

**AGENDA FOR THE REGULAR MEETING  
DUNSMUIR CITY COUNCIL**

**October 5th, 2023**

**REGULAR SESSION: 6:00 pm**

**Join Zoom Meeting: <https://us02web.zoom.us/j/84424135442>**

**Or Call: +1 669 900 6833**

**Enter Meeting ID: 844 2413 5442**

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

**1. CALL TO ORDER AND FLAG SALUTE**

**2. ROLL CALL**

**3. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS – Liaison Update#11 on  
Dunsmuir Railyard Shoreline Response Action and Restoration Project**

**4. PUBLIC COMMENT**

Regular City Council meetings are posted on the City's website to keep 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 cede their time to another speaker.** Comments should be limited to matters within the jurisdiction of the City. Speaker forms are available from the City Clerk, 5915 Dunsmuir Ave, Dunsmuir, on the City's website, or on the podium. 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.

**5. COUNCIL AND STAFF COMMENTS**

**6. COMMITTEE REPORTS**

**7. APPROVAL OF MINUTES – of September 7<sup>th</sup>, 2023**

**8. CONSENT AGENDA:**

**A. Check Register: 8/26-9/29/23**

**B. COPS Grant Budget Amendment – Proposed Increase Budgeted Revenue Amount**

**C. Prop 68 Children's Park Grant Sole Source Justification**

**9. PUBLIC HEARING: None**

**10. OLD BUSINESS – None**

**11. NEW BUSINESS**

**A. Just Cause for Remote Attendance at Public Meetings**

**B. Risk Management Policy and General Information on City Self Insurance and  
Worker's Compensation**

**C. Skid Steer Snowplow Sole Source Justification**

- D. Solid Waste Rate Study Award and Authorize Contract & Budget Amendment
- E. Solid Waste Committee Restructuring/Reorganization

## **12. FUTURE AGENDA ITEMS**

**Future Agenda Items are topics brought to the City Council for review and/or action. All dates refer to first introductions and can be altered due to time and priority levels.**

- Annual Fireworks Ban Ordinance
- Sheriff's Contract Extension
- Review of Status of Supporting County Library
- Cannabis Ordinance Revision
- Update from SEDC – Oct. 19th
- Dogwood Tree Removal
- Historic District Review Board
- Park & Recreation District Joint Meeting
- Special Event Ordinance

## **13. ADJOURNMENT**

**Copies of this agenda were posted at City Hall, Dunsmuir City Library, and City Website 72 hrs. prior to meeting time.**

**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 to make 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.

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Wendy Perkins, Deputy City Clerk

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Date

**CITY OF DUNSMUIR**  
**CITY COUNCIL MEETING MINUTES**  
**September 7th, 2023**

**CALL TO ORDER AND FLAG SALUTE:**

Meeting was called to order @ 6 pm by Mayor Lucchesi

**ROLL CALL:**

Council members present: Deutsch, Keisler, Bryan, Clarno, Lucchesi

Absent: None

City staff present: City Manager Rief, Deputy City Clerk Perkins

**SPECIAL PRESENTATIONS AND ANNOUNCEMENTS** – California Civil Rights Dept. Vs. Hate Campaign – Becky Monroe presents. State’s Civil Rights Agency for Civil rights claims, for housing, human trafficking, hate crimes, etc. Phone 1-833-8-NO-HATE. Week of Nov. 12-18<sup>th</sup> is “United Against Hate Week”.

**PUBLIC COMMENT**

Open at 6:13 p.m.

Cindy **Foreman** – Railroad will be removing retaining wall along Sac Ave and the Dogwood Trees which are memorial trees. Cindy started the movement of planting dogwood memorial trees. Urges council to save the dogwood trees from removal or possible ruin by Amtrak renovation work. She doesn’t think trees would survive if relocated. Suggests city found an alternate site to plant similar dogwood trees. Contact RR to request a \$5000 donation to plant and put in drip system to keep them alive. One site might be near city park where the new public works yard will be.

Peter **Arth** – Requesting that at the Oct. 5<sup>th</sup> meeting wants special presentation for members of Dunsmuir Live to talk about efforts to protect and restore CA Theatre. Presenter will be Patricia Lorde leader of Siskiyou Arts Council. Hoping to start developing partnerships in pursuing the millions of dollars it will take to open and enjoy benefits of CA Theatre. Preliminary discussion of funders has already begun. Sooner we can discuss possible actions, the better it will be for all.

Allison **Leshefsky** – Supports the abandoned and distressed ordinance. Wants to ask again, why do we have a piece of plywood on city hall door (protecting broken window). We haven’t even covered it with a coat of paint.

Cheryl **Petty** – Supports fair and generous compensation of moving dogwood trees. Still has plans which outline every single tree.

Ernie **Wasson** – Supports idea of replacement fund of dogwood trees that will be lost due to new ramp and handicap access renovations that need to be done at Amtrak / Railroad.

Luann **Weagle** – Supports saving the dogwoods. Wants a resolution to support the saving of or replanting of the dogwood trees.

Mario **Rubino** – Wheelhouse owners and Victor Martin has asked him to talk about cars parking wrong way on Sac Ave and blocking access to businesses within historic district. Business need to have available parking to them.

### **COUNCIL AND STAFF COMMENTS**

**City Manager Rief** - Focus on water line and CalTrans on how they are planning to replace 14" water main across Tauhinauli Park. Encroachment into areas they shouldn't be. Working with parks and rec on move out. Plans to cut down trees in the public works area. Parking that city leases from UP, UP wanted to take all of city's parking area away. We do have to allow the contractors to use the city's parking area on occasion. Door replacement will happen soon during a remodel project.

**Ortiz** – Stabbing incident in 6100 block of Dunsmuir Ave. No danger to public.

**Lucchesi** – Just got done getting Covid again. No updates, she was sick.

**Clarno** – The dogwood removal project is actually related to Amtrak renovations not Union Pacific.

Bryan – None

**Deutsch** – Comments on developments within Local Transportation Project development.

Developing installation of Peace Poles within town with the help of recently retired elementary school principal Susan Keeler.

**Keisler** – Had honor of installing the PEACE pole and was touched that it included braille for the blind to read them.

### **COMMITTEE REPORTS - None**

### **APPROVAL OF MINUTES**

Motion to approve minutes of 8/9/23 & 8/17/23 by Keisler , 2nd by Deutsch

Voice Vote:

AYES: Deutsch, Keisler, Bryan, Clarno, Lucchesi

NOES: None

ABSENT: None

ABSTAIN: None

### **CONSENT AGENDA**

**A. Check Register: 8/12-8/25/23**

- B. 2<sup>nd</sup> Reading and Adoption of Ordinance 576 Repealing Chapter 15.40, Signs, of Title 15, Building and Construction of the Dunsmuir Municipal Code.**
- C. Resolution 2023-13 Grant Agreement with CA Division of Water Rights for Mossbrae Springs Emergency Chlorination Project**

Motion to adopt consent agenda by Deutsch , 2<sup>nd</sup> by Clarno

Voice Vote:           AYES: Deutsch, Keisler, Bryan, Clarno, Lucchesi  
                              NOES: None  
                              ABSENT: None  
                              ABSTAIN: None

**PUBLIC HEARINGS: NONE**

**OLD BUSINESS:NONE**

**NEW BUSINESS: NONE**

**FUTURE AGENDA ITEMS:**

- Annual Fireworks Ban Ordinance
- Sheriff's Contract Extension
- Review of Status of Supporting County Library
- Cannabis Ordinance Revision
- Just Cause for Remote Meeting attendance – Sept. 21
- Update from SEDC – Sept 21
- Dogwood Tree Removal
- Historic District Review Board

Next meeting may be cancelled since 3 members may be absent (Sept. 21<sup>st</sup>)

**ADJOURNMENT**

**Meeting is adjourned by Consensus at 6:36 p.m.**

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**Mayor Lucchesi**

**ATTEST:**

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**Deputy City Clerk Perkins**

# Check Register Report

8/26 to 9/29/23

Date: 09/27/2023

Time: 3:44 pm

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City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>								
58094	08/28/2023	Printed			10873	ALEXANDER, ARIANE	return credit on acct11052	69.07
58100	08/28/2023	Printed			10001	CED-REDDING	35k line voltage led lamp	504.08
58111	08/28/2023	Printed			10707	SNL GROUP INC.	transport Cold Patch	580.00
58113	09/01/2023	Printed			10815	BARLOW, CHRIS	Boots 23/24	52.99
58115	09/01/2023	Printed			6630	ANTHONY CONGI	boots reimbursement 23/24	199.92
58116	09/01/2023	Printed			10866	DEAN LAW FIRM, INC	CTYDU-01 City of Dunsmuir v	737.50
58117	09/01/2023	Printed			5219	FERGUSON ENTERPRISES INC,1423	dj400 6/8.38 CLS D FLG EPOX	2,244.74
58118	09/01/2023	Printed			10657	GRIMM, GREG	Grade III operator services	3,925.00
58119	09/01/2023	Printed			18200	HACH COMPANY	rgt set tnt amver hr 50 tests	540.91
58120	09/01/2023	Printed			33130	MT SHASTA CITY	July CDBG-CV substances paymnt	40,004.02
58121	09/01/2023	Printed			9999992088	NORTH VALLEY DISTRIBUTING	CAND 1829-I 28v. Bay lamp	39.38
58122	09/01/2023	Printed			39015	PACIFIC POWER	river ave sewage lift	25.52
58123	09/01/2023	Printed			39015	PACIFIC POWER	63601721-001 5Aug2023	6,435.87
58125	09/01/2023	Printed			10616	RENTAL GUYS	20' PW office Rental 8/7 to9/4	373.25
58126	09/01/2023	Printed			45110	MARIO J. RUBINO	August 2023 treasurer	50.00
58127	09/01/2023	Printed			47660	SISKIYOU HUMANE SOCIETY	6 months upfront MOU	4,500.00
58129	09/01/2023	Printed			53806	USA BLUE BOOK, INC	disposable culture tubes 6/50m	103.50
58130	09/01/2023	Printed			10752	WEX BANK	Aug Fuel 2023	2,499.98
58131	09/08/2023	Printed			514	ADVANCED INFOSYSTEMS	September 2023 Billing	914.81
58132	09/08/2023	Printed			5325	REBECCA CATLETT	Aug and Sept Cleaning 2023	148.50
58133	09/08/2023	Printed			9820	CITY OF DUNSMUIR	i-5 lift station acct250800	534.24
58134	09/08/2023	Printed			6325	CLEMENS WASTE REMOVAL	weight/ dump fees Aug2023	6,197.07
58135	09/08/2023	Printed			8505	DCS TESTING & EQUIPMENT, INC.	ft. fire hose testing	2,315.60
58136	09/08/2023	Printed			9303	FASTENAL COMPANY	xl 6mil black gloves	547.30
58137	09/08/2023	Printed			5219	FERGUSON ENTERPRISES INC,1423	8" C900 DR 18 Blue PVC	14,546.25
58138	09/08/2023	Printed			10753	PACE ANALYTICAL SERVICES LLC	drinking wa weekly	78.52
58139	09/08/2023	Printed			39005	PACE ENGINEERING, INC.	pw shop building 0204.74	81,477.25
58140	09/08/2023	Printed			10289	SISKIYOU CO TOURISM IMPROV DIS	June 2023 late collections TOT	26,319.72
58141	09/08/2023	Printed			47669	SISKIYOU OPPORTUNITY CENTER	blue bag program Aug 2023	594.60
58142	09/08/2023	Printed			57228	SOLANO'S CONTRACTOR	20x100 blk poly film	127.96
58143	09/08/2023	Printed			57680	SONSRAY MACHINERY LLC	plow blade and parts	497.66
58144	09/08/2023	Printed			10549	SW MAINTENANCE CORP	dry creek landfill	840.00
58145	09/08/2023	Printed			9318	USPS	Postage for Utility Billing	1,500.00
58146	09/08/2023	Printed			10731	VYVE	wwtp internet 171-576572	116.09
58147	09/08/2023	Printed			10731	VYVE	acct172-576567 internet	171.09
58148	09/15/2023	Printed			10640	ALLEN, MARK	reimbursement for Wheels	255.00
58149	09/15/2023	Printed			1910	AT&T	Lift station alarm phones	172.16
58150	09/15/2023	Printed			10783	CIVICWELL	Dunsmuir ATP July 2023	5,682.50
58151	09/15/2023	Printed			10148	DIVERSIFIED ELECTRIC, INC.	street lights repair Butterfly	496.00
58152	09/15/2023	Printed			9315	DRY CREEK LANDFILL, INC.	Sludge	630.89
58153	09/15/2023	Printed			9393	DUNSMUIR RECREATION DISTRICT	August 2023 Monthly maint.	218.00
58154	09/15/2023	Printed			9850	DUNSMUIR TRUE VALUE	hardware and supply for Aug 23	918.61
58155	09/15/2023	Printed			9303	FASTENAL COMPANY	wht m-fold towels	552.76
58156	09/15/2023	Printed			10874	KUNKLE, JUDITH	5615 Dunsmuir ave overpayment	2,177.09
58157	09/15/2023	Printed			31212	MANFREDI'S DEPOT	Fire department Fuel 2023	1,362.91
58158	09/15/2023	Printed			47520	NAPA	Tire pressure monitoring C801	124.79
58159	09/15/2023	Printed			10753	PACE ANALYTICAL SERVICES LLC	groundwater quarterly 3rd qtr	2,003.09
58160	09/15/2023	Printed			39015	PACIFIC POWER	63601721-0171 Mott Its	21.50
58161	09/15/2023	Printed			10525	QUILL CORPORATION	CSL p 50 Stamp blue	123.61
58162	09/15/2023	Printed			10677	SHASTA VALLEY PEST CONTROL	pest control City Bldings Sept	200.00

# Check Register Report

8/26 to 9/29/23

Date: 09/27/2023

Time: 3:44 pm

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City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>								
58163	09/15/2023	Printed			9942	SISKIYOU CO. RECORDER	release lien 059-156-090-000	20.00
58164	09/15/2023	Printed			9999999473	SISKIYOU CO. SHERIFF DEPT	April, May, June 2023 MOU	102,872.00
58165	09/15/2023	Printed			47659	SISKIYOU COUNTY EDC	MOU September 2023	500.00
58166	09/22/2023	Printed			5325	REBECCA CATLETT	Aug/Sept 2023 Cleaning	132.00
58168	09/22/2023	Printed			9820	CITY OF DUNSMUIR	wtr dep return 95002 Safly	3,690.00
58169	09/22/2023	Printed			10265	BRUCE DEUTSCH	Cal Cities Annual Conference	437.72
58170	09/22/2023	Printed			9303	FASTENAL COMPANY	leed fltr	149.15
58171	09/22/2023	Printed			5219	FERGUSON ENTERPRISES INC,1423	4 pvc wdg rest glnd pk onelock	188.23
58172	09/22/2023	Printed			10757	GATEHOUSE MEDIA CA HOLDINGS	Hiring notice	532.50
58173	09/22/2023	Printed			17310	GREAT NORTHERN CORP.	20-CDBG-CV2-3-00050	6,140.05
58174	09/22/2023	Printed			25317	KENNY & NORINE	Duns City general legal	1,782.00
58175	09/22/2023	Printed			10871	KOSMONT COMPANIES	2306.11 Retail advisory and	20,968.93
58176	09/22/2023	Printed			9999992088	NORTH VALLEY DISTRIBUTING	giming relay	301.27
58177	09/22/2023	Printed			10753	PACE ANALYTICAL SERVICES, LLC	www monthly lnd 2310103	875.02
58178	09/22/2023	Printed			39015	PACIFIC POWER	street lights 63601721-015 5	1,727.89
58179	09/22/2023	Printed			39015	PACIFIC POWER	willow st I-5 street light	10.83
58180	09/22/2023	Printed			10835	PLANWEST PARTNERS INC	SB2 July-Aug Housing element	9,260.00
58181	09/22/2023	Printed			9413	STATEWIDE TRAFFIC SAFETY	bridge closure sign	402.19
58182	09/22/2023	Printed			53813	US BANK CORP PAYMENT SYSTEMS	credit card charges Aug2023	5,207.45
58183	09/29/2023	Printed			2800	BAXTER AUTO PARTS, INC.	adhesive remover for truck	25.73
58184	09/29/2023	Printed			10858	BOBCAT OF REDDING	back up kit can camera	1,813.23
58185	09/29/2023	Printed			9820	CITY OF DUNSMUIR	wtr dep retrn acct23060	44.52
58186	09/29/2023	Printed			10783	CIVICWELL	remaining bal on Inv107349	3,162.62
58187	09/29/2023	Printed			10878	CLARNO, MICHAEL	Cal Cities annual conference	389.72
58188	09/29/2023	Printed			6325	CLEMENS WASTE REMOVAL	September2023 MOU and extra ga	29,276.55
58189	09/29/2023	Printed			6630	ANTHONY CONGI	Qtrly Phone charges July-Sep23	90.00
58190	09/29/2023	Printed			10876	CROCOLL, LORI	wtr deposit less Oct. 2023 bil	135.48
58191	09/29/2023	Printed			10580	CROSS CONNECTIONS	king radios and programming	4,905.56
58192	09/29/2023	Printed			10866	DEAN LAW FIRM, INC	phone call for eviction	26.00
58193	09/29/2023	Printed			10877	EDMONDSON, DAVE	overpayment on closed act96014	91.26
58194	09/29/2023	Printed			9303	FASTENAL COMPANY	RTD 20oz drinks	812.52
58195	09/29/2023	Printed			5219	FERGUSON ENTERPRISES INC,1423	1 x 1/8 rub mtr gasket	795.91
58196	09/29/2023	Printed			17041	GOODYEAR COMMERCIAL TIRES	RED- 801 Trie mount and balance	903.05
58197	09/29/2023	Printed			10657	GRIMM, GREG	Grade 3 wwtp operator services	3,780.00
58198	09/29/2023	Printed			7260	L.N. CURTIS AND SONS, INC	influx fire pro wildland goggl	74.43
58199	09/29/2023	Printed			10730	NBS GOVERNMENT FINANCE GROUP	fire assessment Oct23-Dec23	1,180.48
58200	09/29/2023	Printed			10753	PACE ANALYTICAL SERVICES, LLC	drinking wa monitoring weekly	739.59
58201	09/29/2023	Printed			39015	PACIFIC POWER	river ave sewage lift	26.28
58202	09/29/2023	Printed			39015	PACIFIC POWER	63601721-001 5 Sept2023	6,207.22
58203	09/29/2023	Printed			44240	RAMSHAW'S ACE HARDWARE	chaps, saw, oil, chain loop	1,182.42
58204	09/29/2023	Printed			44241	RAY-MAC MECHANICAL	Repair AC in City Hall offices	337.93
58205	09/29/2023	Printed			45110	MARIO J. RUBINO	Sept 2023 Treasurer	50.00
58206	09/29/2023	Printed			9999992009	SCHWAAB, INC.	planning Nameplate Simon	19.40
58207	09/29/2023	Printed			10879	SILVER & WRIGHT LLP	Legal services for Nuisance ab	3,766.38
58208	09/29/2023	Printed			9942	SISKIYOU CO. RECORDER	lien release 4309Wells ave	20.00
58209	09/29/2023	Printed			47676	SMITH BUILDING SERVICES, LLC	Sept 2023 Contract fees	2,734.79
58210	09/29/2023	Printed			9413	STATEWIDE TRAFFIC SAFETY	street sign post and anchor	415.49
58211	09/29/2023	Printed			10752	WEX BANK	Sept.2023 Fuel purchases	2,213.75
					<b>Total Checks: 98</b>		<b>Checks Total (excluding void checks):</b>	<b>435,168.84</b>

# Check Register Report

8/26 to 9/29/23

Date: 09/27/2023

Time: 3:44 pm

Page: 3

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
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**Total Payments: 98**

**Bank Total (excluding void checks): 435,168.84**

**Total Payments: 98**

**Grand Total (excluding void checks): 435,168.84**





# CITY OF Dunsmuir

## STAFF REPORT

**RE:** COPS grant growth allocation

**MEETING DATE:** 10/5/2023

**SUBMITTED BY:** Blake Michaelsen, Finance Director

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

### WHAT IS BEING ASKED OF THE CITY COUNCIL:

Approve the budget amendment increasing the budget for COPS grant revenue up by \$26,158.95

### BACKGROUND/DISCUSSION:

The City receives grant money for public safety each year. City budgeted \$160,000. County sends revised numbers for the budget to be amended. Attached amendment, revises the COPS revenue up to the County provided number of \$186,158.95

### OPTIONS:

Approve, modify, or decide not to proceed with budget amendment

### FISCAL IMPACT:

☐ None ☒ Yes Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☒ Yes ☐ No If yes, amount of appropriation increase: \$26,158.95

Affected fund(s): ☒ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

### Comments:

**SUGGESTED MOTIONS:** Approve budget amendment

☒ **Attachments:** Budget amendment

Account	Description	Amount
10-509-4670.00	Other grants - COPS fund	26,159
	Subtotal	26,159

Account	Description/Justification	Amount
	Subtotal	-

Net Effect	26,159
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Blake Michaelsen	Date	Approved/Denied	Date
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## STAFF REPORT

**RE:** Prop 68 Grant project – purchase childrens park land and new playground equipment – sole source justification authorization to purchase equipment through GameTime. And authorize purchase of picnic table and bench

**MEETING DATE:** 10/5/23

**SUBMITTED BY:** Blake Michaelson, Finance Director

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

### WHAT IS BEING ASKED OF THE CITY COUNCIL:

Authorize the sole source purchase of playground equipment through GameTime Inc. And consider purchase of picnic table and bench with remaining grant funds.

### BACKGROUND/DISCUSSION:

City applied for a Prop 68 parks and rec grant to purchase playground equipment and the land for Children's Park. Staff reached out to playground equipment vendors researching costs to submit as part of the grant application. GameTime Inc has provided replacement equipment to the city in the past and they provided information and a quote about the new equipment. A formal contract procedure was not completed, and staff moved forward working directly with GameTime. Staff is now asking Council to authorize the purchase of playground equipment through the sole source of GameTime Inc as GameTime was the only respondent to an informal request and has worked with the City in the past.

There is \$1,384 remaining in the grant. Staff has picked out a metal picnic table and bench for a total cost of no more than \$2,000. Shall staff purchase the picnic table and bench and use general fund money for the balance above the grant?

### OPTIONS:

Authorize or do not authorize sole source purchase of playground equipment through GameTime. Authorize or not the purchase of a metal picnic table and bench.

### FISCAL IMPACT:

☐ None ☒ Yes Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☒ Yes ☐ No If yes, amount of appropriation increase: \$616 10.514.7720.00

Affected fund(s): ☒ General Fund ☐ Water Fund ☐ Sewer Fund ☐ Other:

### Comments:

### SUGGESTED MOTIONS:

Motion to authorize the sole source purchase of playground equipment from GameTime Inc. And authorize the purchase of a metal picnic table and bench up to \$2,000.

☒ **Attachments:** Sole source authorization letter and GameTime invoice for equipment

October 5, 2023

Sole Source Justification for purchase of playground equipment

Council,

The purchase procedures found in the Dunsmuir Muni Code were not followed when purchasing the new equipment for the childrens park playground. City staff has used GameTime prior and received a quote from GameTime as supporting documentation in applying for Prop 68 grant funds. Staff then worked directly with GameTime to fulfill new playground equipment that would adhere to the funding amounts. Staff did not go through a formal contract procedure. Staff now requests authority from Council to purchase playground equipment through GameTime.

Signed,

Dustin Rief | City Manager | [citymanager@ci.dunsmuir.ca.us](mailto:citymanager@ci.dunsmuir.ca.us)

Approved by City Council October 5<sup>th</sup> 2023

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Mayor, Juliana Lucchesi



150 PlayCore Dr SE, Fort Payne, AL 35967  
www.gametime.com  
(256) 845-5610 \* (800) 633-2394

**Remit to:**  
Game Time  
PO Box 680121  
Fort Payne, AL 35968

Invoice date **4/28/2023**  
Payment terms **Net 30 days**

## Invoice

Page 1 of 3  
Invoice number PJI-0207618  
Customer no 00014328  
Customer PO  
Reference 107040  
Date shipped 4/29/2023

### Sold to:

Dunsmuir RecPark District  
5915 Dunsmuir Ave.  
Dunsmuir, CA 96025

### Ship to :

G & G Builders  
4554 Contractors Place  
MF Children's Park  
Livermore, CA 94551

Original Order No: **3067302**  
Project Name CA Dunsmuir Recreation and Park District Children  
Sales Group: Marturano Recreation  
Co Inc

Catalog No	Description	Qty	Unit price	Amount
RDU	PLAYGROUND EQUIPMENT	1.00	49,166.000	49,166.00
12026	3.5" UPRT ASS'Y ALUM 11' (BASIC:BZ BRONZE)	3.00	0.000	0.00
12068	3.5" UPRT ASS'Y ALUM 13' (BASIC:BZ BRONZE)	3.00	0.000	0.00
12069	3.5" UPRT ASS'Y ALUM 14' (BASIC:BZ BRONZE)	7.00	0.000	0.00
12077	3.5" UPRT ASS'Y ALUM 15' (BASIC:BZ BRONZE)	4.00	0.000	0.00
12215	CRUNCH BAR PRIME TIME (ACCENT:Q BUTTERSCTCH)	1.00	0.000	0.00
12221	90DEG HORIZ LOOP ATTACH (ACCENT:Q BUTTERSCTCH)	2.00	0.000	0.00
12446	LIL' HOUSE PANEL ENCL (2_COLOR_HDPE:G1 GRAY/BLACK/GRAY) (BASIC:BZ BRONZE)	1.00	0.000	0.00
18200	36"SQ P/T PUNCHED DECK (DECK:PVC:BR BROWN2002)	2.00	0.000	0.00
18201	36"TRI P/T PUNCHED DECK (DECK:PVC:BR BROWN2002)	2.00	0.000	0.00
18679	BONGOS (ROTOPLASTIC:5 GREEN)	1.00	0.000	0.00
18689	HAND CYCLER (2_COLOR_HDPE:G1 GRAY/BLACK/GRAY)	1.00	0.000	0.00
18766	FUN SEAT 36" (TUBE:5 GREEN)	1.00	0.000	0.00
19013	3'TRANSFER PLAT W/BARRIER (ACCENT:Q BUTTERSCTCH) (BASIC:BZ BRONZE) (DECK:PVC:BR BROWN2002)	1.00	0.000	0.00
19104	RIDGE CLIMBER (ACCENT:Q BUTTERSCTCH) (ROTOPLASTIC:5 GREEN)	1.00	0.000	0.00
19247	HOW TALL AM I (DECK:PVC:BR BROWN2002)	1.00	0.000	0.00
19322	SWERVE ZIP SLIDE 4'-6"/5' (ROTOPLASTIC:5 GREEN)	1.00	0.000	0.00
19433	WRINKLE WALL CLIMBER 3'-0 (ACCENT:Q BUTTERSCTCH)	1.00	0.000	0.00
19698	SLOPED FUNNEL W/BARRIER (ACCENT:Q BUTTERSCTCH) (DECK:PVC:BR BROWN2002)	1.00	0.000	0.00
19752	TRAVERSE CLIMBER (ACCENT:Q BUTTERSCTCH) (ARCH:Q BUTTERSCTCH) (ROTOPLASTIC:5 GREEN)	1.00	0.000	0.00
19756	UMBRA TRIANGLE ROOF (ROOF:5 GREEN)	2.00	0.000	0.00
19757	UMBRA SQUARE ROOF (ROOF:5 GREEN)	2.00	0.000	0.00
5614PT	ELEO LINK CLIMBER (ACCENT:Q BUTTERSCTCH) (ARCH:Q BUTTERSCTCH)	1.00	0.000	0.00
5616PT	ELEO 60 DEGREE LINK CLIMBER (ACCENT:Q BUTTERSCTCH) (ARCH:Q BUTTERSCTCH)	1.00	0.000	0.00
5820PT	5' - 5'-6" ELEO CLIMBER (ACCENT:Q BUTTERSCTCH)	1.00	0.000	0.00
G12026	3 1/2"UPRT ASS'Y GALV 11' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7K	3.5"AL PIP W/O CAP 15' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7L	3.5"AL PIP W/O CAP 15' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7M	3.5"AL PIP W/O CAP 15' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7N	3.5"AL PIP W/O CAP 15' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7P	3.5"AL PIP W/O CAP 13' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7Q	3.5"AL PIP W/O CAP 13' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7R	3.5"AL PIP W/O CAP 13' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7S	3.5"AL PIP W/ CAP 11' (BASIC:BZ BRONZE)	1.00	0.000	0.00
GSLR7T	3.5"GV PIP W/ CAP 11' (BASIC:BZ BRONZE)	1.00	0.000	0.00



150 PlayCore Dr SE, Fort Payne, AL 35967  
www.gametime.com  
(256) 845-5610 \* (800) 633-2394

**Remit to:**  
Game Time  
PO Box 680121  
Fort Payne, AL 35968

Invoice date **4/28/2023**  
Payment terms **Net 30 days**

## Invoice

Page 2 of 3  
Invoice number PJI-0207618  
Customer no 00014328  
Customer PO  
Reference 107040  
Date shipped 4/29/2023

**Sold to:**

Dunsmuir RecPark District  
5915 Dunsmuir Ave.  
Dunsmuir, CA 96025

**Ship to :**

G & G Builders  
4554 Contractors Place  
MF Children's Park  
Livermore, CA 94551

Original Order No: **3067302**  
Project Name CA Dunsmuir Recreation and Park District Children  
Sales Group: Maturano Recreation  
Co Inc

Catalog No	Description	Qty	Unit price	Amount
1SLR7U	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7V	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7W	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7X	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR7Y	3.5"AL PIP W/ CAP 11' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR80	3.5"AL PIP W/ CAP 11' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR81	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR82	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
1SLR83	3.5"AL PIP W/O CAP 14' (BASIC:BZ BRONZE)	1.00	0.000	0.00
19762	UMBRA PLUG (ROOF_2:5 GREEN)	14.00	0.000	0.00
158279	PIN-IN TOOL KIT(TORX BIT)	1.00	0.000	0.00
139361	AEROSOL PAINT 4.5 OZ. (BASIC:BZ BRONZE)	1.00	0.000	0.00
139361	AEROSOL PAINT 4.5 OZ. (BASIC:Q BUTTERSCTCH)	1.00	0.000	0.00
	<b>Sub total</b>			<b>49,166.00</b>
Freight	Freight	1.00	3,181.500	3,181.50
	<b>Sub total</b>			<b>3,181.50</b>
Installation	INSTALLATION Installation Charges	1.00	48,855.000	48,855.00
	<b>Sub total</b>			<b>48,855.00</b>
Discount	Invoice Discount	(1.00)	10,621.740	(10,621.74)
	<b>Sub total</b>			<b>(10,621.74)</b>
<b>Total</b>				<b>90,580.76</b>

**Sales subtotal  
amount**

**Sales tax**

90,580.76

2,987.19

**INVOICE TOTAL DUE**

**USD**

**\$93,567.95**





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**Ship to :**

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MF Children's Park  
Livermore, CA 94551

**NOTICE OF CREDIT CARD PROCESSING FEE:**

EFFECTIVE APRIL 4, 2022, A PROCESSING FEE OF 2.50% OF THE PAYMENT AMOUNT WILL BE ASSESSED ON ALL CREDIT CARD TRANSACTIONS. YOU HAVE THE OPTION TO PAY BY CHECK, ACH OR WIRE WITHOUT ANY ADDITIONAL FEE.

We now offer the option of emailing invoices! Please let us know if you would like to take advantage of this feature by emailing us at ar@gametime.com. Please include the email address you would like your invoices to go to and a contact name and number.

CONCEALED SHORTAGES MUST BE REPORTED TO GAMETIME WITHIN 60 DAYS OF RECEIPT OF MERCHANDISE.

**CONDITIONS:**

TITLE TO THIS MERCHANDISE PASSES TO BUYER WHEN SELLER DELIVERS GOODS TO CARRIER

Please note that GAMETIME is a material supplier only and therefore not subject to payment retainage. Shipment of goods which appear on this invoice constitutes completion of this contract by GAMETIME. Payment in full is required within the agreed terms stated on this invoice. Warranty claims and back charges may not be deducted from contract payments without prior approval of GAMETIME customer service personnel.

Seller hereby certifies, to the best of its knowledge, information and belief, that its selling price does not exceed the maximum price permissible under any prevailing applicable law or regulation. Seller agrees to refund any amounts paid by Buyer which are subsequently determined to be in excess of such maximum price.

We hereby certify that these goods were produced in compliance with all applicable requirements of Sections 6, 7 and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof.

Tell me about your experience.  
Call me at 256-997-5308 or  
email at SpencerC@GameTime.com

Spencer Cheak  
Group President

# TELECONFERENCING OPT-IN FORM

## Brown Act

Effective January 2023, AB 2449 was signed into law and makes several changes to the Ralph M. Brown Act (Brown Act) regarding member remote participation (aka teleconferencing) in public meetings. Legislative bodies still have the option to meet via teleconference by following the traditional Brown Act rules of identifying the teleconference site on the agency's agenda and ensuring it is accessible for the public to attend.

By filling out this form, you are requesting to attend a public meeting(s) via teleconference. Please provide the requested information so a determination can be made on which method should be utilized.

Name: \_\_\_\_\_  
Legislative body: \_\_\_\_\_  
Meetings Dates: \_\_\_\_\_  
(List meeting dates requesting teleconferenced attendance)

### TELECONFERENCED INFORMATION:

Location: \_\_\_\_\_  
Street Address City Zip  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Via teleconferencing attendance is being requested due to the following circumstances (Checkmark box(es) that best apply/ies):

- |  |  |
|--|--|
| <input type="checkbox"/> Childcare or Caregiving Issues                | <input type="checkbox"/> Contagious Illness            |
| <input type="checkbox"/> Travel associated with City or State Business | <input type="checkbox"/> Physical or Mental Disability |
| <input type="checkbox"/> Personal Travel and/or Business               | <input type="checkbox"/> Other: _____                  |
| <input type="checkbox"/> Emergency Circumstances                       |  |

Please provide a general description of the circumstances relating to your need to appear remotely (less than 20 words and please do not provide medical information):

Please return this form to staff. If you have any questions about teleconferencing under the Brown Act, please be in touch with City Clerk [wperkins@ci.dunsmuir.ca.us](mailto:wperkins@ci.dunsmuir.ca.us).

#### OFFICE USE ONLY

Request Received: _____	Methodology Approved: <input type="checkbox"/> Brown Act Rules <input type="checkbox"/> AB 2449 Rules
Notification Sent: _____	
Comments: _____	



The following outlines the members responsibility relating to teleconferencing requirements under each set of rules. Please review and confirm your ability to meet them. If you have any questions contact City Clerk' wperkins@ci.dunsmuir.ca.us

<b>Brown Act teleconferencing rules (1953 – no sunset date)</b>	<b>AB 2449 Teleconferencing rules (2023 – December 31, 2025)</b>
<input type="checkbox"/> I have the ability to set up a computer or two-way phone call from my teleconference location.	<input type="checkbox"/> Members participating remotely must participate through both audio and visual technology.
<input type="checkbox"/> My teleconference location has a spot, which is accessible to the public 24/7, where I am allowed to post the meeting agenda (it will remain up for at least 72 hours prior to the meeting without interference).	<input type="checkbox"/> Members participating remotely must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with the individual.
<input type="checkbox"/> My teleconference location will be accessible to the general public during meetings.	<input type="checkbox"/> A member may only participate remotely under the just cause provisions up to two meetings per calendar year per member.
<input type="checkbox"/> I have the ability to print the meeting agenda and post it at my teleconference location once it has been emailed to me – at least 72 hours before the meeting.	<input type="checkbox"/> Under Just Cause: Individual board members can participate remotely when caregiving of a family member, a contagious illness, a physical or mental disability, or City related travel prevents them from appearing in person
<input type="checkbox"/> I will provide City staff with the address of the teleconference location, and I am aware that the address will be shared in the agenda packet and therefore with the public.	<input type="checkbox"/> Under Emergency Circumstances, a member must describe the emergency in approximately 20 words without disclosing any personal medical information.
<input type="checkbox"/> Member can participate in meetings solely by teleconferenced under this law.	<input type="checkbox"/> Under Emergency Circumstances, a member must make a request to participate remotely under the emergency circumstances provisions as soon as possible. The legislative body may take action on this request at the earliest opportunity. If the request does not allow sufficient time to place it on the agenda for the meeting for which the request is made, the legislative body may take action on the request at the beginning of the meeting by majority vote.
	<input type="checkbox"/> A member may not participate in meetings solely by teleconference under this law for more than three consecutive months or 20% of the regular meetings for the public agency within a calendar year. If the legislative body regularly meets less than 10 times a year, a member may not participate remotely for more than two meetings.

The following outline the teleconferencing requirements under each set of rules.

<b>Brown Act teleconferencing rules (1953 – no sunset date)</b>	<b>AB 2449 Teleconferencing rules (2023 – December 31, 2025)</b>
<input type="checkbox"/> The agenda must be posted at the remote location.	<input type="checkbox"/> No requirement to disclose the teleconferencing location
<input type="checkbox"/> At least a quorum of member of the legislative board must participate from locations within the boundaries of the territory over which body exercise jurisdiction	<input type="checkbox"/> The legislative body cannot require comments to be submitted before the start of the meeting. The public must be allowed to make "real time" public comment.
<input type="checkbox"/> Public Comment must be allowed at the in-person meeting and from every teleconference location.	<input type="checkbox"/> The legislative body must implement a procedure for receiving and resolving requests for reasonable accommodations for individuals with disabilities, and must give notice of these procedures.
<input type="checkbox"/> An agenda must be posted for the required period of time (24 or 72 hours) at each teleconference location from which a member will be participating.	<input type="checkbox"/> If there is a disruption to the meeting broadcast or in the ability to take call-in/internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
<input type="checkbox"/> Members of the public must be able to physically address the body from each teleconference location.	<input type="checkbox"/> A quorum must participate in person from a singular physical location identified in the agenda, that is open to the public, and within the boundaries of the territory over which body exercise jurisdiction.
<input type="checkbox"/> Each teleconference location must be accessible to the public so the public may attend the remote location.	<input type="checkbox"/> The agenda must identify and include an opportunity for the public to attend and directly address the legislative body through a call-in and/or internet-based service option, and in-person at the location of the meeting.
<input type="checkbox"/> At least a quorum of member of the legislative body must participate from locations within the boundaries of the territory over which body exercise jurisdiction	<input type="checkbox"/> The legislative body must provide a way for the public to remotely hear, visually observe, and remotely address the legislative body in real time, either by a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.
<input type="checkbox"/> The teleconference location must be noted on the agenda.	<input type="checkbox"/> The legislative body must provide notice of how the public can access the meeting and offer comments.
<input type="checkbox"/> Any vote must be done by roll call.	



City of Dunsmuir

CITY COUNCIL PROTOCOLS

Date adopted 8/1/2019

(Resolution 2019-19)

## **1. Purpose**

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership and clear avenues for communication. The protocols may be amended by a majority vote of the Council Members, by Resolution. The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances. The protocols may be amended administratively by the City Clerk upon advice of the City Attorney, to remain current with Federal, State and Local Laws. Administrative amendments shall be presented to the City Council as an informational agenda item prior to changes taking place.

## **2. Council-Manager Form of Government**

The City of Dunsmuir operates according to the Council-Manager form of government which vests authority in an elected City Council which, in turn, hires an appointed executive. The City Council is the City's legislative and policy-making body. Acting as a whole, the City Council is responsible for passing ordinances and orders necessary for governing the City, as well as for setting the direction of City policy.

The Council is composed of five members elected from the City on a nonpartisan basis to serve overlapping four-year terms. The Mayor and Vice-Mayor are elected by a majority vote of the City Council Members on an annual basis in November or December, depending on when the certification of election takes place. The Mayor and Vice-Mayor serve a one-year term. The Mayor is the presiding officer at City Council meetings and as the official head of the City for legislative and ceremonial purposes. The Vice-Mayor fills in when the Mayor is unavailable.

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.

The City Manager is appointed by the City Council and serves at the pleasure of that body. The City Manager is responsible for the overall administration of the City, which includes implementation of the general policies set by the City Council in addition to the day-to-day operation of all town functions. The City Manager, with the help of the staff, provides the City Council with the information needed to fulfill its policy-making role.

## **3. Statutory Requirements**

There are several California State Statutes that guide governance of the City by the City Council and staff and they are summarized here. The specific statutes referred contain the provisions that govern the processes and practices of City Council Members and staff 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 familiar with the applicable California Statutes and rules and regulations.

Certain state laws and other established regulations exist which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, modify, supersede or repeat any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

#### **4. The Brown Act**

The Ralph M. Brown Act is a law which provides that all meetings of a legislative body, whether meetings of the City Council or its appointed standing commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting. A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or considered.

Ad Hoc Committees are not Brown Act Committees. An ad hoc committee is only made up of two council members to achieve a specific goal and is formed for a limited time period. An ad hoc committee should not be a long-standing committee with frequent changes in goals or deliverables. Ad hoc committees do not need to post meeting or take meeting minutes.

#### **5. 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.

#### **6. Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century**

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. However, no ordinance, resolution, or other action of the City Council shall be invalidated, or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules. Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century* are incorporated into this document, except to the extent they are modified by this Protocol document.

#### **7. Council Organization**

##### **A. Newly-Elected Members Office**

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

##### **B. 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.

### **C. 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.

### **D. City Council Vacancies and Absences**

Per Government Code Section 36513, when a Council Member is absent without permission from all regular meetings for 60 days consecutively from the last regular meeting they 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. If a Council Member is absent, without first having been excused, from all regular council meetings for 60 consecutive days from the last regular meeting, the office becomes vacant and shall be filled as any other vacancy (See Government Code Section 36513).

Vacancies as a result of expiration of the Member's term and 60 day absences shall be 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 of 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 30 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.

### **E. Duties of Mayor and Mayor Pro Tem**

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 they are absent or unable to act, the Vice-Mayor shall serve until the Mayor returns or is able to act.

### **F. 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.

### **G. 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.

Unless otherwise designated, the Mayor or the Vice-Mayor, in the absence of the Mayor will sign all conveyances or contracts made or entered into by the City and all Resolutions, Ordinances, and Proclamations.

The Mayor shall be recognized as the official head of the City for all ceremonial purposes. The City Manager will publish and post a schedule of such ceremonies as needed.

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

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.

### **H. 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.

### **I. 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.

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.

#### **J. 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 of 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 and 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.

Should the Mayor not be present to make such presentation, the Vice-Mayor shall make the presentation.

#### **K. Approval of the Agenda**

The Mayor shall work with the City Manager and City Clerk to formulate the agenda for meetings. The Mayor and one other Council Member on a rotating basis shall attend a pre-agenda meeting and approve the agenda before it is made public.

The Mayor and a rotating member of the City Council will meet with the City Manager to prepare the City Council's Agenda for all City Council meetings. The Mayor and rotating member attending may request deferring consideration of a proposed Agenda item to a specific and reasonable date provided they both concur. In the event the Council Members present have a difference of opinion concerning deferral or the City Manager states in writing that deferral is not in the City's best interest, the issue will be included on the Agenda for City Council consideration.

Election of the Mayor and Vice-Mayor will occur at the Regular Meeting following the municipal election, and installation of new Council Members. The Mayor and Mayor Pro Tern are selected by a majority vote of the members of the City Council for one-year terms. 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 City Council.

#### **L. Seating Order**

The Mayor shall have the prerogative to designate the seating order for the Council dais.

#### **8. Code of Ethics**

## **A. Preamble**

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

Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;

Public officials participate in ethics training every two (2) years as required by AB1234;

Public officials be independent, impartial, and fair in their judgment and actions;

Public office be used for the public good, not for personal gain; and Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Dunsmuir City Council adopts these principles to encourage public confidence in the integrity of local government and its operation.

## **B. 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 endeavor 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.

## **C. 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 City 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 to be a serial meeting.

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

Council Members shall publicly 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.



#### **D. Conflict of Interest**

The Political Reform Act (Government Code, Title 9, and Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. The rules as 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 affect 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 bi-annually on even numbered years.

#### **E. Statements 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 interests, 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 1st of any year until such time as they do file. Failure to file such Statements may lead to Council revocation of the appointment.

#### **F. 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.

### **G. Identifying Conflicts**

It is the responsibility of each Council Member to identify, disclose and declare their 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.

### **H. 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.

### **I. 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:

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.

Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

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.

A conflicted public official may speak on the issue during the time that the general public speaks on the issue when they appear solely to represent themselves on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:

An interest in real property that is wholly owned by the official or members of their immediate family.

A business entity wholly owned by the official or member of their immediate family.

A business entity over which the official exercises sole direction and control, or over which the official and their spouse jointly exercises sole direction and control.

## **9. Council Administration & Professional Development**

### **A. Compensation**

The Dunsmuir City Council Members serve without compensation.

### **B. Retirement and Other Benefits**

The Dunsmuir City Council Members do not receive retirement, medical, dental, or life insurance benefits.

### **C. Car Allowance**

Council Members shall not receive a car allowance, but may be reimbursed for mileage expenses pursuant to the City Travel and Expense Policy.

### **D. Professional Development**

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

### **E. Travel and Expense Reimbursements**

Council Members shall be subject to the travel and expense reimbursement guidelines as established for employees in the Personnel Rules and Policy Manual. Receipts for all expenses shall be included with the reimbursement request and shall be submitted within the same fiscal period in which the expenditure took place and within 60 days of such expenditure.

## **10. Commission and Committee Appointments**

### **A. Commissions, Boards and Committees**

City Commissions, Boards, and Committees serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy for submission to the City Council with whom final determination rests. City commissions, boards and committees are established by ordinance or resolution. Commission and Committee members shall abide by the same rules and guidelines as listed for Council Members.

### **B. Commission, Board and Committee Appointments**

Terms are established by City Ordinance or Resolution. Those seeking appointment must submit a Commission/Board/Committee Letter of Interest per City Council direction. Those members, whose terms have expired, must submit a written request for reappointment; terms are not automatically renewed. The City Clerk advertises vacancies of City commissioners/ committees/ boards, which are subject to Mayoral appointment with ratification by the full City Council.

### **C. Contact with Commissions, Boards and Committees**

Members of the City Council should not attempt to influence nor publicly criticize commission, board, or committee recommendations of bodies under the Council's jurisdiction prior to the submission to the whole Council; nor to influence or lobby individual members on any item under their consideration. It is important for such bodies to be able to make objective recommendations to the City Council on items before them. Members of the Council who attempt to influence commission positions on any item may prejudice or hinder their role in reviewing the body's recommendation as a member of the City Council.

It is important for Commissions, Boards and Committees that are appointed by the City Council to be able to make objective recommendations on items before them. Members of the Council who attempt to influence decisions on any item may prejudice or hinder their role in reviewing the body's recommendation as a member of the City Council.

Members of the City Council should not attempt to influence nor publicly criticize commission, board, or committee recommendations that are within the City Council's authority prior to the submission of the recommendation to the whole Council; nor to influence or lobby individual

members on any matter under their consideration.

#### **D. Relations with Commissions, Boards and Committees**

The majority of Council may, from time to time, direct Council Members or appoint Liaisons to meet with commissions, boards and committees for specific purposes such as establishing goals or for problem solving.

All communications from commissions, boards and or committees whose members are appointed by the City Council shall be submitted to the City Manager before dissemination to third parties. When deemed appropriate the City Manager shall then submit such communications to the City Council for approval before distribution.

#### **E. Appointments to Outside Committees**

Council Members are appointed by the Mayor to serve on various boards and committees for outside agencies. Following the annual appointment of the Mayor or as agencies arise the Mayor shall revise the list of current assignments and make appointments. Any Council Member desiring to serve on a certain committee (or who desires *not* to be considered) should inform the Mayor. These appointments are subject to approval by the majority of Council.

### **11. Meeting Guidelines & Procedures**

#### **A. Meeting Dates**

Pursuant to the Dunsmuir Municipal Code Sections 2.04.010 and 2.04.020, the City Council shall, from time to time, establish by resolution, the meeting times for regular council meetings. The meetings shall be held in the City Council Chambers, and all such meetings shall be public.

(1) Quorum: Three members of the Council shall constitute a quorum and must be present for any action to occur. Meetings will be canceled or adjourned when there is a lack of a quorum.

Council Members shall inform the City Manager and City Clerk as soon as possible of any expected absences.

(2) Closed Sessions: Consistent with Government Code Sections 54950, et seq., the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter which is authorized by State law to be heard or considered in closed session, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be expressed in open meeting before such session is held, and any action taken by the Council in closed session shall be announced in open session immediately following the closed session.

A schedule of Regular Meetings of the City Council shall be approved by Resolution at the first January meeting and shall normally be scheduled for the first and third Thursday beginning at 6:00 PM.

## **B. Alternate Meeting Dates**

When the day for any Regular meeting falls on a national or state holiday or Election Day, the regular scheduled meeting for that day shall be held on the next business day.

## **C. Adjourned/Special Meetings/Emergency Meetings**

The Brown Act sets forth specific requirements for holding Adjourned, Special and Emergency Meetings. Special and/or emergency meetings of the Council may be called and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq.) and Dunsmuir Municipal Code. Agendas shall be posted at City Hall, the Dunsmuir Public Library, the Dunsmuir Post Office and the Dunsmuir Parks and Recreation Office in such a manner that cannot be removed by the general public.

Location During Local Emergency: If by reason of fire, flood or other emergency, it shall be unsafe in the City Council Chambers, the meeting may be held for the duration of the emergency at such other place designated by the City Manager, Mayor, or Vice-Mayor.

## **D. Agenda**

### **(1) Placing Items on the Agenda**

Action items to be considered for action by the City Council may be placed on the agenda in several ways.

- The Mayor has the prerogative to place items on the agenda in need of council direction or decision
- Individual council members may also place action items on the agenda provided a second during a meeting is made by a fellow council member
- City Staff may place items on the agenda at any time
- Planning Commission and advisory committees to the council may refer action items to the City Council through majority vote
- Ad Hoc Committees may refer action items related to their goal or intended deliverables of the Ad Hoc Committee, to the City Council through majority vote

### **(2) Public Request**

Members of the public may request to place an item on the agenda for regular meetings of the City Council by submitting a written request to the City Clerk that includes information as to the matter which they wish to discuss and a substantial statement outlining the information which they intend to present to the City Council.

The Public Request must be given to the City Clerk no later than, twelve (12) working days prior to the regular City Council meeting at which it is requesting to be considered and is subject to the

discretion of the Council Members and staff attending the Pre-Agenda meeting as to its placement on the Agenda. Alternatively, members of the public may address the entire Council during the public comment period and request that an item be placed on a future agenda for discussion. The Mayor or two Council Members may agendaize such an item by making a request during the Staff and Member Comment portion of the City Council meeting.

A copy of the agenda without attachments or exhibits will be provided free at City Hall following its official posting. Members of the public or organizations wishing for copies of the full agenda packet copies for their use shall be charged the fees adequate to cover the direct cost of providing copies and if mailed, self-addressed, stamped envelopes must be provided to the City Clerk.

The Agenda and all supporting materials to be included in the agenda packet will be provided to the City Clerk, by end of day Friday prior to the City Council meeting to allow ample time for the clerk to compile, copy, distribute, publish, and make available to public said Agenda. The Agenda with supporting material, will be prepared and distributed to all officers, City Council members, and administrative staff normally in attendance at regular meetings 72 hours prior to the next regular City Council meeting and shall be available at the City Hall office for review by the public at this time. Additionally, the agenda with supporting materials will also be made available on the City of Dunsmuir Website at approximately this timeframe.

#### **E. Preparing the Agenda**

Members of the public may request that an item be placed on the agenda as per the standards above. Alternatively, members of the public may address the entire Council during the public comment period and request that an item be placed on a future agenda for discussion.

No additional items are to be added to the agenda after 12:00 Noon on the Monday before the next regular meeting except items determined by the City Manager in consultation with the Mayor to be of an urgent nature.

Subject to the provisions of Section 54954.2, the Agenda shall be posted in the front office of City Hall and other designated posting locations, at least 72 hours before the next regular City Council meeting.

A copy of the agenda without attachments or exhibits will be provided free at City Hall following its official posting. Citizens or organizations wanting copies of attachments or exhibits shall be charged a fee adequate to the direct cost of providing copies. All agendas and attachments will be posted on the City's website at least 72 hours prior to the meeting. The City's website is [ci.dunsmuir.ca.us](http://ci.dunsmuir.ca.us).

Communications that do not directly relate to the conduct of business for the City of Dunsmuir shall be provided to the Council on an information basis only. Such communications may be placed on a City Council Agenda by the Mayor and City Manager at the Pre-Agenda meeting or upon request by two City Council Members during the Future Agenda Items portion of the City Council Meeting. Other correspondence shall be routinely be provided to the Council for information in their City Hall mailbox. These communications may also be placed on a City Council Agenda by the Mayor and City Manager at the Pre-Agenda meeting or upon request by a City Council Member.

After review by the City Manager, the City Clerk Office will assemble all requests or appearances on the agenda per direction of the City Manager, Mayor or designee at the Pre-Agenda Meeting. Notice shall be given to those persons having a place on the Agenda of the meeting, date, and approximate time their matter will be heard. Agenda packets are compiled, photocopied, and distributed by the City Clerk Office. Agenda packets are normally available for pick-up approximately 12:00 Noon on the Monday before the City Council meeting and is available at City Hall for review by the public at this time.

## **F. Order of Agenda Items**

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified in an agenda. A closed session may be held at any time during a meeting consistent with applicable law.

The City Manager and Mayor may give special consideration on the ordering of scheduling items dealing when circumstances so warrant, including but not limited to: 1) families and children; 2) veterans and seniors; 3) items with an anticipated large audience; and 4) paid consultants.

1. Call to Order and Flag Salute
2. Roll Call
3. Special Presentations and Announcements
4. Public Comment
5. Council and Staff Comments
6. Committee Reports
7. Approval of Minutes
8. Consent Agenda
9. Public Hearings
10. Old Business
11. New Business
12. Future Agenda Items
13. Adjournment

## **Agenda Items**

### **1. Call to Order & Flag Salute**

The Mayor will call the meeting to order and may announce policies regarding public speaking, submission of information, special assistance, and public testimony procedures and ask that audience members turn off pagers and/or cell phones while in the Council Chambers.

The Council may add an item to the Agenda by a 4/5 vote of the City Council if the change is of an emergency nature which arose after the posting of the agenda.



### **3. Roll Call**

A quorum must be present to continue the meeting.

### **4. Special Presentations and Announcements**

Items may be scheduled as necessary in recognition of persons or groups, for their service in the Community or for public information. Request must be submitted to the City Manager 12 days in advance of a regular meeting. The City Manager shall bring the request to the Pre-Agenda meeting for consideration as to the appropriateness of the award. Upon approval, the City Clerk will coordinate the presentation with the requesting party in order to schedule the item on the agenda. Action may not be taken on Special Presentations unless an accompanying action item is scheduled for the same meeting.

### **5. Public Comment**

Members of the public are entitled to speak on matters of municipal concern not on the agenda; during consideration of that portion of the meeting agenda entitled "Public Comment" when that item is called by the Mayor.

Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Council Members for clarifications may be posed and answered, and Council Members may make requests that items be placed on future agendas, but in accordance with State Law, (Government Section 54954.3) no substantive discussion may take place unless and until the matter properly appears on the agenda.

Speaker Sign Up: Persons wishing to speak under Public Comment generally will line up at the podium and wait to be recognized by the Mayor, or chair. From time to time, when large numbers wish to address the Council, or at public hearing, speakers may be requested to sign up on the sheet provided for public comment prior to the start of the public comment portion of the meeting. In any case, the person should come to the podium when called upon and state his/her name, provide their address for staff follow-up, and if speaking for an organization or other group, identify the organization or group represented. All remarks should be addressed to the Council as a whole, not to individual members or the audience.

Action Agenda Items: In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council Agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code Section 54954.2.

### **6. Council and Staff Comments**

The City Council or Staff Comments portion of the meeting provides Members and staff with the opportunity to briefly comment on City business, City operations, City projects and other items of community interest. Members shall govern themselves as to the length of their comments, but shall generally not exceed five minutes. The Chair has the responsibility to assist Members by signaling when the Council Member has been speaking for over five minutes.

This opportunity is provided each meeting and will be prior to the adjournment of the meeting.

Members may request information or research directly from staff on a given subject when it is anticipated that the request can be completed by staff in less than one hour.

Member requests for research or information that is anticipated to take staff more than one hour to complete shall have the direction of a majority of the full Council or Commission. Request for new information or policy direction will be brought to the full Council or Commission at a regular meeting for consideration. All written products will be copied to the full Council, Commission or Committee.

## **7. Committee Reports**

City Council members are encouraged to attend and reach out to outside agencies pertaining to mutually beneficial actions and plans. If a Council member attends a meeting a report may be given at the next regular city council meeting.

Questions and requests to agendaize items in the report may be done during this section of the meeting. City Council shall not open discussion or public comment on a committee report unless the item is properly agendaized.

## **8. Approval of Minutes**

Minutes of the City Council will be action minutes recorded by the City Clerk or designee. Action minutes include at a minimum, any direction by Council and motions with votes. The minutes will reflect the names of public speakers and a synopsis of their comments.

Comments for the Record: If a Council member desires a comment to be included in the minutes, it is his/her responsibility to indicate that the statement is "for the record" before making comments.

Approval of the Minutes: Minutes of meetings are generally submitted to the Council within two to four weeks for approval at a scheduled meeting.

Taped Recordings (or DVDs) of Meetings: Taped recordings of proceedings are maintained by the City Clerk for a period of 30 days and as described in Government Code 54953.5 (b). If any member of the City Council wants a recording kept permanently as a record of the City meeting because information on the agenda was of some special importance, then they can do so, by submitting a written request to the City Clerk.

## **9. Consent Agenda**

Those items on the Agenda considered routine by the City Manager shall be grouped together under "Consent Agenda" and the recommended actions approved by a single voice vote of the Council. Members of the public may comment on consent items prior to the Council consideration of the Consent Agenda. At the request of any Council Member or a member of the public, a Consent item shall be considered separately following approval of the remaining "Consent Items." Items approved under the heading "Consent Items" will appear in the Council Minutes in their proper form, as if approved item by item. A Council Member may vote "no" on a specific or all consent item(s) without comment or discussion.

Council Members may comment on Consent Agenda items or ask for minor clarifications without

the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

Appointments to Citizen Advisory Groups, Commissions, and Committees may be placed on the Consent Agenda. The Mayor may ask the candidate to stand and be recognized and speak to the Council.

## **10. Public Hearings**

Public Hearings may be required on certain items as prescribed by the Dunsmuir Municipal Code or by state or federal law. Notices for public hearings shall be posted as required by statute. The general procedure for public hearings is as follows:

- a.) Prior opening the Public Hearing, Council Members, Commissioners, or Committee members will disclose any conversation(s), meetings or communication with applicants or other parties that might influence the discussion of the item.
- b.) Staff presents its report. Council Members shall only ask questions of staff and defer any opinion on the item(s) until after the public comments section of the meeting.
- c.) The Mayor opens the public hearing.
- d.) Applicant(s) present their request/proposal subject to time limits established by Council and subject to public testimony rules under meeting conduct within this document.
- e.) Members of the public are provided with the opportunity to present their comments, testimony or argument for the record. The Mayor will take speakers in the order in which they signed up to speak. If anyone wishes to speak who has not signed up, they may do so if recognized by the chair.
- f.) Applicant(s) shall be permitted time (generally 5 minutes) at the end of other comments for rebuttal.
- g.) The Mayor closes the public input portion of the public hearing with the consensus of the Council. The Mayor will then ask for discussion and consideration from the Council. During this discussion, there may be further questions and or comments by staff, appellant or proponent or members of the public.
- h.) The Council action occurs and the Mayor announces the decision.

Time for Consideration: Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other dispositions of the matter has been made.

Continuance of Hearings: Any Public Hearing being held or noticed or ordered to be held by the Council, at any meeting may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.

Materials for Public Record: All persons interested in the matter being heard by the Council shall

be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the Clerk record of the hearing, unless otherwise directed.

Germane Comments: No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor but may be appealed by the full Council or Commission.

Repetitious Comments: The Mayor may terminate the verbal comments of any speaker whose comments are mere repetition of the verbal or written presentation of that speaker, or another person.

Communications and Petitions: Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor.

Suspension of the Rules: The Council may suspend any of the rules of procedure for verbal comment for the duration of an agenda, by a 4/5 vote of the Council. The suspension should be to allow the Council to occasionally be permitted to consider more public testimony than is normally required.

## **11. Old Business**

Regular items are those reports brought forth for Council approval that are neither public hearings nor reports of Council, Commission, Committee or staff, but require adoption of a resolution or require action by the Council, Commission or Committee. These are items which have been considered at a earlier City Council meeting but required either additional work or research are brought back for further consideration of the City Council with the new or additional information as needed.

## **12. New Business**

Regular items are those reports brought forth for Council, Commission or Committee approval that are neither public hearings nor reports of Council, Commission, Committee or staff, but require adoption of a resolution or require action by the Council, Commission or Committee. These are items provided to the City Council which have not been previously considered as a part of the Agenda but require action by the City Council.

## **13. Future Agenda Items**

Future Agenda Items is a brief list of items to be considered by Council, Commissions or Committees at upcoming meetings and serves as an opportunity for Members to request items to be placed on a future Agenda.

## **14. Adjournment**

Adjournment of a meeting is customarily by motion of the City Council; or can be accomplished by unanimous consensus and the Chair simply declaring the meeting adjourned. A motion to adjourn to another time can be done similarly, but is debatable only as to the time to which the meeting is to be adjourned.

## **Closed Sessions**

The Brown Act requires all Council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation. All matters discussion in the closed session are considered confidential. Closed Sessions can be held prior to the start of the regular Council meeting, during a regular Council meeting, at the end of a regular Council Meeting or at a Special Council meeting, but prior to conclusion of the meeting.

City Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State Jaw in complete confidence to insure that the City position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, City Manager, or Risk Manager.

If the City Council in Closed Session has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claim or litigation, and/or employee negotiations, all contact with the other party and/or attorney shall be limited to, and made by, the designated City staff representative handling the negotiations, claim or litigation.

No Council Member shall have any contact or discussion with the other party or its representative involved with the negotiation, claim or litigation during this time, nor shall any Council Member communicate or disclose any discussion conducted or information received in Closed Sessions. All public statements, information and press releases shall be handled exclusively by a designated Staff spokesperson.

## **G. Meeting Conduct**

### **(1) Addressing the Council Generally**

Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments shall be limited to 3 minutes, or such additional time granted at the chair's discretion.

In the further interest of time, speakers will be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not cede any part of their allotted time to another speaker.

### **(2) Additional Time**

There may be an occasion where justification for more time is warranted for public commentary. Citizens must ask for this at the outset of the comment period and have it approved by the City Council or Commission prior to speaking.

### **(3) Less Time**

Where the Council determines that the existence of unusual or controversial issues exist, that the large number of speakers wishing to address the Council so justifies, or that other considerations

make modification appropriate, the Council may limit the total amount of time to be devoted to public comment, the amount of time to be afforded each speaker, or the number of speakers to be heard on an issue, or may make such other modifications as the Council may deem appropriate. To the extent practicable, the Council shall make any such modification or limit at the time the given issue or matter is scheduled for Public Hearing, and the City Clerk shall, to the extent practicable, include notice of such modification or limit in published notice of the hearing.

#### **(4) Speaking to Council at Land Use Public Hearings**

The applicant at a land use Public Hearing shall be permitted to address the Council for 15 minutes following the staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for 15 minutes. Spokesperson for the opposition is defined as the individual or representative of an organization that filed an appeal against the project. All other speakers will be limited to 3 minutes each. Applicant shall be permitted 5 minutes at close of public comments for rebuttal.

#### **(5) Presentation by Spokesperson**

Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetition before the Council.

#### **(6) Irrelevant Testimony**

The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

#### **(7) Testimony by the Public**

The purpose of public testimony is for Council Members to benefit from the views of the public. Comments from the public should only be directed toward the Council. All comments and testimony shall be made from the podium or other approved Council location; no comment or testimony shall be shouted from the audience. Council Members and staff should avoid entering into a dialog with members of the public who may address the Council.

#### **(8) Public Comment on Agenda Items**

Members of the public are entitled to speak on any item on the agenda either immediately after the item is called by the Mayor or during a public hearing on the subject matter opened by the Mayor. Each person is entitled to speak on any agenda item only once at any meeting, and the right to speak at the appropriate time waives any further right to address the Council on that item at that meeting. Participation in debate on any item before the council shall be limited to members of the Council, although Council Members may ask members of the public for additional information.

#### **(9) Disruptive Comments and/or Conduct**

No person who addresses the Council shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting.

Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, also shall be grounds for removal from the meeting. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.

## **11. Meeting Procedures**

### **A. Matters Considered**

The Council should not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of Dunsmuir or its corporate powers or duties as a municipal corporation, nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the congress of the United States or before any officer or agency of the State or Nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Dunsmuir or its officers or employees as such.

### **B. Action by the Council**

Action by the Council shall be by motions made and voted upon. A motion shall require a second. The Mayor or any other Council Member may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

### **C. Roll Call and Voice Votes**

A roll call vote shall be taken on the introduction and adoption of ordinances and when voting on financial matters. Roll call votes shall be entered in the minutes of the Council showing those members voting yes, those voting no, and those abstaining or absent. All other matters may be made by voice vote indicating consensus on the proposed action.

### **D. Adoption by Majority Vote**

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of California.

Resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of the Council. (Gov. Code Section 36936).

If a motion has received a second, the Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

The maker of the motion is entitled to speak first;

A person who has not spoken on the issue shall be recognized before someone who has already spoken;

To the extent possible, the debate shall alternate between opponents and proponents of the measure.

#### **E. Ratification of Actions**

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

#### **F. Procedural Motions**

In addition to substantive proposals, the following procedural motions, and any others set forth in Rosenberg's Rules of Order, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adopted.

- To Adjourn: The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.
- To Take a Brief Recess.
- Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
- To Suspend the Rules. A vote of the majority of the quorum of the Council is required to suspend the rules. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.
- To Divide a Complex Motion and consider it by Paragraph (bifurcate).
- To Call the Previous Question. The motion is not in order until there have been at least fifteen (15) minutes of debate, and every member has had an opportunity to speak once.
- To Continue an Item to a Future Meeting Certain
- To refer to staff for action.
- To Amend: An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last amendment is disposed of by a vote.
- To Reconsider: A motion to reconsider can be made by any member who voted with the prevailing side, no later than the meeting following the meeting when the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain, or at the next Regular Meeting unless intervening actions taken based on the



original action make such reconsideration impracticable. Reconsideration requires a majority vote of the members present. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. In the case of a tie vote on an action, any member of the City Council may request reconsideration as outlined above.

- To Rescind or Repeal a Previous Action. A motion to rescind or repeal a previous action is not in order if the rescission or repeal is forbidden by law or made inappropriate by virtue of actions taken in accordance with the previous action.

Ordinances & Resolutions: Motions offering ordinances and resolutions are deemed to include waiver of full reading and title of the ordinance or resolution unless otherwise specifically stated.

### **G. To Withdraw a Motion**

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "seconder" of the motion. However, any other Council Member may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

### **H. Duty to Vote**

Every member must vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest or other valid abstention under applicable State Law.

Any member who believes he or she has a conflict or potential conflict of interest must announce such at the initiation of debate or when such conflict or potential conflict becomes apparent, shall disclose and describe that the conflict involves either an investment, business position, interest in real property, or the receipt of income, loans or gifts, and shall refrain from any part in the debate, deliberations, or voting on that issue. If a decision for which a Member has a conflict will be made during the Closed Session, the disclosure(s) as to such conflict shall be made orally during the open session either before the body goes into closed session or immediately after the closed session.

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action.

An abstention does not count as a vote for or against a matter. Council members must state the reason for abstention. If a Council Member abstains, the Member is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."

### **I. Legally Required Participation**

When members are disqualified based on a conflict of interest under Government Code Section 87100, legally required participation can be instituted in order for the body to take action. A random selection may be used to select only the number of officials needed. When an official is selected (by drawing lots), he or she is selected for the duration of the proceedings in all related matters until his or her participation is no longer legally required, or the need for invoking the exception

no longer exists.

For the purposes of this section, a "quorum" shall constitute the minimum number of members required to conduct business and when the vote of a super majority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption (Government Code Sections 81002, 81003 and 87101, operative 11/23/98).

## **J. Introduction and Passage of Ordinances**

A proposed Ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council, unless substantial changes have been made to the ordinance. The Clerk or the maker of the motion shall read the full title of the Ordinance and, at the Council's option, waive its reading after which a roll call vote shall be taken by the Council to introduce the first reading of the Ordinance. The Ordinance is then scheduled for its second reading and adoption and can be adopted by a recorded roll call vote of the City Council.

Ordinances become effective 30 days after their adoption unless otherwise specified by Government Code. Upon the Ordinance's final adoption and within 15 days of its passage, the City Clerk will post the full text of the ordinance in the City's designated legal posting locations, and as needed, update the Municipal Code.

An Ordinance, other than an urgency Ordinance, may not be passed within five (5) days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

## **K. Closed Sessions**

The Council may hold Closed Sessions only as provided for by law. Only those actions specifically authorized by statute may be taken in Closed Session, and actions so taken shall be reported as required by law. The City Manager may, at his/her discretion, announce any actions taken prior to the next regular meeting if doing so would not have a deleterious effect on the conduct of the City business and would be consistent with the spirit of the action taken.

## **L. Quorum**

A majority of the actual membership of the Council, including the Mayor but exceeding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. Per Government Code 36936 Resolutions, orders for the payment of money, and all Ordinances require a recorded majority vote of the total membership of the City Council.

## **M. Public Hearings**

Public Hearings shall be scheduled and notice published without any action required by the City Council, excepting that the Council may, if they so desire, schedule a Public Hearing on an item of interest for a date certain.

At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct

the attention of a report and respond to questions from Council Members, after which the Mayor shall formally open the Public Hearing and members of the public shall be allowed to speak in accordance with the rules set forth elsewhere in these Rules of Procedure. When the allotted time expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed.

Following the close of the Public Hearing, the Council may debate or take action on the matter in accordance with these rules. The Mayor may in his or her discretion allow questions and/or comments from the public after close of Public Hearing.

## **N. Breaks**

The Council will generally take a break when requested by a Member and will extend their meeting time by a majority vote if conducting business beyond 8:30 p.m.

## **12. Rules of Council Conduct**

### **A. Discussion Rules**

The Mayor has the responsibility to control the debate and the order of speakers. Each Council Member shall be allowed the opportunity to speak twice on each issue and the Mayor shall call upon all Council Members fairly.

### **B. Germaine comments/Time Limit for Council**

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.

Council Members shall govern themselves as to the length of their comments, but shall generally not exceed ten minutes. The Mayor has the responsibility to assist Council Members by signaling when the Council Member has been speaking for ten minutes.

### **C. Derogatory Comments**

Council Members are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Council Member, a member of the public, or a staff member are inappropriate. The Mayor may call for a short recess should a Council Member or member of the P=public become disruptive or agitated so as to interfere with the normal conduct of business.

### **D. Packing of Audience**

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

## **13. Communications**

### **A. Processing of Mail**

Staff shall open all mail addressed to the Mayor and Council, date stamp it and forward it to the City Clerk for disposition. Mail received by the Mayor and/or City Council Members which is directly related to a particular department shall be copied to the City Manager and the Department Supervisor by the City Clerk.

Council letters of complaint shall be sent directly to the City Clerk for disposition, for copying to the City Manager and Department Supervisor(s). Junk mail will be disposed of by the City Clerk.

No mail marked confidential or personal or which is addressed to individual Council Members by name not title shall be opened by City staff.

Mail addressed to the Mayor and/or City Council shall be distributed by the City Clerk to each Council Member with the notation "All Council Received." Correspondence addressed to the Mayor which requires a response shall be coordinated by the City Clerk and copied to all Council Members.

## **B. Monthly Calendars**

Monthly calendars shall be prepared by the City Clerk and distributed to each Council Member for Council events, functions, and meetings as needed.

## **C. Public Complaint Process**

All complaints directed to the Mayor or City Council shall be given to the Mayor and City Clerk, and a copy forwarded to the City Manager for information purposes. The City Clerk shall draft a response to the complaint for the Mayor's signature, in coordination with the City Manager.

Council Members are discouraged from responding directly to complaints without coordinating with the City Manager to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

Staff will copy or otherwise communicate all responses to the City Council.

## **D. Distribution of Information**

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

## **E. 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."

## **F. Representing Majority Decision vs. Individual Opinion**

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.

## **G. 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.

## **H. 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:

All press/media releases shall be formatted on the City template;

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;

The media/press release shall be faxed, emailed, mailed, or placed in each Council member's 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:

Siskiyou Daily News

Dunsmuir News/ Mt. Shasta Herald, Local Radio & Television

City Website

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.

## **I. 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.

## **J. 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.

## **K. Email, Electronic Media and ~~Skype Remote~~ Attendance Policy**

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. ~~Teleconferencing is the easiest and preferred method of attending meetings remotely. The meetings must comply with the Brown Act. Agendas must be posted at all teleconference locations and the agenda must name all remote locations. The remote location must be open to the public and must protect the statutory and constitutional rights of all parties in attendance. A quorum must participate within the boundaries of the city and all votes taken must be by roll call, no secret voting is allowed.~~

Effective January 2023, AB 2449 was signed into law and makes several changes to the Ralph M. Brown Act (Brown Act) regarding member remote participation (aka teleconferencing) in public meetings. Legislative bodies still have the option to meet via teleconference by following the traditional Brown Act rules of identifying the teleconference site on the agency's agenda and ensuring it is accessible for the public to attend.

Councilmembers may participate remotely for just cause. Just cause defined by AB 2449 includes the following circumstances:

- Childcare or Caregiving Issues
- Travel associated with City or State Business
- Personal Travel and/or business
- Emergency Circumstances
- Contagious Illness
- Physical or Mental Disability

A majority of Councilmembers must be physically present at the noticed meeting location to conduct a Brown Act meeting. Members participating remotely are still responsible for meeting the teleconferencing requirements under each set of rules outlined in the Brown Act and AB 2449.

## **J. 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.

## **13. Council, Staff, and Attorney Relationship**

### **A. Council/Staff Relationships**

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

### **B. Communications with Staff and Requests for Information**

Council Members may contact the City Manager and/or Department Supervisors directly to ask questions for clarification. Council Members may request information and 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. City Council Members shall not contact city employees directly to conduct business, request information, or conduct research on the council member's behalf.

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. Requests 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.

### **C. 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.

### **D. Complaints Regarding Performance of Staff**

Any concerns by a member of 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. If the staff in question is the City Manager, then complaints shall be communicated

to the Mayor in writing for consideration.

## **E. Handling of Litigation and Other Confidential Information**

City Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to ensure that the Cities position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or 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.

## **F. City Attorney / Council / Staff Relations**

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.

## **14. City Guiding Documents**

### **A. City of Dunsmuir Fiscal Year Budget and Five-Year CIP**

The City's annual budget document consists of projections of the revenues and expenditures for the General, Water, Sewer, Solid Waste, Airport and other prescribed operating Funds. Once adopted by a majority of the City Council the budget sets policy for the coming fiscal year. It also



authorizes expenditures and staffing levels, and serves as a tool for monitoring current year goals and objectives.

The Capital Improvement Program (CIP) is a five-year planning instrument used by the City to identify capital improvement needs and to coordinate financing and timing of those needs in a manner that maximizes the return to the public. As each annual budget is prepared, additional projects and priority needs are developed and added to the program to maintain a total five-year plan.

Water and Sewer Capital Master Plans are multiyear planning documents used by the City to identify capital improvement needs; to coordinate financing; and timing of those needs in a manner that maximizes the return to the public. As each annual budget is prepared, additional projects and priority needs are developed and added to the program to maintain a total five-year plan.

### **B. City of Dunsmuir Personnel Rules and Policies & Dunsmuir Employees' Memorandum of Understanding**

Dunsmuir City Personnel policies are embodied in the Memorandum of Understanding between the City and the Union representing City Employees.

### **C. City of Dunsmuir General Plan**

By California State law, every community is required to have a General Plan, which includes mandatory and optional chapters. The chapters are referred to as elements. The required elements of each General Plan are:

1. Land Use
2. Circulation
3. Conservation
4. Open Space
5. Safety
6. Noise
7. Housing
8. Environmental Justice

All elements should be kept in conformance with state requirements and updated at least every 20 years. The Housing Element, by statutory requirement, shall be updated every five years. The elements should take regional plans into consideration to coordinate and achieve mutually beneficial goals of the region.

### **D. Dunsmuir Municipal Code**

The Dunsmuir Municipal Code consists of the codified ordinances adopted by the City Council to establish general regulations and laws applied to the City Limits. The City Clerk is responsible for codifying ordinances as adopted by the City Council which affect the Municipal Code and provides supplements on an as needed basis.

### **E. Dunsmuir Zoning Code**

The City zoning ordinance is a comprehensive document whose purpose is to promote, protect, and preserve the health, safety, and welfare of the public and guide, control, and regulate future growth and development in a sound and orderly manner.



STAFF REPORT	
<b>RE:</b> Risk Management policy and general update on City self-insured programs	<b>MEETING DATE:</b> 10/5/23
<b>SUBMITTED BY:</b> Blake Michaelson, Finance Director	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

## WHAT IS BEING ASKED OF THE CITY COUNCIL:

Adopt attached Risk Management policy. And hear general information on the 2 city self-insured programs (liability and workers compensation)

## BACKGROUND/DISCUSSION:

Risk Management Policy – this policy aims to describe the authority and responsibility and provide guidelines with the administration of loss-prevention, insurance and self-insurance programs.

On 7/1/23, SCORE (small cities organized risk effort) changed administrators of the respective programs as follows; Liability program is **George Hills** and Workers Comp is **InterCare**.

The City of Dunsmuir is self-insured. It is a member of SCORE (small cities organized risk effort). SCORE was founded in 1986 in response to a liability insurance “crisis” during which cities could not obtain affordable coverage. A group of thirteen small cities in Northern California formed the Liability Program to pool coverage for General and Automobile Liability, Personal Injury, and Errors and Omissions. The Workers’ Compensation Program was formed in 1994 in response to rising insurance costs and limited availability. That same year members joined the Local Agency Workers’ Compensation Excess JPA (LAWCX) for their excess coverage and related risk management services and the California Joint Powers Risk Management Authority (CJPRMA) for Excess Liability Coverage.

The Property Program began in 1998 when SCORE members opted for group purchase of property insurance. SCORE members joined the Employment Risk Management Authority (ERMA) in 1999 to provide members the benefit of pooled coverage for Employment Practices Liability. In 2000 SCORE members began group purchase of Crime Coverage to protect members from loss due to employee theft, forgery, computer fraud, and other crimes. In 2008 SCORE began to offer an Employee Assistance Program (EAP) to provide member employees and their families a variety of resources for dealing with work/life issues, including counseling, training and critical incident response.

<p><b><u>Excess Layer</u></b></p> <p><b>Excess Insurance: \$7,500,000 to \$40,000,000</b></p> <p><b>EPL Coverage Limit: \$12,500,000</b></p> <p><b>CJPRMA Members: \$750,000 to \$7,500,000</b></p>	<p><b><u>Excess Layer</u></b></p> <p><b>Excess Insurance: \$5,000,000 to Statutory</b></p> <p><b>LAWCX Members: \$250,000 to \$5,000,000</b></p>
<p><b><u>Shared Risk Layer</u></b></p> <p><b>SCORE members: \$25,000 to \$750,000</b></p>	<p><b><u>Shared Risk Layer</u></b></p> <p><b>SCORE members: \$25,000 to \$250,000</b></p>
<p><b><u>Banking Layer</u></b></p> <p><b>Member Entity: \$0 to \$25,000</b></p>	<p><b><u>Banking Layer</u></b></p> <p><b>Member Entity: \$0 to \$25,000</b></p>

**OPTIONS:**

Adopt, modify and adopt, do not adopt the attached risk manage policy

**FISCAL IMPACT:**

☒ None      ☐ Yes    Budgeted Item?   ☐ Yes   ☐ No

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

Affected fund(s):   ☐ General Fund   ☐ Water Fund   ☐ Sewer Fund   ☐ Other:

**Comments:**

**SUGGESTED MOTIONS:**

Motion to adopt attached risk management policy

☒ **Attachments:**      Risk Management policy

# City of Dunsmuir Risk Management Policy

## BACKGROUND

The City is self-insured and a member of a self-insurance joint power authority named SCORE (small cities organized risk effort). A goal of this policy is the reduction of all risks of accidental loss and the management of losses in a cost-effective manner. Council desires to establish a Risk Management Policy describing the authority and responsibility and providing guidelines in accordance with which its loss prevention, insurance and self-insurance programs should be administered.

## PURPOSE

The City's Risk Management Policy shall have as its purpose:

- A. To protect the City of Dunsmuir against the financial consequences of all accidental losses.
- B. To minimize the long-term cost of the City of all activities related to the control of accidental losses.

These goals shall be attained by means such as loss prevention, loss financing, claims self-administration, insurance administration, and risk transfer. The City Manager shall be primarily responsible for the implementation of this Policy.

## POLICY

### A. Programs

Risk Management is comprised of two programs as follows:

- 1) General Liability
- 2) Workers' Compensation

### B. Loss Prevention

The City, in all its activities, shall emphasize the reduction, modification, or elimination of conditions and practices which may cause loss. Safety to personnel and the public shall have the highest priority. Each department director shall, therefore, make safety issues an integral part of his/her management responsibilities and ensure compliance with Federal, State, County and City safety standards. The City Manager shall assist them in that effort and work with the Personnel Office to provide safety training programs for employees and citizens.

### C. Loss Financing

The City self-insures its workers' compensation and liability claims programs, and must, therefore, pay all losses up to the respective self-insured retentions. It is the policy of the City to pre-fund the outstanding liabilities of those programs in order to reduce the risk of its current operating budget and assets, and ensure with greater probability that it will have sufficient funds available in the event of a catastrophic loss or an unexpected increase in the frequency or severity of claims or litigation. To that end, the City shall strive to fund each program in such a manner to maintain a minimum of 70% confidence level, based on periodic actuarial reviews.

D. Claims Administration

1. General Liability Program

**A. Administration**

The City Manager shall coordinate all activities of the City's self-insured general liability claims program within the City Attorney's Office. Chief among those activities is the prompt and effective response to individuals and entities that file claims with the City. The City will respond to a claimant within 10 days and offer a definitive answer within 45 days unless negotiations are on-going due to the medical treatment of an injured party. The City Manager shall work directly with the City departments to minimize the costs of those claims by:

- a. Informing department directors as to their claims experience for budgeting and so that efforts can be implemented to prevent future losses.
- b. Working with department directors to set goals for the control and reduction of the frequency and severity of claims and all costs associated with them.
- c. Assisting departments in providing general claims information to their employees so that they are aware of the costs associated with their actions.
- d. Keeping abreast of each claim, working together to vigorously fight cases of abuse and fraud.

**B. Claim Authority**

City staff shall have the authority to settle liability claims as follows:

City Manager	Up to \$5,000
City Attorney and City Manager	Up to \$25,000
City Council	Over \$25,000

City Staff is authorized to pay any court judgment without Council approval, but will notify Council in a timely manner of a final judgment over \$25,000.

**C. Insurance Administration**

With regard to the risk of accidental losses, it shall be the City's policy to self-insure all losses which occur with predictable frequency or which will not have a significant impact on the City's financial position. Insurance will be purchased, however, when:

- (a) It is a cost-effective alternative to self-insurance and deductibles or self-insurance does not result in long-term economies.
- (b) Whenever necessary services can be obtained only through the purchase of insurance.
- (c) When the City is obligated by contract or law to purchase insurance and no other method is

available.

Insurance (or other forms of risk transfer) shall be purchased from any source determined to be in the long-term best interest of the City.

#### **D. Risk Transfer**

Because they are in the best position to control losses, the City shall attempt to transfer the risks of accidental losses to those parties performing services for the City or leasing or using its facilities. The transfer of risk shall occur by means of insurance requirements and hold harmless and indemnification clauses in contracts, purchase orders, and lease or rental agreements. The transfer of risk shall be based on generally accepted risk management practices for public agencies and sound legal advice.

With respect to insurance claims on the City's property, the City Manager shall have the authority to file and settle claims involving damage to City property with the agreement from the City Attorney and the director of the department involved.

#### **E. Rejection of Claims**

Whenever it is necessary for the City to reject or provide another form of notice to a claimant, the City Council hereby delegates to the City Manager that authority, subject to the prior review and concurrence of the City Attorney's Office.

### **2. Workers' Compensation Program**

#### **A. Administration**

The City Manager shall coordinate all activities of the City's self-insured workers' compensation claims program at the direction of the Personnel Director in close cooperation and consultation with the City Attorney. Chief among those activities is the prompt and effective assistance to those employees legitimately injured on the job. The City Manager shall work directly with City departments to minimize the costs of those claims by the following:

- (a) Informing department directors as to their claims experience for budgeting and so efforts can be implemented to prevent future losses.
- (b) Working with department directors to set goals for the control and reduction of frequency and severity of claims and all costs associated with their actions.
- (c) Assisting department in providing general claims information to their employees so that they are aware of the costs associated with their actions.
- (d) Keeping abreast of each claim, working together with the Personnel Director and City Attorney to vigorously fight cases of abuse and fraud.
- (e) Assisting departments in providing light duty programs so that injured employees can return to work as soon as possible.

**B. Claim Authority**

City staff shall have the authority to settle workers' compensation claims not to exceed the estimated cost of future medical care (less medical expenses already incurred) to the City, as follows:

City Manager	Up to \$35,000
City Attorney and City Manager	Up to \$100,000
City Council	Over \$100,000

City staff is authorized to pay any order after hearing by the Workers' Compensation Appeals Board.

**C. Rejection of Claims**

Whenever it is necessary for the City to reject or provide another form of notice to a claimant, the City Council hereby delegates to the City Manager that authority, subject to the prior review and concurrence of the Personnel Director and/or City Attorney.





## STAFF REPORT

**RE:** Skid Steer Snow Plow Sole Source

**MEETING DATE:**  
October 5, 2023

**SUBMITTED BY:** Dustin J. Rief, City Manager

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

**WHAT IS BEING ASKED OF THE CITY COUNCIL:** To approve the sole sourcing of the Skid Steer Snow Plow

**BACKGROUND/DISCUSSION:** The City has recently bid and acquired a new Skid Steer to augment our fleet. To best use the equipment the city will be purchasing a variety of attachments. One of these attachments is a snow plow. Staff's goals of improving equipment capabilities and reliability have place constraints on the purchase of a snow plow that have limited availability on the market. The features of a back drag plow with folding wings without electronics has limited the selection. The Back Drag Feature allows for flexibility on sidewalks and parking lots that is not attained as easy with the cities current snow plow fleet. Additionally, a good portion of our break downs are related to electronic problems. This plow operates completely on hydraulics without the need for additional controls, solenoids or wire harnesses. This simplifies the maintenance and any potential repairs during snow removal operations increasing equipment up time. It is staffs recommendation to authorize the sole source purchase of the Snow Wolf Skid Steer Snow Plow.

**OPTIONS:** Authorize the sole source purchase

Do not authorize

**FISCAL IMPACT:**

☐ None ☒ Yes Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase:

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☒ Other: Fund 64 Snow Removal

**Comments:**

**SUGGESTED MOTIONS:** Motion to Authorize the sole source purchase of a skid steer snow plow.

☒ **Attachments:** Invoice for Snow Wolf 13' Plow.

**Sierra Equipment Supply**

PO Box 8400  
Truckee, CA 96162  
530-582-0300  
jaime@elementsmtn.co



## INVOICE

**BILL TO**

Dennis Dellabona  
City of Dunsmuir  
5915 Dunsmuir Ave  
Dunsmuir, CA 96025  
United States

**INVOICE # 1380****DATE 09/27/2023****DUE DATE 10/12/2023****TERMS Net 15**

---

ACTIVITY	QTY	RATE	AMOUNT
<b>Snow Wolf:126" Autowing Plow</b> 9' Moldboard, 13' wide angle with FlexFrame, Steel Sideplate Shoes, Carbide ActivEdge and SpillGuard	1	18,760.00	18,760.00T
<b>Shipping</b> Shipping, Freight & Delivery PO#872350	1	850.00	850.00

SUBTOTAL	19,610.00
TAX (8.25%)	1,547.70
TOTAL	21,157.70
BALANCE DUE	<b>\$21,157.70</b>



# CITY OF Dunsmuir

STAFF REPORT	
<b>RE:</b> Solid Waste rate study award contract and budget amendment	<b>MEETING DATE:</b> 10/5/2023
<b>SUBMITTED BY:</b> Blake Michaelsen, Finance Director	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

## WHAT IS BEING ASKED OF THE CITY COUNCIL:

Approve a budget amendment and award and authorize City Manager to enter into a contract with MSW consultants to complete a Solid Waste rate study

## BACKGROUND/DISCUSSION:

The solid waste fund has been operating in a deficit and is currently out of reserves and in a negative net position. City issued a request for proposals for a rate study. There were no respondents One entity emailed a question. Staff reached out to that entity, and they submitted a proposal. MSW Consultants is that entity. Staff has reviewed the proposal and researched MSW and recommends awarding and accepting the proposal.

## OPTIONS:

Approve proposal or provide different direction

## FISCAL IMPACT:

☐ None ☒ Yes Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☒ Yes ☐ No If yes, amount of appropriation increase: \$40,000

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☒ Other: Solid Waste fund 25

## Comments:

**SUGGESTED MOTIONS:** Accept proposal and authorize City Manager to enter into an agreement with MSW Consultants and amend solid waste budget according to budget amendment form

☒ **Attachments:** Proposal and budget amendment form



## **Proposal to Perform a Solid Waste Rate Study**

**Submitted by**



**Solid Waste Consultants  
to Local Government**

**September 15, 2023**

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**Proposal for Solid Waste Rate Study**  
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## A. Letter of Transmittal



Solid Waste Consultants  
to Local Government

September 15, 2023

Mr. Dustin Rief  
City Manager  
City of Dunsmuir  
5915 Dunsmuir Ave.  
Dunsmuir, CA 96025

### **Proposal For Solid Waste Rate Study**

Dear Mr. Rief:

MSW Consultants is pleased to submit this proposal to conduct a solid waste rate study for the City of Dunsmuir (City). We provide solid waste consulting services exclusively to local governments in the areas of finance, economics, public policy, and regulatory compliance. We believe we are qualified to perform this project for the following reasons:

- Our staff are all highly skilled in solid waste rate analysis and cost accounting. All of our staff have extensive experience with solid waste cost of service studies, rate analysis, rate adjustments, and approval of new rates, including compliance with Prop 218.
- We have provided solid waste consulting service to over 100 local governments in the areas of finance, economics, and public policy. We have over 30 years of experience providing consulting service over the full range of integrated waste management including collection, recycling, material processing, and disposal. We are continually helping our clients navigate the myriad of federal, state, and local rules that govern the solid waste industry.
- We provide solid waste consulting service exclusively to local governments. To avoid any real or apparent conflicts of interest, we choose to not work for private waste companies. As a result, we bring a high level of independence and objectivity to our client engagements.

\* \* \* \*

We appreciate the opportunity to submit this proposal. If you have any questions, please feel free to call me at (951) 704-9776 or email me at [dave@msw-consultants.com](mailto:dave@msw-consultants.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Davis', with a stylized flourish at the end.

David Davis, CMA I President, MSW Consultants  
41760 Ivy St., Suite 203, Murrieta, California 92562  
(951) 704-9776 | [dave@msw-consultants.com](mailto:dave@msw-consultants.com)  
[www.msw-consultants.com](http://www.msw-consultants.com)



## **B. Qualifications**

MSW Consultants is a California Corporation. It was founded in 2000 by David L. Davis, CMA. In his over 30 years in the solid waste industry, Mr. Davis has provided a broad range of solid waste consulting service to over 100 cities, counties, and special districts in the areas of auditing, contract compliance, contract negotiation, rate setting, competitive service procurement, waste diversion, and regulatory compliance. MSW Consultants has a staff of eight and is located in Murrieta, California. MSW Consultants provides solid waste consulting services exclusively to local governments in the areas of finance, economics, and public policy.

Our mission is to work with municipal managers to maximize the value of the solid waste services that are delivered to their ratepayers. More information can be found on our website at: [www.msw-consultants.com](http://www.msw-consultants.com)

MSW Consultants offers the following services to local governments:

- Performance audits of franchised waste haulers
- AB 341 and AB 1826 compliance
- SB 1383 compliance planning
- Contract negotiation and procurement assistance
- Rate studies for collection, processing, transfer, and disposal service
- Solid waste program planning and design
- Reviews of contractor's requests for rate increases
- Waste generator education and outreach

## **C. Key Personnel**

The key personnel for this project will be comprised of the following individuals: David L. Davis, CMA, Chen Newman, and Girard Mobley. Our staff will be fully dedicated and responsive to the City's needs. Key personnel will be available for the duration of this project and no key personnel will be removed or replaced without written permission from the City.

### **C.1 Personnel**

**David Davis, CMA – Project Director** - Mr. Davis will serve as the Project Director for this project. He will be the main point of contact and have overall responsibility for the project. He is a Certified Management Accountant (CMA) and an expert in solid waste macro- and micro-economics.

**Chen Newman – Project Manager** – Ms. Newman will serve as the Project Manager. She has worked for MSW Consultants for 5 years, and performed over 15 solid waste rate studies. She is a skilled accountant and financial analyst with several years of experience in retail, banking, and local government. She has been responsible for analyzing the budgets of special municipal districts to ensure that they meet their debt service coverage ratios and comply with their reserve requirements.

**Girard Mobley – Project Analyst** – Mr. Mobley will also serve as Project Analyst. He has worked for MSW Consultants for five years and is a skilled financial analyst and project manager. He has extensive experience in conducting audits on waste haulers for municipalities, performing rate analysis, and rate survey comparisons.

## C.2 Resumes

	
<b>CREDENTIALS</b>	
<b>EXPERIENCE</b>	
30 Years	
<b>EDUCATION</b>	
BA, Finance, Cal State Fullerton, 1983	
<b>LICENSES &amp; CERTIFICATIONS</b>	
Certified Management Accountant (CMA)	
<b>PROFESSIONAL AFFILIATIONS</b>	
Solid Waste Association of North America, Southern California Waste Management Forum (Chair)	
Zero Waste Practitioner	

**David Davis – Project Director** - Mr. David Davis is a Certified Management Accountant (CMA) with over 30 years of experience in the field of solid waste management. Mr. Davis's expertise lies in working with municipal managers to maximize the value of the solid waste services provided to their ratepayers. He has held executive management positions in both the private and public sectors and has extensive experience in providing business advisory services to local government in the field of solid waste management.

As a chief financial executive for local hauling and landfill divisions of a national solid waste management company, Mr. Davis was responsible for financial reporting, budgeting, cost analysis, billing, and collections. He also managed the accounting and rate analysis sections of the City of Riverside's Department of Public Utilities.

Mr. Davis has specific experience in: 1) analysis and design of customer rates for refuse collection, transfer, processing and disposal operations; 2) development and evaluation of competitive proposals for waste collection, recycling, and transfer service; 3) feasibility studies for waste processing, waste transfer, and landfill gas projects; 4) verification of the proper payment of solid waste fees; 5) management reviews of solid waste operations; 6) evaluation of alternative waste diversion programs; 7) solid waste program planning and funding; and, 8) evaluating internal management controls.

	
<b>CREDENTIAL</b>	
<b>EXPERIENCE</b>	
5 Years	
<b>EDUCATION</b>	
BA, Business Admin. Shijiazhuang University of Economics, Hebei, China and an MPAcc in Accounting from China University of Geosciences in Wuhan, China and a MS in Accounting and Taxation from the University of San Diego.	
<b>LICENSES &amp; CERTIFICATIONS</b>	
<b>PROFESSIONAL AFFILIATIONS</b>	
Government Finance Officers Association (Member)	

**Chen Newman – Project Analyst** - Ms. Newman is a skilled accountant and financial analyst with several years of experience in retail, banking, and local government. She has been responsible for analyzing the budgets of special municipal districts to ensure that they meet their debt service coverage ratios and comply with their reserve requirements. She has been responsible for budgeting, accounts receivable, accounts payable, monthly close, and management reporting. She is highly skilled in MS Excel.

Ms. Newman has been with MSW Consultants since January 2019. In that time, she has worked on solid waste consulting engagements for the counties of Monterey, Riverside, San Luis Obispo, and Santa Barbara, and the cities of Chula Vista, Glendale, Lompoc, Orange, Pasadena, Rancho Santa Margarita, Roseville, Santa Barbara, Santa Maria, Vernon, and Whittier. As staff auditor on a municipal compliance audit of a major waste hauler, she was instrumental in identifying over \$60,000 in unpaid franchise fees. She has also assisted in the preparation of CalRecycle AB 939 Annual Reports (EAR) for the cities of Orange and Vernon.

Ms. Newman earned a BA in Business Administration and Management; Finance from Shijiazhuang University of Economics in Hebei, China, an MPAcc in Accounting and Related Services from China University of Geosciences in Wuhan, China, and a MS in Accounting and Taxation from the University of San Diego.



CREDENTIALS	
EXPERIENCE	
25 Years	
EDUCATION	
BS, Finance, San Diego State University, 2014	
LICENSES & CERTIFICATIONS	
SWANA Certified Zero Waste Practitioner	
PROFESSIONAL AFFILIATIONS	
California Resource Recovery Association (Member)	

**Girard Mobley – Project Manager** - Mr. Mobley is a skilled financial analyst and project manager. He has extensive experience in conducting audits on waste haulers for municipalities, and in providing recycling outreach and education to commercial waste generators. He graduated from San Diego State University with a BS in Business Administration with a focus on Finance and a minor in Economics. He is also a certified practitioner in the zero waste principles and practices.

Mr. Mobley has been with MSW Consultants since March 2019. In that time, he has worked on solid waste consulting engagements for the County of Santa Barbara, and the cities of Chula Vista, La Habra, La Palma, Lomita, Norco, Orange, Rolling Hills, Signal Hill, Vernon, Whittier, and Rancho Palos Verdes.

Mr. Mobley has audited the accounting records of over 20 waste haulers. He also oversees the recycling survey program in the City of Vernon providing outreach and educational resources to over 400 commercial waste generators. He regularly educates commercial waste generators about the requirements of AB 341 and AB 1826. Prior to joining MSW Consultants, he served for 20 in the United States Marine Corps.

## D. References

### City of Glendale

Mr. Dan Hardgrove Deputy Director of Public Works  
(818) 548-3950  
[dhardgrove@glendaleca.gov](mailto:dhardgrove@glendaleca.gov)

#### **Project:** Solid Waste Rate Study

We are currently conducting a cost-of-service study for the City. Our work includes preparing a rate model that mirrors the behavior of the solid waste enterprise fund and using that model to prepare a proforma projection of the enterprise fund's operating results. We are also designing cost-based rates to reflect the relationship between the cost of service and the amount charged to ratepayers. In 2020, we conducted a solid waste rate study for the City. Our work included developing a rate model that mirrored the financial performance of the City's solid waste enterprise fund, allocating costs among single-family multi-family, and commercial customers, and developing alternate rate adjustment scenarios.

### City of Lompoc

Ms. Christie Donnelly, Management Service Director  
(805)875-8274  
[c\\_donnelly@ci.lompoc.ca.us](mailto:c_donnelly@ci.lompoc.ca.us)

#### **Project:** Solid Waste Rate Model Annual Updates

From 2001 through the present, we have developed and updated a solid waste rate model to allocate costs between the City's landfill and collection operations, and among single family, multi-family, and commercial customers. We use our rate model as a tool to project revenues, expenditures, and cash balances for the City's solid waste enterprise fund. Our work has included developing new landfill and collection service rates based on allocated costs. We also designed volume-based rates to provide customers with an incentive to recycle.

### City of Santa Barbara

Mr. Dustin Merback, Environmental Specialist  
(805) 564-5302  
[dmerback@santabarbaraca.gov](mailto:dmerback@santabarbaraca.gov)

#### **Project:** Financial review of Waste Hauler and Solid Waste Policy Report

We are currently performing a cost-of-service study for the City. The City performs the billing function, and the hauler is paid from the residual amount collected by the City after City program costs and fees are deducted. Our work entails preparing a financial plan and cost of service and rate design analysis. In 2017, we assisted the City in evaluating the method for

setting tipping fees for the Tajiguas Resource Recovery Project, and for allocating project costs among several participating jurisdictions in Santa Barbara County. In 2013, we assisted the City in a financial review of its exclusive waste hauler, MarBorg Industries, Inc. We allocated MarBorg's revenues, expenses, and profitability among the various jurisdictions it serves in Santa Barbara County. We analyzed the impact of various negotiating deal points on MarBorg's revenue and profitability in the City of Santa Barbara.

#### **City of Santa Maria**

Mr. Herb Cantu, Solid Waste Manager

(805)925-0951 x7239

[hcantu@cityofsantamaria.org](mailto:hcantu@cityofsantamaria.org)

#### **Project:** Solid Waste Rate Study/Landfill Pricing Strategy Analysis

In 2021, we completed a solid waste rate study and landfill pricing strategy analysis for the City. Our work included preparing a rate model that mirrors the financial performance of the City's solid waste enterprise fund, projecting revenues and expenses over a 20-year planning horizon, allocating cost among residential, commercial, and landfill operations, and assessing the impact of various capital funding scenarios. We prepared debt service calculations, including debt service coverage ratios. The model was used to evaluate various waste import scenarios and pricing strategies. We prepared a report of our findings that was used to support the City's Prop 218 rate approval process.

## **E. Project Understanding and Objectives**

### **E.1 Project Understanding**

#### **City's Agreement with Clemens**

The City arranges for solid waste collection service through a franchise agreement (Agreement) with Clemens Waste Disposal, Inc. (Clemens). Under the terms of the Agreement, Clemens has the exclusive right to provide solid waste collection service to all single-family, multi-family, and commercial premises within the City. Clemens currently only collects refuse. However, at the end of 2026, when the City's Rural Exception from CalRecycle ends, the company will begin collecting recyclables and organics.

The City pays Clemens for the collection and disposal service it provides based on the rates set in the Agreement. The City adjusts Clemens' rates each year on January 1<sup>st</sup>. Pursuant to the Agreement, the City may set the rates paid to Clemens based on one of three methods:

- Refuse Rate Index – rates are adjusted based on the percent change in certain independent economic indexes (i.e., diesel fuel price index, CPI, landfill tipping fees).
- Cost-plus Detailed Rate Review – rates are adjusted every three years based on a review of Clemens actual operating costs plus a pre-determined profit level (operating ratio).
- Special Rate Review – rates are reviewed and adjusted if Clemens' operating ratio changes by more than 2 percentage points.

When Clemens begins collecting recyclables and organics in 2027, its rate will need to be increased. The City's Agreement with Clemens was awarded in 2021, and is currently set to end in December 2029.

#### ***Rates Charged to Ratepayers***

The City directly bills residential and commercial customers for solid waste collection service in conjunction with other utility services provided by the City. The City's solid waste rates are intended to cover the amounts paid to Clemens, and to cover the City's cost of overseeing and managing the City's solid waste program (and comply with SB 1383), and to pay for other City operating and maintenance costs. The City's rate revenues and operating costs (including its payments to Clemens) are recorded separately in the City's solid waste enterprise fund

#### ***Rate Adjustments and Prop 218***

Prop 218 requires that solid waste rates billed by local jurisdictions accurately reflect the cost of service. Prop 218 also requires local jurisdictions to conduct a 'majority protest' process to increase solid waste rates. The 'majority protest' process entails preparing and issuing a public notice to all affected ratepayers allowing them the opportunity to protest the rate increase. A public hearing must be conducted at least 45 days after the notice is mailed. If fewer than



50% of ratepayers protest the rate increase, and the local elected body approves the adjustment, then the new rates may be implemented.

## **E.2 Project Objectives**

We propose to conduct a solid waste cost of service study to accomplishing the following project objectives:

- Ensure that the revenues generated by the City's solid waste rates are adequate to maintain all operations required by SB 1383 while accounting for anticipated cost increases over a five-year planning horizon.
- Ensure that the proposed rates are in compliance with all applicable laws, including but not limited to Proposition 218.

## **F. Scope of Work**

To accomplish these objectives, we propose to perform the following tasks:

### **Task 1 – Kickoff / Project Management**

The purpose of this task is to ensure that the project is conducted efficiently, on time, and within budget. We will prepare for and conduct a project kickoff meeting with City staff. The purpose of the kickoff meeting will be to confirm the project scope, schedule, key issues, and deliverables. At this meeting, we will:

- Identify members of City staff and any others who would participate in the project.
- Establish project schedule and key milestone dates.
- Confirm the key goals and expectations of the City.
- Identify key policy objectives of the City regarding solid waste and recycling rates and fees.
- Review the City's current rate structure, ordinances and supporting documentation.
- Review the history of rate setting and operations in the City.
- Identify the City's long term funding needs.
- Identify customers and service types.
- Identify current funding sources for the City's solid waste operation.
- Meet and confer with staff as needed.

### **Task 2 - Data Collection**

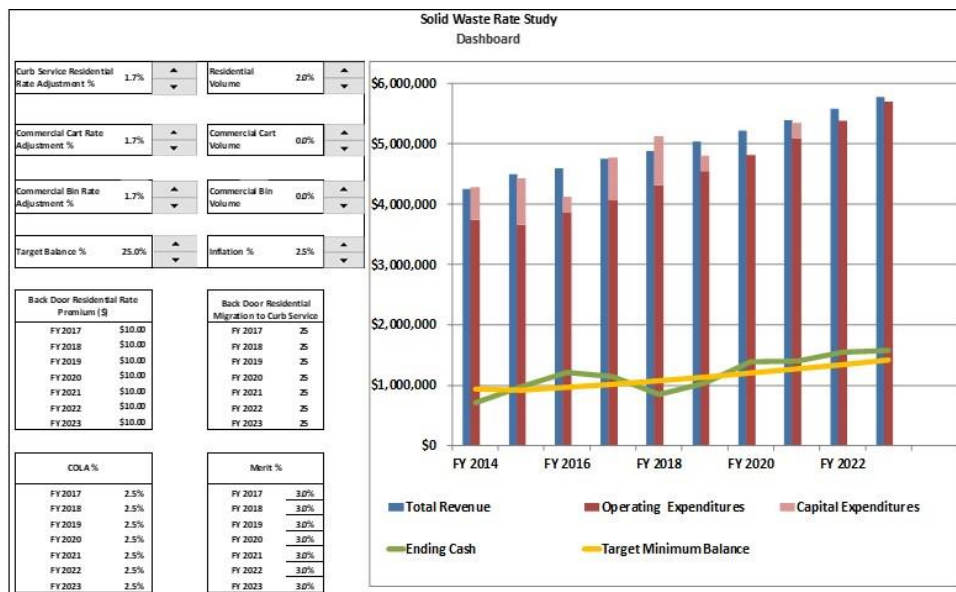
The purpose of this task is to gather the information we need to conduct our cost-of-service analysis. To perform this task, we will gather from the City information about the billing and collection of payments for refuse service. We will also gather information about its current and budgeted recycling and contract administration activities. We will gather from Clemens information it maintains about refuse customers including the frequency, number, and size of containers. We will also gather operational information from Clemens, for example, we will gather information about the number of routes they operate and the number of tons they collect. The purpose for gathering this information from Clemens will be to estimate how its costs may change when the Rural Exemption expires at the end of 2026. We will analyze the information we gather and evaluate it for reasonableness. We will use the information we gather to perform our rate analysis described in Task 3.

### Task 3 -Rate Analysis

The purpose of this task is to achieve the project’s key objectives of ensuring that the City’s rates generate an adequate amount of revenue to meet the City’s financial obligations, and to identify the nexus between individual rates and the cost of each level of service. To do this, we will:

- Identify potential solid waste funding sources and scenarios.
- Develop a rate model that mirrors the financial behavior of the City’s Refuse enterprise fund. The model will project expenses, revenue requirements, and the resulting need for changes in the solid waste rates for a period of 5 years. Based on this model, we will develop the cost-of-service analysis and a rate schedule that includes planned adjustments over a five-year period, beginning in 2024.
- Construct and document the model in a manner that allows the City to understand the formulas that are utilized, and how variables affect rate calculations. The City will be able to use the model in the future to evaluate actual performance against projections and to make adjustments as necessary.

**Chart 1 – Example Rate Model Dashboard**



- Include a user-friendly dashboard that produces reports and graphs based on changeable revenue and expenditure variables similar to the one shown above in Chart 1.
- Ensure that proposed rate structures are easy to understand and administer; and can be accommodated within the City’s existing utility billing system.

- Consider changes in the rate calculations including projected cost of services including:
  - Increased costs associated with the impacts of new recycling and organics collection costs starting in 2027.
  - Growth (or decline) in disposal tonnages
  - Changes in operations and maintenance expenses and programs including staffing.
  - Any appropriate automatic adjustments or pass-through components (e.g., inflation factors, fuel, disposal costs, health insurance, etc.)
  - Projected capital expenditures, if any, including replacement and expansion-related costs for both infrastructure and equipment
  - Compliance with new regulations
- Attend a meeting with staff to review the preliminary work products, and conduct ‘what-fi’ scenarios.
- Recommend a proposed rate structure that is in compliance with Proposition 218.

#### **Task 4 – Reporting and Presentations**

The purpose of this task is to communicate our recommendations to the City. To accomplish this task, we will:

- Prepare a draft report that describes the project background, objectives, work performed, and recommendations regarding cost-of-service rates.
- Administrative draft versions of all work products shall be provided to staff, including but not limited to, preliminary versions of the revenue requirements, 5-year financial forecast, cost-of-services analysis, rate structures, supporting narratives, and executive summaries.
- Provide one printed and one electronic copy of the final report in MS Word format, with spreadsheets in Excel format.
- Revise and finalize the draft report based on feedback from City staff.
- Prepare a PowerPoint presentation summarizing our findings and recommendations.
- Attend one meeting of the City Council and present our recommendations, and answer questions.
- Prepare a Prop 218-compliant 45-day notice to ratepayers.
- Attend an additional City Council meeting (Proposition 218 public hearing) to present the proposed rates and answer any questions.

## G. Cost Proposal

We propose to perform these services for the City for a not-to-exceed amount of \$40,000. We have based our proposed fees on the hours and billing rates for each of our staff members shown below in Table 1. If the City requests that we perform any additional tasks outside the scope of work, we will do so at the same hourly rates. We will not perform any additional tasks prior to receiving written approval from the City. We will invoice the City monthly, and our invoices will be due in 30 days.

**Table 1 – Proposed Not-to-Exceed Fees**

Task	Description	David Davis Project Manager	Chen Newman Project Manager	Girard Mobley Analyst	Total Hours	Total Cost
1	Kickoff / Project Management	16	16	16	48	9,760
2	Data Collection	4	16	8	28	5,560
3	Rate Analysis	8	40	24	72	14,240
4	Reporting and Presentation	12	24	12	48	9,660
Total Hours		40	96	60	196	
Hourly Rate		\$220	\$195	\$195		
Subtotal Fees		\$8,800	\$18,720	\$11,700		39,220
Subtotal- Estimated Expenses						\$780
Total Fees and Expenses						\$40,000

Revenue		
Account	Description	Amount
Subtotal		-

Expenditures		
Account	Description/Justification	Amount
25-000-7300.00	Solid waste - professional services	40,000
	prior to this amendment, budget was in deficit (\$38,800). If budget amendment is approved, amended budget deficit will be (\$78,800).	
Subtotal		40,000
Net Effect		(40,000)

Department Request		City Manager Review	
		<input type="checkbox"/> Approve	
		<input type="checkbox"/> Disapprove	
<div> <div></div> <div>Date</div> </div>		<div> <div>Dustin Rief, CM</div> <div>Date</div> </div>	
Finance Review		<div> <div>City Council Action</div> <div>Required?</div> <div>Yes</div> </div>	
<div> <div>Blake Michaelsen</div> <div>Date</div> </div>		<div> <div>Approved/Denied</div> <div>Date</div> </div>	



# City of Dunsmuir

## STAFF REPORT

**RE:** Solid Waste Committee

**MEETING DATE:**  
October 5, 2023

**SUBMITTED BY:** Dustin J. Rief, City Manager

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

**WHAT IS BEING ASKED OF THE CITY COUNCIL:** To advertise and reappoint a Solid Waste Committee.

**BACKGROUND/DISCUSSION:** The City Council has maintained a Solid Waste Committee in the past to work with and handle issues surrounding solid waste. The City is beginning the process of starting a Proposition 218 process and in the evaluation of these recommendations it is prudent to reestablish the committee to review and evaluate all aspects of the recommendations before presenting a decision to council. The Committee consist of 2 council members and 3 citizen members. Currently, there is one vacancy on the committee

**OPTIONS:** Authorize staff to request applications to fill the vacancy

Do not fill the vacancy.

**FISCAL IMPACT:**

☒ None ☐ Yes Budgeted Item? ☐ Yes ☐ No

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

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

**Comments:**

**SUGGESTED MOTIONS:** Motion to direct staff to advertise the Solid Waste Committee vacancy.

☐ **Attachments:**