Member or the Council as a body, will be photocopied and provided to all City Council Members, and a copy for city's records.

### 8.2 Monthly Calendars

An Annual Calendar List of Events shall be prepared by the City Clerk's Office, which includes City-related events, functions, meetings, and annual conferences. A monthly calendar is also prepared by the City Clerk and distributed to each Council Member, Administrative staff, and the press for informational purposes. It shall be the responsibility of Council Members to notify the City Clerk of their attendance at an event.

### 8.3 Citizen Complaint Process

All complaints directed to the City Council through the City Clerk's Office will be copied to the City Manager's Office and other affected departments. A reply, confirming receipt and notifying the sender who the communication was forwarded to, will be sent by the City Clerk's Office within 24 hours.

### 8.4 Distribution of Information

Responses to all requests for information from Council Members will be copied to all Council Members.

### 8.5 Use of City of Dunsmuir Letterhead & Logo

All Council Member correspondence written with City resources, i.e., letterhead, typing, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council.

Regarding the use of the City's logo, no person(s) other than authorized City Staff or City Council Members, may in any way use the City's logo without prior approval of the Council.

### 8.6 Representing Majority Decision vs. Individual Opinion

A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other.

The elected Council Member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals. If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

## 8.7 Media/Press Relations

Council Members, the City Manager, and Department Supervisors may issue routine media/press releases from time to time, which may range in scope from generic topics to sensitive and controversial issues.

### 8.7.1 Distribution

Generally, all media/press releases prepared for distribution to newspapers or electronic media related to official City matters shall first be submitted to the City Manager for approval and then submitted to the City Clerk prior to release, and should be prepared as follows:

- A. All press/media releases shall be formatted on the City template
- B. Press/media releases shall contain the name, title, email address and telephone number of the City official available to address any inquiries. As a general rule, inquiries from the press and other publications should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and ensure that all information released is accurate.
- C. The media/press release shall be faxed, emailed, mailed, or placed in each Councilors box at City Hall, whichever is appropriate, and distributed to the following agencies, with the need for additional agencies to be determined by the City Manager:
  - a. Siskiyou Daily News
  - b. Dunsmuir News/ Mt. Shasta Herald
  - c. Local Radio & Television
  - d. City Website
- D. The City Council and City Clerk should receive a copy of every media/press release that is distributed by any departmental staff.

When reporters seek information that requires interpretation, an opinion, or information that is not readily available or routinely provided to the general public and of which Council Members may not be aware, the request shall be referred to the City Manager. The Council should be notified of any major news interviews.

### 8.7.2 Press Conference

When necessary, press conferences may be conducted to make extremely important announcements and facilitate the flow of immediate, accurate information when several reporters request information that City officials cannot respond to on an individual basis. The City Manager should be notified in advance of a Council Member or Department Supervisor's intent to hold a press conference. The full Council shall also be informed of a press conference.

### 8.7.3 Social Media

The use of social media sites including, but are not limited to, blogs, microblogs, wikis, RSS feeds, podcasts, discussion forums, shall be used as a means of conveying information to the public.

Messages and content posted on social media platforms may constitute speech on behalf of the City, but such speech takes place on a non-City venue. Therefore, the City Council finds and intends that speech posted on social media platform venues by City representatives, and comments by the public posted on social media platform venues in response, do not create a public forum or limited public forum on any portion of the City's websites, equipment or other such City property.

When being used, a constant image of professionalism is expected. Always use clean language, and wordage that shows respect and shows a positive attitude from the speaker. Council Members should avoid addressing any city business on any public online sites.

## 8.8 Public Records Requests

Requests from the media or the public for details or other information related to official City business that are governed by the Public Records Act should be referred to the City Clerk. The City Manager must be informed of the request, and a representative of the City Attorney's office must approve the response before it is released. The Public Records Act allows up to 10 days for this process, but Departments are encouraged to provide information in as timely a manner as possible.

## 8.9 Email and Electronic Media

Email and electronic media communication between Council Members should be careful to be handled so as not to violate the Ralph M Brown Act. Email will be

considered written communication and retained by the city as per normal retention rules and guidelines.

#### 8.9.1 Remote Video Conferencing

In the event a Council Member is not able to attend a regularly scheduled meeting, the use of software to communicate between the remote Member and the Council is allowed.

The remote Member's address must be posted on the approved agenda as a satellite location for the public to attend. Remote Members have full voting privileges if there is a quorum present at the meeting in Dunsmuir. A remote Member cannot be counted to make a quorum.

When possible, the use of remote video conferencing should be announced at the regularly scheduled meeting during the announcements.

#### 8.10 Formal Recognition by Mayor or Other City Officials

When formal recognition by the City upon an individual or community event is desired, such as a "Key to the City" or letter of gratitude, such recognition should be directed through the City Manager. The City Manager shall schedule the matter as a part of the agenda in order for the matter to be brought before the entire Council for confirmation.

### **9.0 COUNCIL / STAFF / ATTORNEY RELATIONSHIP**

#### 9.1 COUNCIL / STAFF RELATIONSHIPS

City Staff acknowledges the Council as policy makers and the City Council acknowledges Staff as administering the Council's policies.

#### 9.2 COMMUNICATIONS WITH STAFF AND REQUESTS FOR INFORMATION

Council Members may contact the City Manager and/or Department Supervisors directly to ask questions for clarification or to request information. Council Members may also request research from the City Manager on a given topic directly when it is anticipated that the request can be completed by staff in less than one hour.

Council Member requests for research or information that are anticipated to take Staff more than one hour to complete or require policy direction or require staff attendance

at outside meetings shall be directed to the City manager. Request of this type shall be brought to the full Council for consideration and approval. Responses to all requests will be copied to all Council Members.

A Council Member shall not direct Staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project, meeting, or study without the approval of a majority of Council.

### 9.3 UNDUE INFLUENCE ON STAFF AND COMMISSIONS

Council Members shall not attempt to coerce or influence Staff, COMmissions, or committee's in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

### 9.4 COMPLAINTS REGARDING PERFORMANCE OF STAFF

Any concerns by a member of the Council over the behavior or work of a City employee shall be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

### 9.5 HANDLING OF LITIGATION AND OTHER CONFIDENTIAL INFORMATION

City Council Members shall consider all written materials and verbal information provided to them on matter that are confidential under State law in complete confidence to ensure that the City's position is not comprised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, and the City Manager. All written materials must be properly safeguarded to preserve their confidentiality after consideration or should be returned to the City Manager for disposition.

### 9.6 CITY ATTORNEY / COUNCIL / STAFF RELATIONS

The city attorney's job is to provide legal advice to minimize the city's liability and promote compliance with the law. The relationship between the city council and city attorney is a critical component in ensuring that the city functions as a well-managed organization and in accomplishing the public policy objectives of elected officials.

The City Attorney is hired by and reports directly to the Council pursuant to State law. The City Attorney serves at the pleasure of the Council under a professional services agreement terminable at will by either party upon written notice. The City Attorney represents as his or her client the City as a legal entity, acting through the City Council as the City's highest administrative authority. No individual Council Member nor any other officer or employee of the City is a client of the City Attorney.

There is an attorney-client privilege as to Council and Staff communications with the City Attorney regarding matters that involve parties outside the City. For example, attorney-client communications are protected where someone sues the City and seeks to compel disclosure. Similarly, everyday communications between Council Members and the City Attorney are generally protected. Communications between staff and the City Attorney are not protected from disclosure to the Council, since the Council is the holder of the attorney-client privilege.

There is no attorney-client privilege between Council Members and the City Attorney when the City Attorney has reason to believe that the Council Member is violating or intends to violate conflict of interest rules or some other law. The City Council authorizes the City Attorney to publicly disclose conflict of interest violations or other violations of law, where the violation is clear and where the public official proposes or takes action that clearly violates the conflict of interest rules or other laws in disregard of the City Attorney's advice.

Since the City Attorney is responsible directly to the Council, the Council by majority vote may have the City Manager contact the City Attorney directly to ask questions or to request information. Council Members also by majority vote may request research from the City Attorney on a given topic. A single Council Member shall not direct the City Attorney to initiate any action, change a course of action, or prepare any report, without the approval of a majority of Council and notice to the City Manager.

# Appendix A

## City Council Standing Committees:

### Public Facilities and Services

**Members:** *Kelby, Craig, City Manager*

Purpose: created to develop and monitor policy and operations of Utilities (sewer, water and solid waste), airport, historic district and railroad.

Meets: TBD.

### Finance

**Members:** *Kelby, Craig, CFO, Treasurer*

Purpose: created to provide council oversight of city finances but should also include debt management, bond ratings, and grant and loan oversight.

Meets: Second Tuesday of the month as needed.

### Public Safety

**Members:** *Spurlock, Syrrist*

Purpose: created to address policing issues in Dunsmuir but should include code enforcement, animal care, emergency plan and control and fire issues.

Meets: Third Wednesday of each month as needed

### Economic Development and Tourism

**Members:** *Spurlock, Syrrist*

Purpose: created to develop an economic development strategy and incentive program.

Meets: Fourth Tuesday of the month as needed.

### I.R.W.M.P

**Members:** *Kelby Craig, City Manager Citizen: Ed Steele*

Purpose: created to oversee city's participation creating the IRWMP with various governmental and nongovernmental agencies.

Meets: As needed

### S.C.O.R.E.

**City Manager, Kelby**

Purpose: attend mandatory S.C.O.R.E. quarterly meetings to discuss insurance matters, financial information and pooled risk.

Meets: quarterly

# Appendix B

Rosenberg's Rules of Order  
Simple Rules of Parliamentary Procedure for the 21st Century  
REVISED 2011

[http://www.cacities.org/Resources/Open-Government/RosenbergText\\_2011.aspx](http://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx)



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

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

## VISION

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

### **About the League of California Cities**

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

© 2011 League of California Cities. All rights reserved.

### **ABOUT THE AUTHOR**

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



## TABLE OF CONTENTS

About the Author .....	ii
Introduction .....	2
Establishing a Quorum .....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion .....	2
Motions in General.....	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes .....	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum .....	7
Special Notes About Public Input .....	7

## INTRODUCTION

---

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

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

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

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

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

### Establishing a Quorum

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

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

### The Role of the Chair

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

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

### The Basic Format for an Agenda Item Discussion

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



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

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

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

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

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

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

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

This is done in one of three ways:

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

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

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

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

## Motions in General

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

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

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

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

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

## The Three Basic Motions

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

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



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

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

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

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

### Multiple Motions Before the Body

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

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

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

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

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

### To Debate or Not to Debate

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

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

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

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

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



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

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

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

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

### **Majority and Super Majority Votes**

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

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

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

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

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

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

### **Counting Votes**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

### **The Motion to Reconsider**

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

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

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

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

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



## Courtesy and Decorum

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

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

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

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

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

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

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

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

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

## Special Notes About Public Input

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

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

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

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



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

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

\$10

© 2011 League of California Cities. All rights reserved.

♻️ Printed on recycled paper.

# Simple Parliamentary Procedures Cheat Sheet

(Adapted from Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century)

## Meeting Basics

Establish a quorum

Call meeting to order

Move through agenda

Adjourn meeting

## Motions 101

### Basic Motions

- Basic motion on agenda item
- Motion to amend
- Substitute motion

### Meeting Motions

- Motion to adjourn
- Motion to recess
- Motion to fix the time to adjourn
- Motion to table

### Super Majority Motions

- Motion to limit debate
- Motion to close nominations
- Motion to object to the consideration of a question
- Motion to suspend the rules

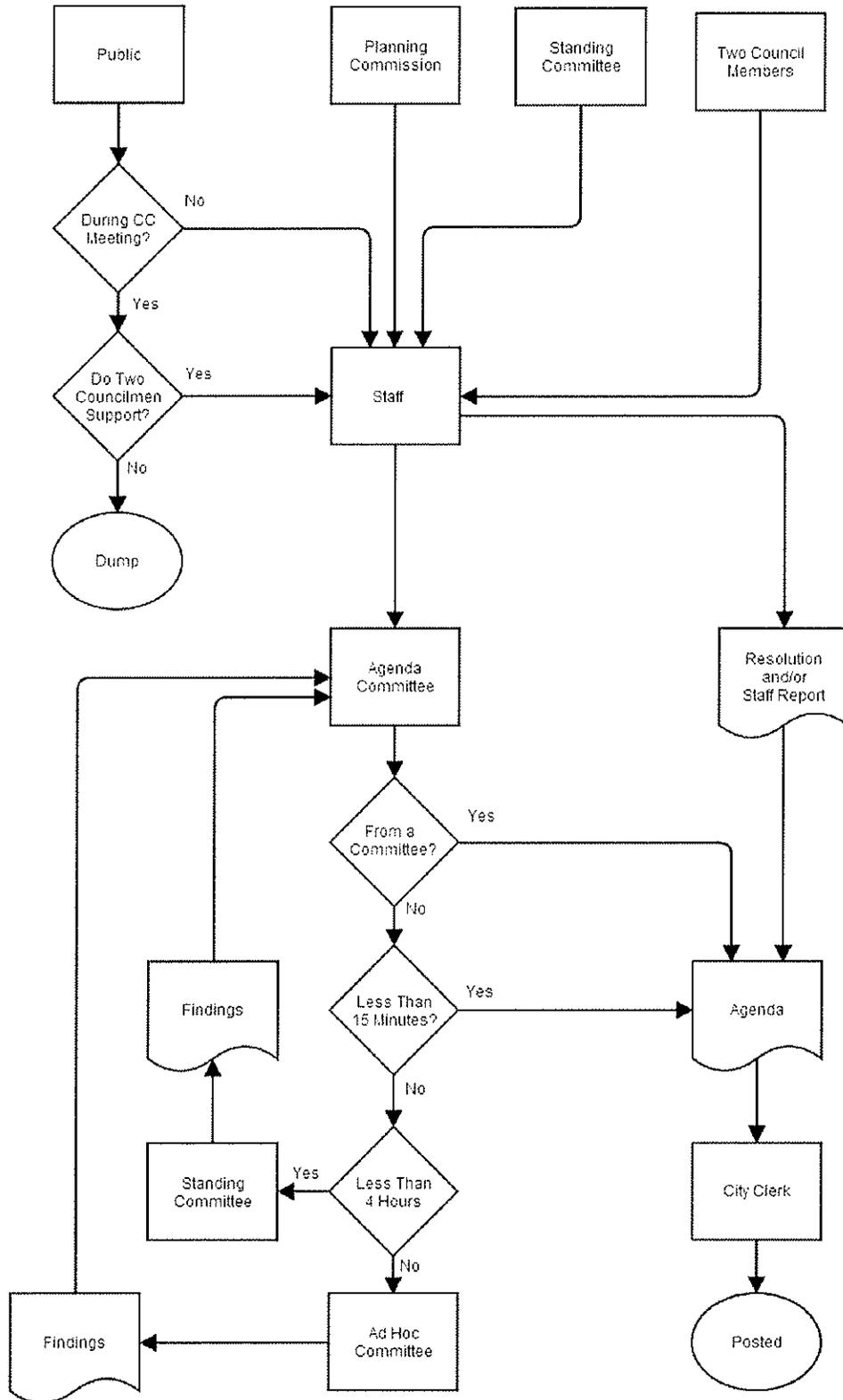
A motion can be made and seconded by any member.

## Agenda Item Discussions

1. **Announce Agenda Item:** Chair clearly states agenda item number and subject.
2. **Reports and Recommendations:** Relevant speaker gives report and provides recommendations.
3. **Questions and Answers:** Technical questions from members are asked and addressed.
4. **Public Comment:** Chair allows public comment and input under the terms of the Board's policy for such comment.
5. **Motions and Action Items:**
  - a. **Motions Introduced:** Chair invites motion from body, and announces name of member introducing motion.
  - b. **Seconds:** If motion is seconded, Chair announces name of seconding member.
  - c. **Motions Clarified:** Seconded motion is clarified by maker of motion, Chair, or secretary/clerk.
  - d. **Amendments and Substitutions:** Other members may propose amended or substitute motions.
  - e. **Discussion and Vote:** Members discuss motion. Chair announces that vote will occur. Members vote on the last motion on the floor (a substitute motion) first, and if that does not pass, vote on the next-to-last motion, and so on.
  - f. **Ayes and Nays:** Chair takes vote by asking for "ayes," "nays," or "abstentions." Unless super majority required, simple majority determines whether motion passes.
  - g. **Results and Actions:** Chair announces result of vote and action the body has taken. Names of dissenters should be announced as well. *Example: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."*
6. **Repeat:** Begin process again with next agenda item.



# Appendix C



## City Council Agenda Item Interim City Manager Staff Report

**Item No:** 12.B.  
**Date:** March 19, 2015  
**Subject:** Authorize payment to Contractor of retention and release of performance bond  
Tauhindali Park Viewing Platform

Dunton Construction Company, Inc., was awarded the contract for construction of Tauhindauli Park Viewing Platform. A notice of completion on this project was recorded by the City on October 23, 2014. The contractor was paid \$103,740 on October 24, 2015. The City retained \$5,460 to be paid 30 days after recording of notice of completion. That payment has yet to be made.

This project was funded from Transportation Enhancement (TE) account of the State Transportation Improvement Program. This means that both federal and State monies comprised the grant. The grant required the City pay all costs and submit request for reimbursement of those costs. As soon as the City pays the contractor the retention amount, CalTrans as the administering agency for the grant, will reimburse the City \$40,000 which they have retained under their procedures. The total cost for the project is \$207,001.22. The total reimbursement to City will total \$192,993.43 from the grant. The City, according to correspondence in the file, intends to charge the remaining \$14,007.79 to the Tauhindauli Park and Trail Endowment Fund. If that remains the City Council's intention, staff will prepare necessary documents to complete funding of this project.

### **Recommendation:**

Authorize payment to Dunton Construction Inc. of final payment/retention for work on Tauhindali Park Viewing Platform in the amount of \$5,460; authorize staff to release performance bond on this project; direct staff to notify CalTrans of final payment to Dunton Construction Company, Inc. and request release to City of retention on this project; and direct staff to invoice Tauhindauli Park and Trail Endowment Fund non-participating costs of \$14,007.79 for this project.

Note: As far as it can be determined from the project file, certain costs were non-participating (not eligible for grant funding) from the start. Additional costs were incurred during environmental work (additional work required by CalTrans) and preliminary design engineering (additional work required by CalTrans). The additional work was required to meet federal NEPA requirements.

March 20, 2015

Ms. Kelly Zolotoff  
 Office of Local Assistance  
 CA Department of Transportation,  
 1657 Riverside Dr. Mail Drop 7  
 Redding, CA 96049

Billing No: 6  
 Invoice No: 20131201  
 Federal Aide Project No. RPSTPL-5183 (005)  
 Tax ID No. 94-6000324  
 Date Project Accepted by City: Ongoing  
 Project Location: Extend Bike Path / City of Dunsmuir  
 Project Expenditure Authorization: 02-457104  
 AMS: 020000622

Reimbursement for federal and/or state funds is claimed pursuant to Local Agency-Agreement No. N001, Program Supplement No. 02-5183R, executed on 4/30/10.

FEDERAL APPROPRIATION CODE	Environmental Studies Permits		PS&E		Constr. Engineer.	Constr-uction	Total
	L22O	L22E	L22O	L22E	Q220	Q220	
FEDERAL BUDGET	10,623.00	23,017.00	24,788.00		25,000.00	105,000.00	188,428.00
STATE BUDGET	1,377.00	2,983.00	3,212.00		0.00	0.00	7,572.00
AUTHORIZATION DATE	11/24/09	08/03/12	11/24/09		8/13/2013	8/13/2013	
Expenditures from:	05/01/10	08/03/12	11/24/09		12/10/2013	12/10/2013	
Expenditures to:	10/31/13	01/11/13	01/11/13		10/25/2014	3/20/2015	
Total Direct Costs to Date:	12,000.00	26,506.18	30,235.89		29,059.15	109,200.00	207,001.22
Less: Retention							
Liquidated Damages							
Participating Costs							
Non-participating costs		3,512.75	2,235.89		4,059.15	4,200.00	14,007.79
Total Participating Costs	<u>12,000.00</u>	<u>22,993.43</u>	<u>28,000.00</u>		<u>25,000.00</u>	<u>105,000.00</u>	<u>192,993.43</u>
Less: Participating costs on previous invoice	<u>12,000.00</u>	<u>22,993.43</u>	<u>28,000.00</u>		<u>25,000.00</u>	<u>63,740.00</u>	<u>151,733.43</u>
Change in Participating Costs*	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>		<u>0.00</u>	<u>41,260.00</u>	<u>41,260.00</u>
Federal Reimbursement Ratio	100.00%				0.00	41,260.00	41,260.00
Total Federal Share							
State Reimbursement Ratio	0.00%						
Total State Share							
Amount of this Claim	0.00	0.00	0.00		0.00	41,260.00	41,260.00

\*Direct costs are supported by attached copies of invoices.

I certify that the work covered by this invoice will be completed in accordance with the approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of this agreement.

Randy L. Johnsen, Interim City Manager (530)235-4822 Ext 103 email: citymanager@ci.dunsmuir.ca.us

## City Manager

---

**From:** Jim Elkins <jelkins@paceengineering.us>  
**Sent:** Monday, March 02, 2015 7:09 PM  
**To:** City Manager  
**Subject:** Re: Tauhindauli Viewing Platform

Yes. The contractor is due payment of the retention 30 days after the notice of completion is recorded.

They have submitted all the required paperwork such as certified payroll and DBE verification.

Jim

Sent from my iPhone

On Mar 2, 2015, at 7:05 PM, "City Manager" <[cityadmin@dunsmuir.onmicrosoft.com](mailto:cityadmin@dunsmuir.onmicrosoft.com)> wrote:

Jim,

I have found Notice of Completion recorded by City and executed by Alan Harvey. Do you know of any reason(s) we should not release the retention amount, and performance bond submitted by Contractor? Are there any reports, forms, etc. that Contractor should have submitted to comply with Dunsmuir procedures (purchasing ordinance) and State regs?

I am informed that once we pay retention, State will release the retention they are withholding from Dunsmuir, which is greater than the amount we are retaining from Contractor.

Maybe we can talk about this on Wednesday. I will put payment of retention on March 19 agenda if we are ready.

Randy L. Johnsen  
Interim City Manger  
530-235-4822 x 103  
[citymanger@ci.dunsmuir.ca.us](mailto:citymanger@ci.dunsmuir.ca.us)

COUNCIL MEMO 2014-113

October 30, 2014

To: Mayor and City Council Members

From: City Manager

Sub: Tauhindauli Viewing Platform Funding

**SUBJECT:**

This report concerns the Agenda item 13.D, to consider an inter-fund loan to pay the Contractor who recently completed work on the Tauhindauli Viewing Platform.

**OBJECTIVE:**

The City wants to be in the position to pay its bills when work on a project has been completed as it has been insofar as the Viewing Platform is concerned. In addition the City wants to be in the position of ensuring that it fully complies with the terms of its contracts and agreements, as well as with the statutes, rules and regulations governing its accounting system, granting agencies and just plain good practice. Achieving anything less than the objectives noted puts the City at risk of unintended consequences.

The Tauhindauli project is somewhat unusual because it is a project that began a number of years ago and it is totally federally funded which has some very strict rules and standards. In this instance the grant is based on reimbursing the City for actual paid expenses. The City was obligated to meet certain time deadlines which was difficult because it had to determine what had been done earlier as well as coordinating and accurately reporting actual expenses from other sources.

When this item was put on the agenda it was believed that an inter-fund loan would be required to provide the Cash required to cover a sizeable payment to the Contractor. Subsequently it was determined that the City had sufficient cash in the bank to cover the payment and that the amount would be fully reimbursed within three to four months and an inter-fund loan would no longer be required.

**PROPOSAL:**

The Total project cost to date is \$201,541.22 which will increase slightly as final billings by the consultants involved submit their final costs. The contractor's contract was for \$109,200.00 and the City is obligated to pay \$109,200 for the work completed less the retention \$5,460.00 the will be paid when the retention period expires or \$103,740.00.

The City has submitted its billing for payment which will increase due to final costs are calculated and included.

The Project has overrun the amount of grant funds approved. The overrun amount the City will have to pay is estimated to be approximately \$13,807.76 due in part to the cost of an unexpected project audit, a bid that exceeded the original grant agreement. Fortunately the City can pay for this additional cost by withdrawing funds from the Tauhindauli Endowment Fund.

At this point the City has submitted a project billing to CalTrans and the contractor has been paid, less the retainer and there is sufficient cash in the City's bank account to cover the contractor payment until the Federal reimbursement is received. Based on this set of circumstances an inter-fund loan is unnecessary and I recommend that the proposed action be returned to staff.

ADVANTAGES:

1. The City is adhering to the principle of paying for work upon completion and complying with its contractual responsibilities.
2. The City is complying with the requirements of granting agencies.

DISADVANTAGES:

1. The City will have obligated the cash amount required to cover the payment to the Contractor until reimbursement is received, however, there is more than sufficient cash in the account to cover the city's responsibilities until it is reimbursed.

ACTION:

It is recommended that the City Council return this agenda item to staff.

Sutter County Recorder  
Mike Mallory, Recorder

RECORDING REQUESTED BY  
City of Dunsmuir

DOC - 14-0009100  
Thursday, OCT 23, 2014 15:15:24  
Ttl Pd \$0.00 Nbr-0000253464  
EVH/C1/1-2

WHEN RECORDED RETURN TO  
City of Dunsmuir  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

(Space above this line for Recorder's Use Only)

## NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

That the construction work hereinafter described was completed on the 6th day of October, 2014.

That the work consisted of constructing the:

### TAUHINDAULI PARK VIEWING PLATFORM

That the City of Dunsmuir, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025, is the owner of said work.

That the work of improvement was completed in the City of Dunsmuir, State of California, at the following location(s):

**On the north side of the Sacramento River approximately 300 feet upstream from the Dunsmuir Avenue bridge.**

The name of the Contractor for said work is

**Dunton Construction Company, Inc.  
19802 Ox Yoke Road  
Anderson, CA 96007**

That the nature of the title of the stated owner is a lease agreement with the property owner (Union Pacific Railroad):

Owner: City of Dunsmuir

By   
Owner's Agent

VERIFICATION OF CONTENT

The undersigned, being duly sworn says that he is the City Administrator of the aforesaid interest or estate in the property described in the foregoing notice, that he or she has read the same, and knows the contents thereof, and that the facts stated therein are true.

10/15/14  
Date Signed

Alan N. Harvey  
Alan Harvey, City Administrator  
City of Dunsmuir

State of California  
County of Siskiyou

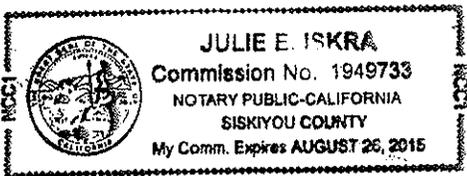
On October 15, 2014, before me, Julie E. Iskra, Notary Public, personally appeared Alan N. Harvey who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Julie E. Iskra

(Seal)



# City Council Agenda Item

## Interim City Manager Staff Report

**Item No:** 13.A.  
**Date:** March 19, 2015  
**Subject:** Discussion and Authorization for Interim City Manager to execute contract for Wage Compliance monitoring services for construction work on Community Center and Replacement of Water Mains

Jim Cook, contractor administering Dunsmuir current CDBG programs, has asked that a contract be executed for a qualified firm to provide wage compliance monitoring of those that will be doing construction work on Community Center renovation and Water Main replacements. This is required by State and federal regulations and the cost therefore would be borne by the CDBG grant.

Request for proposals was sent to 9 firms.        responses were received in a timely manner. The lowest bidder is        which has been determined to be qualified by Jim Cook. The bid is a not to exceed amount of \$        .

**Recommendation:**        Move to authorize Interim City Manager to execute contract with        for monitoring of wage compliance on CDBG grant 13-CDBG-8968 funded construction projects that include Community Center renovation and water line replacements for an amount not to exceed \$        .

*Jim needs to fill in blanks*

**City Manager**

---

**From:** City Manager  
**Sent:** Friday, March 13, 2015 2:44 PM  
**To:** 'Jim Cook'  
**Subject:** RE: contract for labor compliance

Yup. April 2 and 16. I will ask Council to continue your item to the April 2 meeting. If you are not ready at that time, I will ask them to continue the item to the April 16 meeting

**From:** Jim Cook [mailto:jimcook@snowcrest.net]  
**Sent:** Friday, March 13, 2015 1:19 PM  
**To:** 'Jim Cook'; Julie Iskra  
**Cc:** City Manager  
**Subject:** RE: contract for labor compliance

Now this is a stumble, I may not have the item ready for the next Council meeting, am I correct that the April meetings will be the 2<sup>nd</sup> and the 16<sup>th</sup>?

**From:** Jim Cook [mailto:jimcook@snowcrest.net]  
**Sent:** Thursday, March 12, 2015 1:32 PM  
**To:** 'Julie Iskra'  
**Cc:** 'City Manager'  
**Subject:** RE: contract for labor compliance

Julie,  
I ran into a slight hiccup, I won't have this filled out until noon on Friday and I should have a contract for their consideration at that time also  
jc

**From:** Jim Cook [mailto:jimcook@snowcrest.net]  
**Sent:** Tuesday, March 10, 2015 11:02 AM  
**To:** 'Julie Iskra'  
**Cc:** 'City Manager'  
**Subject:** contract for labor compliance

The current CDBG grant (13-CDBG-8968, community center renovation and water line replacement) requires that the City monitor wage compliance for State and Federal regulations for all construction contractors. The design of the projects is nearing the stage of construction bid document preparation and so requires wage compliance documentation in those documents. The City can select a wage compliance monitoring firm from bids received from qualified firms. The City sent bid requests to 9 firms and received \_\_\_\_\_ bids. The firm \_\_\_\_\_ was the lowest bid at \_\_\_\_\_ and is qualified. Staff suggests that the City enter into a contract with \_\_\_\_\_ not to exceed \_\_\_\_\_ to provide wage compliance services for the 13-CDBG-8968 grant.

Jim Cook

Community Development on Call  
P.O. Box 1432  
Weaverville, CA. 96093  
(530) 598-5693

## **City Council Agenda Item Interim City Manager Staff Report**

**Item No:** 13.B.  
**Date:** March 19, 2015  
**Subject:** Receive and consider future action(s) on report from February 28, 2015 Community meeting

At the request of City Council, Jim Kaupanger facilitated a Community meeting on February 28. There were 21 in attendance. The meeting was not a formal Council meeting and was conducted exclusively by Mr. Kaupanger even though some members of the Council were present.

Included in your packet is the listing of ideas/projects/activities that were offered by those present as what the City should consider/implement/build. All present expressed support for the process and hoped that additional meetings be held with more members of the community.

**Recommendation:**

- 1) Move to receive and file report from February 28, 2015 Community meeting and to request staff draft letter for the Mayor's signature thanking Mr. Kaupanger for his work.
- 2) Move to authorize any additional follow up as desired by the City Council at this time.

# **City of Dunsmuir - Community Meeting**

*February 28, 2015*

Report Prepared by Jim Kaupanger, formatted by Bryce Craig

## **Workshop Outline**

- Introduction
- Gather ideas
- Prioritize ideas
- Explore criteria to use

## **Reminders and Prompts the Group Determined for Gathering Ideas for:**

1. Projects
  2. Opportunities
  3. Strategic goals
- Marketing
  - New ideas
  - Economic
  - On-going
  - Empty buildings
  - Infrastructure
  - Sense of community
  - Political solvency
  - Public/private/partnership
  - History
  - Support

## **Possible Criteria to Use When Considering Ideas for Implementation**

- Economic factors?
- Viability?
- Benefits?
- Duration/time to complete?
- Which city department would be involved?
- Unintended consequences?

- What is best for most people?
- Who benefits?
- One time versus ongoing?
- Event or ordinance?
- Capacity?
- Long term goals?
- Employment?
- Priority/urgency?
- Research?
- Does it already exist?
- Equipment needed?
- Public funding?
- Private funding?
- Grants?
- Does the city have control?
- Community support?
- Staff report?
- Environmental impact?
- Space/location?
- Logistics?
- Examples of success of this idea in other cities?
- Sustainability?
- Proof of concept?
- Legality?
- Legal approach?
- Eminent domain?
- County, state, federal jurisdiction?
- Liability?

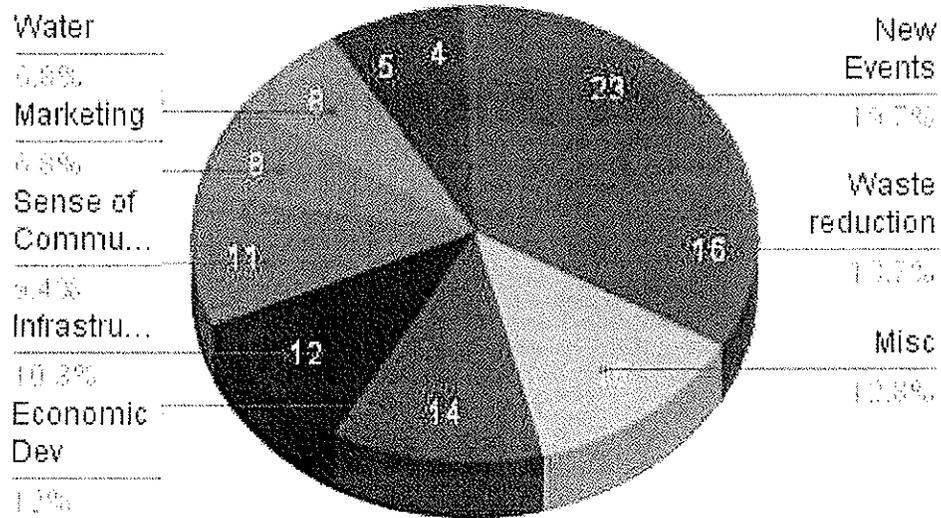
## **Quote**

*"The main thing is to keep the main thing the main thing."*

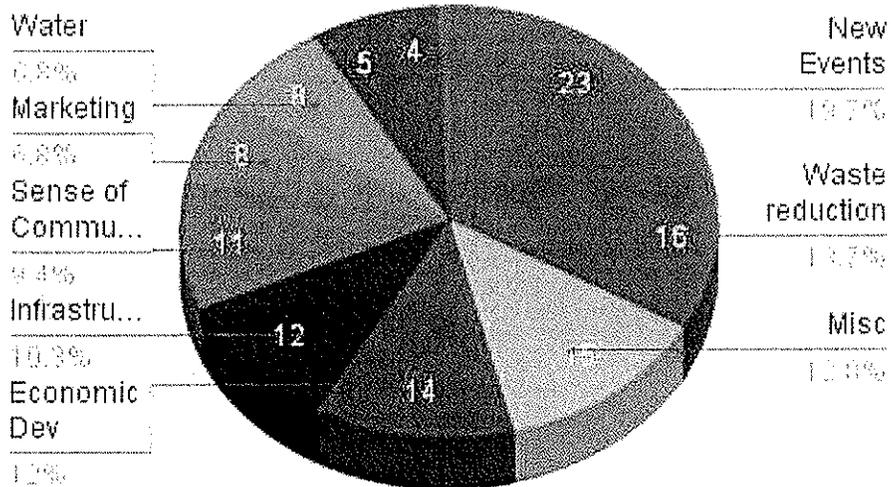
## **Closing Remarks from the Group**

- Do this (community meeting/workshop) again
- City-wide survey (with utility bill?)
- Get people behind ideas
- Need success in working with private organizations
- Define "the Main Thing"
- Integrate new ideas with core city duties

## Categories - by Votes



## Categories - by Votes



## Top Overall Ideas

- Public/private venture capital fund (12)
- Green waste dump (11)
- Fresh clean air (8)
- Support the library (7)
- Annual bike race (6)
- Mossbrae Falls Project (6)

## All Ideas

Categorized by the group

### **Economic Development**

Top Idea: Public/private venture capital fund

Votes	Idea
0	Attract county office business
0	Attract new businesses downtown
0	Center for science, technology, and research--education partnerships
2	Conferences--3 or 4 per year every year
0	Incentivize new businesses to move here
12	Public/private venture capital fund
0	Reclaim public parking lot north of downtown playground
0	Re-market towns image
0	Travelers hotel

### **Infrastructure**

Top Idea: Aircraft fuel and Mott airport (fixed wing and helix)

Votes	Idea
0	[Clean up] empty downtown buildings
4	Aircraft fuel and Mott airport (fixed wing and helix)
2	Annex areas of South Dunsmuir to build tax base
0	Beautify theater bumpouts
0	City utility for phone and internet
0	Clean and repair our sidewalks and streets
0	Clean up all building outside city limits
0	Downtown public restroom
0	Drone airport
0	Fix sidewalks and fountains (2015)

0	Fountain path
1	Give back the airport to the county
0	Gutters and curbs
1	Handicap accessible playground
0	Hold property owners to clean and fix up their properties
1	Hostel for PCT through-hikers
1	Improve community center
0	Maintain donated rail equipment
0	Open up our fiber optic and cable
0	Public shower
0	Senior housing downtown
0	Sidewalks in North Town
0	Theater marquis
2	Upgrade our downtown
0	Utilize our airport
0	Window painting in downtown commercial district

## Marketing

Top Idea: Marketing with social media

Votes	Idea
0	Attract families (more kids for our schools)
1	Discount card for visitors good for food, lodging, etc
0	Dunsmuir billboards in Redding and Yreka
0	Eco-tourism promotion
2	Hire a grant writer
3	Marketing with social media
1	Online community calendar to sync available services with influx of visitors
0	Promote Dunsmuir restaurants
1	Social media (Face book, Twitter, website)
0	Something for Amtrak travelers when they stop here--coffee, food, smokes

## Misc

Top Idea: Fresh clean air

Votes	Idea
1	24 hour sheriff in town
1	Addiction help
2	Address low-income housing issues
1	Build neighborhood watch
0	Cannabis in 2016
0	Community education opportunities/workshops. Utilize local resources
0	Emergency response training
0	Fill our schools program
8	Fresh clean air
0	Incentives for renewable energy upgrades

0	Restore HDMC to preserve historic district (2015)
0	Soul pancake installments around town
2	Stop county mental health from relocating people here
0	Video/record community memories/history

## New Events

Top Ideas: Mossbrae Falls Project / Annual Bike Race

Votes	Idea
6	Annual bike race
0	Annual town flea market
0	Basketball court near sheriff's office for supervision of older kids
1	Campsite
0	Dog sled races
0	Dog sled training
0	Downtown river walk
1	Kayak racing
0	Kinetic sculpture races
1	More soap box derbies
1	More trails
6	Mossbrae Falls Project
2	Restore historic park near Amtrak station on Sac Ave
4	Tour of Dunsmuir
1	White water park

## Political Solvency

Top Idea: Political solvency--goal working together

0	Forgive each other
4	Political solvency--goal working together
0	Stop the nay-sayers/community support/support city council & city manager

## Sense of Community

Top Idea: Support the library

Votes	Idea
1	Community garden spot
0	Community people raiser
0	Community volunteer corps
2	Dunsmuir growers market support
0	Encourage community well being

0	Fireman's festival (dancing in street)
0	Restore RR days festival (3 days) goal 2016
1	Sense of community
7	Support the library

## Trees, Etc.

Top Ideas: Adopt a fruit tree / Clear out/thin out trees / Fire protection (wildland) / Tree City USA

Votes	Idea
1	Adopt a fruit tree
0	Clean up heavily brushed areas near homes
1	Clear out/thin out trees
1	Fire protection (wildland)
0	Plant more fruit and deciduous trees
0	Prevent clear cutting
1	Tree City USA
0	Utilize old fruit trees for community
0	Viewscape (trees)

## Waste Reduction

Top Idea: Green Waste Dump

Votes	Idea
0	Grant funded lot clearing and waste removal
11	Green waste dump
2	Low interest loans from city to residents and business
2	Promote and support zero-waste business
0	Recycle center for county
1	Seasonal city clean-up

## Water

Top Idea: Fair Water Rates / In-line hydroelectric power generation concurrent with water system upgrade

Votes	Idea
3	Fair water rates
2	HET rebate program for Dunsmuir
3	In-line hydroelectric power generation concurrent with water system upgrade

## Youth

Top Idea: Youth Center

Votes	Idea
0	Programs for youth
0	Survey youth and design park/rec area that they will use
0	Work study and mentorship programs for high school students
1	Youth center

# City Council Agenda Item

## Interim City Manager Staff Report

**Item No:** 13.C.  
**Date:** March 19, 2015  
**Subject:** Review, discussion and possible action on City Council committees and assignments

Included in your packets is City Council Committees Assignments list as of December 18, 2014, and excerpts from the Brown Act.

Councilmember Craig is suggesting that an Airport Task Force, and a Solid Waste Task Force be considered for addition to the list. The Airport Task Force would consider feasibility of a municipal solar farm or public/private partnership of same, and new business park. The Solid Waste Task Force would consider status of solid waste fund, what equipment was purchased in 2014, green waste dump/recycling program, community garden support, State mandated recycling requirements, small can option, bi-weekly pick-ups instead of weekly.

It is also suggested that a complete listing of all committees and meeting times be made available, including a listing of chairpersons. A determination should be made about need for each to comply with Brown Act noticing provisions, need for taking of minutes, and public participation. Which committees are to make reports to the City Council on their meetings and activities?

Staff supports the need for a more complete listing of committees and advisory bodies, how members appointed, how chairperson appointed, which are to be supported by staff, and determination as to which are or are not under provisions of the Brown Act.

**Recommendation:** After discussion and possible action on request for addition of Airport Task Force and Solid Waste Task Force, move to direct staff to return with complete listing of commissions, committees, which have regular meeting dates, member names, how appointed, terms, if created by Statute or resolution or minute action, and City Attorney's opinion as to which are under the provisions of the Brown Act.

**City of Dunsmuir**  
**City Council Committee Assignments**  
**Updated 12.18.2014**

FINANCE: Members: Kelby, Craig, CFO, Treasurer

Purpose: created to provide council oversight of city finances but should also include debt management, bond ratings, and grant and loan oversight.

Meets: Second Tuesday of the month as needed.

PUBLIC FACILITIES AND SERVICES: Members: Kelby, Craig, City Manager

Purpose: created to develop and monitor policy and operations of Utilities (sewer, water and solid waste), airport, historic district and railroad.

Meets: TBD.

ECONOMIC DEVELOPMENT/TOURISM: Members: Spurlock, Syrrist

Purpose: created to develop an economic development strategy and incentive program.

Meets: Fourth Tuesday of the month as needed.

PUBLIC SAFETY: Members: Spurlock, Keisler, Fire Chief, Code Enforcement, Sheriff, City Manager

Purpose: created to address policing issues in Dunsmuir but should include code enforcement, animal care, emergency plan and control and fire issues.

Meets: Third Wednesday of each month as needed

IRWMP (INTEGRATED REGIONAL WATER MANAGEMENT PLAN):

Members: Kelby Craig, City Manager

Citizen: Ed Steele

Purpose: created to oversee city's participation creating the IRWMP with various governmental and nongovernmental agencies.

Meets: As needed

S.C.O.R.E. (SMALL CITIES ORGANIZED RISK EFFORT):

Members: City Manager, Kelby

Purpose: attend mandatory S.C.O.R.E. quarterly meetings to discuss insurance matters, financial information and pooled risk.

Meets: quarterly

AD HOC COMMITTEES

1. Master Water Plan Update and Water Utility Rate Study  
Council Members: Craig, Spurlock  
Citizens: Bruce Deutsch, Ed Steele, Richard Dinges
2. City Manager and CFO Process  
Council Members: Mayor Dave Keisler, Richard Kelby  
Citizens: Mario Rubino Planning Commissioners: Rick Galassi  
Staff: Julie Iskra
3. Protocols  
Council Members: Craig, Spurlock

*Rown Act  
Attorney General  
2003 publication*

**54952. Definition of legislative body**

As used in this chapter, "legislative body" means:

- (a) The governing body of a local agency or any other local body created by state or federal statute.
- (b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.
- (c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
  - (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
  - (B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.
- (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.
- (d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

**A. Governing Bodies**

The governing bodies of local government agencies are the most basic type of body subject to the Act's requirements. These include the board of supervisors of a county, the city council of a city or the governing board of a district. (§ 54952(a).) In addition, the Act expressly applies to local bodies created by state or federal statute. (§54952(a).) The board of directors for a joint powers authority would be covered as a governing body of a local agency; joint powers authorities are also covered because they are created according to a procedure established by state law. (§ 6500 et seq.)

**B. Subsidiary Bodies**

Any board, commission, committee or other body of a local agency created by charter, ordinance, resolution or formal action of a legislative body is itself a legislative body. (§ 54952(b).) Generally, this is the case regardless of whether the body is permanent or temporary, advisory or decisionmaking. However, there is a specific exemption for an advisory committee which is comprised solely of less than a quorum of the members of the legislative body that created the advisory body. (§ 54952(b).) This exception does not apply if the advisory committee is a standing committee. (§ 54952(b).) A standing committee is a committee which has continuing jurisdiction over a particular subject matter (e.g., budget, finance, legislation) or if the committee's meeting schedule is fixed by charter, ordinance, resolution or other formal action of the legislative body that created it. (See examples, *infra*, p. 6.)

The term "formal action" is used twice in section 54952(b) in connection with advisory committees and standing committees. The term "formal action of a legislative body" appears to be a term intended to distinguish between the official actions of the body and the informal actions of particular board members. For example, in *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 805, the court concluded that the city council had taken formal action by designating two of its members to sit on an advisory committee and establish the committee's agenda, even though the council did not act by formal resolution. Similarly, in *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 792-793, the court indicated that a school board's authorization to the superintendent to appoint a committee under specified circumstances constituted a creation of an advisory committee by formal action of the board. "Formal action of a legislative body" is not limited to a formal resolution or a formal vote by the body.

When a legislative body designates less than a quorum of its members that does not constitute a standing committee to meet with representatives of another legislative body to exchange information and report back to their respective bodies, a meeting between the representatives would be exempt from the Act. (*Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 805.) However, if a legislative body designates less than a quorum of its members to meet with representatives of another legislative body to

perform a task, such as the making of a recommendation, an advisory committee consisting of the representatives from both bodies would be created. Such a committee would be subject to the open meeting and notice provisions of the Act. (*Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 805.) The fact that the advisory committee was contingent upon the second body's compliance does not detract from the conclusion that the creation of the committee must be attributed to the first body's action. (*Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 805.)

The following illustrates how section 54952(b) operates. A city council creates four bodies to address various city problems.

- Commission comprised of councilmembers, the city manager and interested citizens: This committee is covered by the Act because there is no exemption for it regardless of whether it is decisionmaking or advisory in nature.
- Advisory committee comprised of two councilmembers for the purpose of reviewing all issues related to parks and recreation in the city on an ongoing basis: This committee is a standing committee which is subject to the Act's requirements because it has continuing jurisdiction over issues related to parks and recreation in the city.
- Advisory committee comprised of two city councilmembers for the purpose of producing a report in six months on downtown traffic congestion: This committee is an exempt advisory committee because it is comprised solely of less than a quorum of the members of the city council. It is not a standing committee because it is charged with accomplishing a specific task in a short period of time, i.e., it is a limited term ad hoc committee.
- Advisory committee comprised of two councilmembers to meet on the second Monday of each month pursuant to city council resolution: This committee is subject to the Act as a standing committee because its meeting schedule is fixed by the city council.

### **C. Private or Nonprofit Corporations and Other Entities**

Under specified circumstances, meetings of boards, commissions, committees or other multi-member bodies that govern private corporations, limited liability companies or other entities may become subject to the open meeting requirements of the Act. Ordinarily, these private corporations or other entities will be nonprofit corporations. In some instances, they are created by the governmental entity to support the efforts of the governmental entity. Other times they are privately created and, to some degree, may partner with a governmental entity to accomplish a common goal. (See Ed. Code, § 47604(a) [concerning possible application to charter schools].) The circumstances

*Mark*  
February 19, 2015

The Honorable Mayor and City Council  
City Hall  
5915 Dunsmuir Avenue  
Dunsmuir, CA 96025

**SUBJECT: ADOPT RESOLUTION GRANTING CONSENT TO THE COUNTY OF SISKIYOU TO FORM THE SISKIYOU COUNTY TOURISM IMPROVEMENT DISTRICT**

---

**RECOMMENDATION**

Adopt Resolution No. \_\_\_\_\_, granting the City Council's consent to the County of Siskiyou to form the Siskiyou County Tourism Improvement District (SCTID).

**SUMMARY**

Tourism-related business owners throughout Siskiyou County have been working with the Siskiyou County Economic Development Council to form a funding source for effective tourism marketing programs. The proposed formation of the SCTID is the result of their efforts. The SCTID will provide funding for much needed marketing efforts for Siskiyou County. By adopting this Resolution, the Council will grant permission to the County of Siskiyou to form the SCTID and include the City of Dunsmuir in the proposed district.

**BACKGROUND**

The SCTID is a benefit assessment district, which will be formed pursuant to the Property and Business Improvement District Law of 1994 ('94 Law). The purpose of the SCTID is to increase tourism in Siskiyou County, by marketing it to potential visitors. The SCTID will provide funding for marketing efforts, working to attract visitors to lodging establishments and ski resorts throughout Siskiyou County, including in Dunsmuir. If formed, the SCTID will place an assessment of two percent (2%) of gross short-term (stays less than 31 days) room rental revenue on lodging businesses; and an assessment of two percent (2%) of ski resort lift ticket revenue on ski resorts. The assessment shall be levied on hotels, inns, tourist homes or houses, motels, studio hotels, bachelor hotels, lodging houses, rooming houses, apartment houses, dormitories, public or private clubs, mobile homes, and ski resorts.

The '94 Law allows for the formation of multi-jurisdictional improvement districts, with consent of the included jurisdictions being granted to one "lead" jurisdiction. The County of Siskiyou has requested consent to act as the lead jurisdiction in forming the SCTID, as shown in the attached Management District Plan. Adopting this resolution will give the

County of Siskiyou authority to include the City of Dunsmuir in the proposed SCTID. To form the SCTID, the County of Siskiyou will follow the formation proceedings specified in the '94 Act, including accepting petitions, adopting a resolution declaring their intention to form the district, holding a public meeting and public hearing to allow for comments, and adopting a resolution forming the district.

### **FISCAL IMPACT**

Adopting this resolution will have no immediate fiscal impact. The SCTID, if formed, will work to bring visitors to the City, potentially increasing transient occupancy and sales tax revenues. Because the City will collect the SCTID assessment from assessed businesses in parallel with TOT, it will be paid an administrative fee equal to 1% of the assessment collected from assessed business within the SCTID in the City of Dunsmuir.

Adopting this resolution will have minor administrative impact. The City Clerk will be directed to forward a copy of the adopted resolution to the Clerk of the Board of Supervisors of the County of Siskiyou. With eventual SCTID formation, the City will be responsible for collecting the assessment funds on a monthly basis and forward collections to the Siskiyou County Economic Development Council.

The new SCTID will have an overall positive impact on the City of Dunsmuir.

Attachments: Siskiyou County Tourism Improvement District Management District Plan

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR,  
STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF  
SISKIYOU TO FORM THE SISKIYOU COUNTY TOURISM IMPROVEMENT  
DISTRICT (SCTID)**

**WHEREAS**, the County of Siskiyou is beginning the process to form the Siskiyou County Tourism Improvement District (SCTID) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging and ski resort businesses in Siskiyou County; and

**WHEREAS**, the Board of Supervisors of the County of Siskiyou has requested consent to form the SCTID in the City of Dunsmuir with adoption of Siskiyou Board of Supervisors Resolution No. \_\_\_\_\_, dated March 3, 2015;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Dunsmuir, that:

Section 1: The above recitals are true and correct.

Section 2: The County of Siskiyou is hereby granted consent to include the City of Dunsmuir in the SCTID for the formation of the SCTID and future renewals.

Section 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Clerk of the County of Siskiyou Board of Supervisors.

Section 4: This Resolution is effective upon its adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Dunsmuir, State of California, held on this \_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk of the City Council

## Julie Iskra

---

**From:** Robert Coox <robert@siskiyoucounty.org>  
**Sent:** Tuesday, February 10, 2015 2:48 PM  
**To:** Julie Iskra  
**Subject:** Agenda Resolution Request 3.19.15  
**Attachments:** Reso Grant Consent - Dunsmuir 2-5-15.docx; Dunsmuir Consent SR 2-5-15.docx; Siskiyou County TID Petition Drive MDP 11-13-14.pdf

Hi Julie,

Firstly, thank you for speaking with me and assisting me with the process of getting a resolution onto the agenda with the City Council in Dunsmuir – I really appreciate your help. As we discussed, I am writing here a brief outline of our reasons for speaking with the council, along with resolution and staff report documents. We are aiming for March 19 as the date for this meeting.

We would like to speak with the Dunsmuir City Council requesting the adoption of a resolution granting consent to the County of Siskiyou to form the Siskiyou County Tourism Improvement District, which will include the City of Dunsmuir. This tourism district will include the assessment of local lodging properties to provide funds for tourism promotion, advertising, marketing, and events. At this point more than 57% of lodging properties in the City of Dunsmuir have signed their approval for this project.

Adopting this resolution will have no immediate fiscal impact. The SCTID, if formed, will work to bring visitors to the City, potentially increasing transient occupancy and sales tax revenues. Because the City will collect the SCTID assessment in parallel with TOT from assessed businesses, it will be paid an administrative fee equal to 1% of the assessment collected from assessed business within the SCTID in the City of Dunsmuir.

Adopting this resolution will have minor administrative impact. The City Clerk will be directed to forward a copy of the adopted resolution to the Clerk of the Board of Supervisors of the County of Siskiyou. With eventual SCTID formation, the City will be responsible for collecting the assessment funds on a monthly basis and forward collections to the Siskiyou County Economic Development Council.

I have attached several documents to this email. They are:

1. The Resolution granting consent to the County of Siskiyou to form the Siskiyou County Tourism Improvement District .
2. A Staff Report explaining the background for this project and the impacts.
3. A copy of the Management District Plan
4. A Resolution of Intention to form this district from the County of Siskiyou and a Resolution requesting the City's consent will follow pending approval from the Board of Supervisors.

Please take a look at these documents and let me know how they look. If you have any questions let me know but I look forward to hearing we are on the agenda for March 19<sup>th</sup>.

Thanks,

Robert Coox  
Program Manager  
Siskiyou County Economic Development Council  
1512 S. Oregon Street

## I. OVERVIEW

The Siskiyou County Tourism Improvement District (SCTID) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to improve tourism and drive additional commerce and room night sales.

*Location:* The proposed SCTID includes all lodging and ski resort businesses located within the boundaries of the County of Siskiyou; including the unincorporated areas of the County and all incorporated cities: Yreka, Mt. Shasta, Weed, Dunsmuir, Montague, Etna, Fort Jones, Tulelake and Dorris.

*Services:* The SCTID is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

*Budget:* The total SCTID annual budget for the initial year of its five (5) year operation is anticipated to be approximately \$450,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the SCTID's term.

*Lodging:* The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on any officer or employee of a foreign government who is exempt by reason of Federal law or international treaty. Assessments pursuant to the SCTID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to April 1, 2015.

*Ski Resorts:* The annual assessment rate for ski resort businesses is two percent (2%) of lift ticket revenue.

*Collection:* The County and cities will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business in their respective jurisdiction. The County and cities shall take all reasonable efforts to collect the assessments from each lodging business. The County shall forward the assessments collected to the Owners' Association.

*Duration:* The proposed SCTID will have a five (5)-year life. The SCTID assessment will be implemented beginning April 1, 2015 through March 31, 2020. Once per year beginning on the anniversary of the formation of the district there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a Board of Supervisors hearing on district termination.

*Management:* The Siskiyou County Economic Development Council (SCEDC) will serve as the SCTID's Owners' Association. After formation of the SCTID, lodging properties paying the assessment will form a TID Management Committee. The committee shall be comprised entirely of business owners paying the SCTID assessment and is responsible for management of the SCTID assessment, funds, and programs.

Yreka, CA 96097  
530.842.1638



**SISKIYOU COUNTY**  
ECONOMIC DEVELOPMENT

Leading the effort to attract, retain  
and grow business in Siskiyou County

This instrument is a correct copy of the original on file in this office.

ATTEST:  
COLLEEN SETZER  
County Clerk  
of the State of California  
in and for the County of Siskiyou.

By: Wendy D. [Signature]  
Deputy

RESOLUTION NO. 15-42

RESOLUTION REQUESTING CONSENT OF THE CITIES OF YREKA, WEED, DUNSMUIR, MONTAGUE, ETNA, FORT JONES, TULELAKE AND DORRIS TO CREATE THE SISKIYOU COUNTY TOURISM IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of the County of Siskiyou desires to begin proceedings to form the Siskiyou County Tourism Improvement District ("SCTID");

WHEREAS, certain tourism business owners have requested that the Board of Supervisors (the "Board") of the County of Siskiyou (the "County") create the SCTID; and

WHEREAS, a portion of the territory proposed to be included in the SCTID lies within the boundaries of the cities of Yreka, Mt. Shasta, Weed, Dunsmuir, Montague, Etna, Fort Jones, Tulelake and Dorris (the "cities"), as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of the cities which lies within the boundaries of the proposed SCTID will, in the opinion of the Board, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work;

NOW, THEREFORE, be it resolved by the Board of Supervisors of the County of Siskiyou that:

Section 1: The above recitals are true and correct.

Section 2: Consent of the cities, through their City Councils, is hereby requested to create the SCTID, and to grant to the Board jurisdiction for all the purposes in connection with creation, operation and future renewals of the proposed SCTID.

Section 3: The Clerk of the Board is hereby directed to transmit a certified copy of this Resolution to the City Clerks of the cities of Yreka, Mt. Shasta, Weed, Dunsmuir, Montague, Etna, Fort Jones, Tulelake and Dorris.

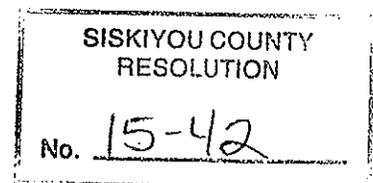
ON MOTION duly made, seconded, and carried the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Siskiyou, State of California, this 3<sup>rd</sup> day of March, 2015 by the following vote:

AYES: Supervisors Valenzuela, Bennett, Kobseff, Criss and Haupt  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

[Signature]  
Ed Valenzuela, Chair Board of Supervisors

ATTEST: COLLEEN SETZER, CLERK

Wendy D. [Signature]  
By: Deputy



## City Council Agenda Item Interim City Manager Staff Report

**Item No:** 13.E.  
**Date:** March 19, 2015  
**Subject:** Discussion and possible action regarding referring to Dunsmuir Parks and Recreation District Board of Directors investigation of possible use of City property as Bent Rail Park

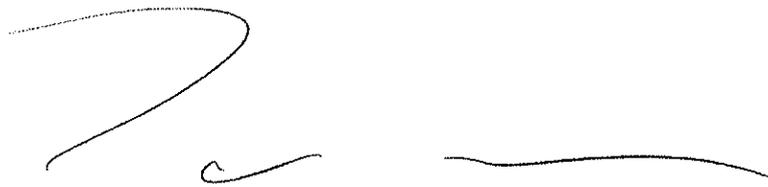
Linda M. Gnesa is requesting that the City Council ask the Dunsmuir Parks and Recreation District Board of Directors to investigate the possibility of programming City's 11+ acres property south of Manfredi's market as Bent Rail Park. City staff has been approached several times in the past and responded that a more formal presentation needs to be provided before the City Council can consider use of City property for this purpose, disc golf. She is now requesting that this be referred to DP&RD BOD so that they can assist her to formalize a project proposal and properly request use of City property.

**Recommendation:** Move to authorize staff to prepare written request to Dunsmuir Parks and Recreation District Board of Directors to assist Linda M. Gnesa in preparing formal request for programming of City's property as disc golf park.

Randy J.  
city mgr

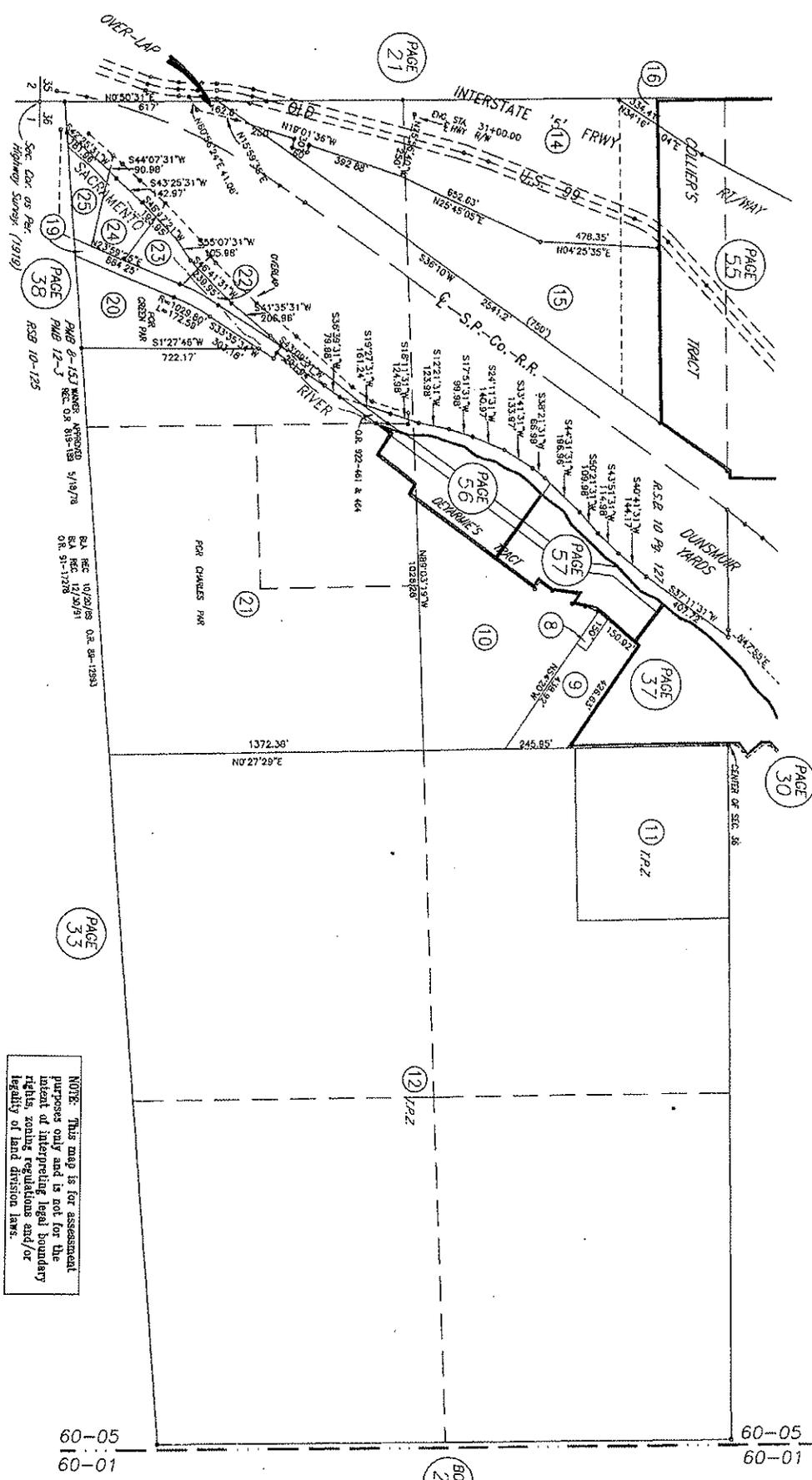
Dunsmuir Bent Rail Park

REQUESTING TO BE PUT ON THE AGENDA  
03/19/15 city council meeting to  
ADDRESS the project, AND SUBMIT  
to Parks AND Rec.

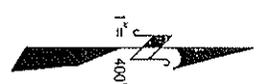


Linda M LaSalle

S1/2 of Sec. 36 T39N R4W



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.



Tax Area Code  
60-05

30-31

60-05  
60-01

60-05  
60-01

BOOK  
28

**Property Detail**

Siskiyou, CA MIKE MALLORY, ASSESSOR

Parcel # (APN): **030-310-150-000**Use Description: **GOVERNMENT**Parcel Status: **ACTIVE**Owner Name: **DUNSMUIR CITY OF**

Mailing Address:

Situs Address:

Legal

Description:

**ASSESSMENT**

Total Value:	Use Code: <b>004</b>	Zoning:
Land Value:	Tax Rate Area: <b>060005</b>	Census Tract:
Impr Value:	Year Assd: <b>2012</b>	Improve Type:
Other Value:	Property Tax:	Price/SqFt:
% Improved	Delinquent Yr	
Exempt Amt:	HO Exempt?: <b>N</b>	

**SALES HISTORY**

	<u>Sale 1</u>	<u>Sale 2</u>	<u>Sale 3</u>	<u>Transfer</u>
Recording Date:				<b>05/29/1964</b>
Recorded Doc #:				<b>1964R0503659</b>
Recorded Doc Type:				
Transfer Amount:				
Sale 1 Seller (Grantor):				
1st Trst Dd Amt:	Code1:	2nd Trst Dd Amt:	Code2:	

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>11.600</b>	Year Built:	Fireplace:
Lot SqFt: <b>505,296</b>	Effective Yr:	A/C:
Bldg/Liv Area:	Total Rooms:	Heating:
Units:	Bedrooms:	Pool:
Buildings:	Baths (Full):	Park Type:
Stories:	Baths (Half):	Spaces:
Style:	Garage SqFt:	Site Infnce:
Construct:		Timber Preserve:
Quality:		Ag Preserve:
Building Class:		
Condition:		
Other Rooms:		