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AGENDA
KERMAN CITY COUNCIL
REGULAR MEETING
Kerman City Hall
850 S. Madera Avenue
Wednesday, January 07, 2015
6:30 PM

AGENDA PACKET AVAILABLE FOR
REVIEW 72 HOURS PRIOR TO
THE CITY COUNCIL MEETING AT
THE CITY CLERK'S OFFICE AND
ON THE CITY WEBSITE
ITEMS RECEIVED AT THE
MEETING WILL BE AVAILABLE
FOR REVIEW AT THE CITY
CLERK'S OFFICE

Stephen B. Hill – Mayor
Gary Yep – Mayor Pro Tem
Rhonda Armstrong – Council Member
Nathan Fox – Council Member
Bill Nijjer – Council Member

ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER COMMUNICATION DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS, AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

OPENING CEREMONIES

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation

At this time the Council wishes to provide anyone an opportunity to give a brief invocation or inspirational thought. In accordance with law, we would request this opportunity not be used to recruit converts, to advance anyone, or to disparage any other faith or belief. If no one steps forward, we will observe a moment of silence so that we may all focus our thoughts on how best to serve our community.

- Pledge of Allegiance – City Clerk

AGENDA APPROVAL/ADDITIONS/DELETIONS

To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.

1. PRESENTATIONS/CEREMONIAL MATTERS

None

REQUEST TO ADDRESS COUNCIL

This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

ATTACHMENTS: [December 17, 2014](#)

B. SUBJECT: Payroll

Payroll Report: December 07, 2014 - December 20, 2014: \$127,472.19, Retro Pay & Other: \$1,320.92; Overtime: \$13,171.67; Standby: \$1,217.12; Comp Time Earned: 34.00

RECOMMENDATION: Council approve payroll as presented.

ATTACHMENTS: [Payroll/Overtime](#)

C. SUBJECT: Warrants

1. Nos. 5596-5628: \$180,054.12
2. Excepting: Valley Food Center: #5620 - \$47.30

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

ATTACHMENTS: [Accounts Payable](#)

3. PUBLIC HEARINGS

None

4. DEPARTMENT REPORTS

A. SUBJECT: Request for Abandonment of Public Utility Easement at 14647 West Kearney Boulevard (JJ)

RECOMMENDATION: Council by motion adopt resolution initiating proceedings for the vacation of the public utility easement at 14647 West Kearney Boulevard and set the date for the Public Hearing for February 4, 2015.

ATTACHMENTS: [Staff Report - Valdivia](#)

B. SUBJECT: City Council Training on Open Meetings, Ethics and Conflict of Interest Laws (MB)

RECOMMENDATION: Informational only.

ATTACHMENTS: [Staff Report - Ethics and Laws](#)

5. CITY MANAGER/STAFF COMMUNICATIONS

A. City of Kerman receives GFOA Distinguished Budget Award

6. MAYOR/COUNCIL REPORTS

A. New Mayor and Council Member Academy, January 14-16, 2015, Sacramento

7. CLOSED SESSION

None

8. ADJOURNMENT

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.



MINUTES
KERMAN CITY COUNCIL
REGULAR MEETING
Kerman City Hall
850 S. Madera Avenue
Wednesday, December 17, 2014
6:30 PM

Stephen B. Hill – Mayor
 Gary Yep – Mayor Pro Tem
 Rhonda Armstrong – Council Member
 Nathan Fox – Council Member
 Bill Nijjer – Council Member

Present: Mayor Hill (SH) Rhonda Armstrong (RA) Gary Yep (GY), Fox (NF), Nijjer (BN)
 Absent: None

Also Present: City Manager/Planning & Development Director Patlan, City Attorney Blum, Chief of Police, Community Services Director, Public Works Director, City Engineer

OPENING CEREMONIES

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation

- Pledge of Allegiance – City Clerk

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

- A. Swearing-In of Reserve Officers Jacob Dunn, David Caser and Kyle Godfrey (JLB)
- B. Certificate of Recognition to Wyatt Wolf for First Place in the Nation for Ag Mechanics Fabrication and Design (MR)
- C. Request for Donation from Kerman Pop Warner Cheer-Senior Team (MR)
- D. Request for Donation from Kerman Quarterback Club (MR)
- E. Presentation of New City Website (LP)

REQUEST TO ADDRESS COUNCIL

2. CONSENT CALENDAR

- A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

- B. SUBJECT: Payroll

Payroll Report: November 23, 2014 - December 06, 2014: \$124,168.31; Retro Pay & Other: \$2,683.18; Overtime: \$6,012.97; Standby: \$1,133.97; Comp Time Earned: 11.00; Uniform Allowance: \$5,800.00; Holiday Pay: \$19,789.62

RECOMMENDATION: Council approve payroll as presented.

Voting: Yes, No, Absent (Abstain if needed)

6:34 p.m.

All present except NF

SH
NF arrived
6:35 p.m.

Performed

Approved
BN/GY (5-0-0)

Performed

Presented

Approved \$500
GY/NF (5-0-0)

Approved \$500
GY/BN (5-0-0)

Presented

Mr. Giacolini

Approved
RA/GY (5-0-0)

C. SUBJECT: Warrants

1. Nos. 5458-5595: \$350,689.17
2. Excepting: Valley Food Center: #5448 - \$207.14; #5487 - \$61.29;
Sebastian Corp. #5559 - \$55.00; #5560 - \$3,023.83

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

D. SUBJECT: Resolution Approving Renewal of Land Lease of 15.2 Acres with Earl Giacolini and Roland Nale (E & R Ranch) (PG)

RECOMMENDATION: Council by motion adopt resolution approving a land lease between the City of Kerman and E & R Ranch (Earl Giacolini & Roland Nale) a General Partnership for 15.2 acres located at the northeast corner of California and Goldenrod and authorize the City Manager or designee to execute the Lease.

E. SUBJECT: Monthly Investment Report Ending November 30, 2014 (TJ)

RECOMMENDATION: Council accept the Monthly Investment Report as presented

F. SUBJECT: Resolution Acquiring Additional Right of Way for the Traffic Signal Project at the Southeast Corner of Vineland Avenue and Whitesbridge Road (Sidhu Family Trust) (GH)

RECOMMENDATION: Council by motion adopt the resolution approving an amendment to Real Property Purchase and Sales Agreement for the purchase of additional right of way in the amount of \$3,041 and authorize the City Manager to execute the agreement.

G. SUBJECT: Resolution Accepting the 2014 Street Repair Project (GH)

RECOMMENDATION: Council by motion adopt the resolution accepting the 2014 Street Repair Project and authorize the City Engineer to record the Notice of Completion.

3. PUBLIC HEARINGS

4. DEPARTMENT REPORTS

A. SUBJECT: Resolution Appointing Members to the Planning Commission and Announcement of Votes (MR)

RECOMMENDATION: Council by motion appoint applicants to fill two three-year terms ending December 31, 2017.

Approved
5448, 5487,
5559, 5560
BN/NF (3-0-2)
GY/RA

Res 14-69

Res 14-70

Res 14-71

None

Approved
GY/NF
(5-0-0)

Res 14-72

B. SUBJECT: Resolution Approving the Agreement for Community Development Block Grant (CDBG) Funds for the Kerman Katie's Park Improvement Project (GH)

RECOMMENDATION: Council by motion adopt Resolution approving the Agreement for CDBG funds for the Kerman Katie's Park Improvement Project and authorize the Mayor to sign the Agreement on behalf of the City.

Approved
GY/BN
(5-0-0)

Res 14-73

C. SUBJECT: Council Assignments for Committees, Commissions and Boards (MR)

RECOMMENDATION: Council discuss assignments and make changes appropriately.

Approved
appointments
GY/RA (5-0-0)

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

7. CLOSED SESSION

None

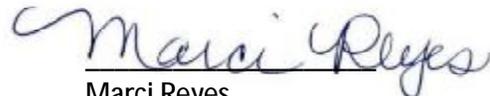
8. ADJOURNMENT

Approved
RA/GY (5-0-0)
8:41 p.m.

MINUTES CERTIFICATION

I, MARCI REYES, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above Minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: December 18, 2014



Marci Reyes
City Clerk

CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: December 07, 2014 - December 20, 2014

EMPLOYEE	SALARY	RETRO PAY	OVERTIME		STANDBY		GROSS SALARY	COMP TIME EARNED
		& Other	HOURS	AMOUNT	HOURS	AMOUNT		
<u>ADMINISTRATION</u>								
Patlan, Luis	\$ 4,664.77	\$ -	-	\$ -	-	\$ -	\$ 4,664.77	
Gonzalez, Diana	\$ 1,864.15	\$ -	-	\$ -	-	\$ -	\$ 1,864.15	2.00
Alvarez, Josefina	\$ 1,689.69	\$ -	-	\$ -	-	\$ -	\$ 1,689.69	
Jones, Toni	\$ 2,897.54	\$ -	-	\$ -	-	\$ -	\$ 2,897.54	
Reyes, Marcia	\$ 2,586.00	\$ 61.38	-	\$ -	-	\$ -	\$ 2,647.38	
Nazaroff, Helen	\$ 1,846.62	\$ -	-	\$ -	-	\$ -	\$ 1,846.62	
Camacho, Josie	\$ 926.25	\$ -	-	\$ -	-	\$ -	\$ 926.25	
TOTAL	\$ 16,475.02	\$ 61.38	-	\$ -	-	\$ -	\$ 16,536.40	2.00
<u>REC/SOCIAL</u>								
Gallegos, Philip	\$ 3,734.77	\$ -	-	\$ -	-	\$ -	\$ 3,734.77	
Arredondo, Barbara	\$ 1,526.77	\$ -	-	\$ -	-	\$ -	\$ 1,526.77	
Gonzalez, Jose Felix	\$ 1,599.69	\$ -	-	\$ -	-	\$ -	\$ 1,599.69	
Salvador, Mark	\$ 1,883.08	\$ -	-	\$ -	-	\$ -	\$ 1,883.08	
Silva, Jessica	\$ 533.00	\$ -	-	\$ -	-	\$ -	\$ 533.00	
Sidhu, Nirmal	\$ 1,465.38	\$ -	-	\$ -	-	\$ -	\$ 1,465.38	
Lujan, Vanessa	\$ 588.50	\$ -	-	\$ -	-	\$ -	\$ 588.50	
Johnson, Theresa	\$ 1,666.62	\$ -	-	\$ -	-	\$ -	\$ 1,666.62	
Arredondo, Michelle	\$ 283.50	\$ -	-	\$ -	-	\$ -	\$ 283.50	
Arredondo, Raquel	\$ 280.00	\$ -	-	\$ -	-	\$ -	\$ 280.00	
Rangel, Jose A	\$ 321.75	\$ -	-	\$ -	-	\$ -	\$ 321.75	
Burdine-Slaven, Jeani	\$ 1,511.54	\$ -	-	\$ -	-	\$ -	\$ 1,511.54	
Figueroa, Rita	\$ 400.00	\$ -	-	\$ -	-	\$ -	\$ 400.00	
Villarreal, Arlene	\$ 305.00	\$ -	-	\$ -	-	\$ -	\$ 305.00	
TOTAL	\$ 16,099.60	\$ -	-	\$ -	-	\$ -	\$ 16,099.60	0.00
<u>POLICE</u>								
Rodrigues, Mary	\$ 1,759.38	\$ -	-	\$ -	-	\$ -	\$ 1,759.38	
Madruga, Ron	\$ 3,114.46	\$ -	-	\$ -	-	\$ -	\$ 3,114.46	
Chapman, Tom	\$ 2,413.38	\$ -	18.00	\$ 814.52	-	\$ -	\$ 3,227.90	
Cubillos, Teresa	\$ 3,040.62	\$ -	-	\$ -	-	\$ -	\$ 3,040.62	
Barbosa, Isaias	\$ 2,368.32	\$ 25.38	19.00	\$ 843.71	-	\$ -	\$ 3,237.41	8
Ramirez, Donald	\$ 1,493.54	\$ -	-	\$ -	-	\$ -	\$ 1,493.54	
Mendoza, Sandra	\$ 2,311.85	\$ -	7.00	\$ 303.43	-	\$ -	\$ 2,615.28	
Davis, Jeff	\$ 2,825.08	\$ -	4.00	\$ 211.88	6.00	\$ 52.97	\$ 3,089.93	
Ness, Lee	\$ 2,046.00	\$ -	26.00	\$ 997.43	8.00	\$ 51.15	\$ 3,094.58	
Barcoma, Wilbert	\$ 2,758.04	\$ 487.28	48.00	\$ 2,482.23	-	\$ -	\$ 5,727.55	
Ramer, Joseph	\$ 1,493.54	\$ 746.88	-	\$ -	-	\$ -	\$ 2,240.42	
Nevis, James	\$ 2,300.77	\$ -	-	\$ -	-	\$ -	\$ 2,300.77	
Magallon, Peter	\$ 2,413.43	\$ -	31.00	\$ 1,402.80	-	\$ -	\$ 3,816.23	
Belding, Jeff	\$ 2,357.08	\$ -	10.00	\$ 441.95	-	\$ -	\$ 2,799.03	
Antuna, Eric	\$ 2,158.54	\$ -	-	\$ -	-	\$ -	\$ 2,158.54	
Nelson, Christopher J	\$ 3,114.46	\$ -	16.00	\$ 934.34	-	\$ -	\$ 4,048.80	17
Tiwana, Manpreet	\$ 1,957.92	\$ -	12.00	\$ 440.53	-	\$ -	\$ 2,398.46	
Blohm, Joseph	\$ 4,047.23	\$ -	-	\$ -	-	\$ -	\$ 4,047.23	
Rodriguez, Erika	\$ 1,902.46	\$ -	33.75	\$ 1,132.56	-	\$ -	\$ 3,035.02	
Lehman, Dustin	\$ 1,767.23	\$ -	19.00	\$ 629.58	-	\$ -	\$ 2,396.81	
Antuna, Miguel	\$ 855.00	\$ -	-	\$ -	-	\$ -	\$ 855.00	
Ledezma, Linda	\$ 1,199.54	\$ -	-	\$ -	-	\$ -	\$ 1,199.54	

CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: December 07, 2014 - December 20, 2014

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT		
Medina-Labetiaux, EJ	\$ 1,767.23	\$ -	12.00	\$ 331.36	-	\$ -	\$ 2,098.59	
Seroka, Dylan	\$ 885.00	\$ -	-	\$ -	-	\$ -	\$ 885.00	
Moon, Nathan	\$ 502.50	\$ -	-	\$ -	-	\$ -	\$ 502.50	
Kaser, David	\$ 408.00	\$ -	-	\$ -	-	\$ -	\$ 408.00	
Godfrey, Kyle	\$ 528.00	\$ -	-	\$ -	-	\$ -	\$ 528.00	
Dunn, Jacob	\$ 925.78	\$ -	-	\$ -	-	\$ -	\$ 925.78	
TOTAL:	\$ 54,714.37	\$ 1,259.54	255.75	\$ 10,966.32	14.00	\$ 104.12	\$ 67,044.35	25.00

PUBLIC WORKS

Gonzales, Ruben	\$ 2,011.38	\$ -	-	\$ -	-	\$ -	\$ 2,011.38	
Rodriguez, Joe	\$ 1,964.77	\$ -	24.50	\$ 976.24	22.50	\$ 552.59	\$ 3,493.61	
Prieto, Ruben	\$ 1,762.15	\$ -	-	\$ -	-	\$ -	\$ 1,762.15	
Gruce, Robert	\$ 2,478.00	\$ -	-	\$ -	-	\$ -	\$ 2,478.00	
Hearld, Douglas	\$ 361.96	\$ -	-	\$ -	-	\$ -	\$ 361.96	
Madruga, Lydia	\$ 1,964.77	\$ -	-	\$ -	-	\$ -	\$ 1,964.77	
Ramirez, Manuel	\$ 1,830.92	\$ -	5.00	\$ 171.65	-	\$ -	\$ 2,002.57	
Chavez, Fernando M.	\$ 2,368.15	\$ -	-	\$ -	-	\$ -	\$ 2,368.15	
Gastelum, Humberto	\$ 1,924.15	\$ -	5.00	\$ 180.39	-	\$ -	\$ 2,104.54	
Barajas, Michael	\$ 1,871.08	\$ -	5.00	\$ 175.41	-	\$ -	\$ 2,046.49	
Castro, Joseph	\$ 1,785.69	\$ -	-	\$ -	-	\$ -	\$ 1,785.69	
Arechiga, Pastor	\$ 1,639.38	\$ -	5.00	\$ 153.69	-	\$ -	\$ 1,793.08	
Sanchez, Daniel	\$ 1,465.38	\$ -	-	\$ -	-	\$ -	\$ 1,465.38	
Zapata, Domingo	\$ 1,945.85	\$ -	-	\$ -	-	\$ -	\$ 1,945.85	
Moore, Ken	\$ 3,853.85	\$ -	-	\$ -	-	\$ -	\$ 3,853.85	
Vallejo, Edward	\$ 1,992.55	\$ -	13.00	\$ 547.95	22.50	\$ 560.41	\$ 3,100.91	7.00
Palacios, Jesus	\$ 580.00	\$ -	-	\$ -	-	\$ -	\$ 580.00	
Isaak, Denise	\$ 1,466.31	\$ -	-	\$ -	-	\$ -	\$ 1,466.31	
Duarte, Leonardo	\$ 580.00	\$ -	-	\$ -	-	\$ -	\$ 580.00	
Tinoco, Alfonso	\$ 580.00	\$ -	-	\$ -	-	\$ -	\$ 580.00	
Garcia, Carlos Jr	\$ 540.00	\$ -	-	\$ -	-	\$ -	\$ 540.00	
TOTAL	\$ 34,966.36	\$ -	57.50	\$ 2,205.34	\$ 45.00	\$ 1,113.00	\$ 38,284.70	7.00

PLANNING

Pimentel, Olivia	\$ 2,199.23	\$ -	-	\$ -	-	\$ -	\$ 2,199.23	
Kufis, Chris	\$ 2,392.62	\$ -	-	\$ -	-	\$ -	\$ 2,392.62	
TOTAL	\$ 4,591.85	\$ -	-	\$ -	-	\$ -	\$ 4,591.85	0.00

PLANNING

Epperson, R	\$ -	Yep	\$ 125.00
Lopez, M	\$ -	Fox	\$ 125.00
Bandy, R	\$ -	Nijjer	\$ 125.00
Harris, J	\$ -	Armstrong	\$ 125.00
Melgoza, G	\$ -	Hill	\$ 125.00
Nehring, K	\$ -		
Kehler, E	\$ -		
Wettlaufer, K	\$ -		
Total	\$ -	Total	\$ 625.00

COUNCIL

GRAND TOTAL:	\$127,472.19	\$1,320.92	313.25	\$13,171.67	59.00	\$1,217.12	\$143,181.90	34.00
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**CITY OF KERMAN
OVERTIME SUPPLEMENTAL PAYROLL REPORT**

PAY PERIOD 12/7/14-12/20/14

POLICE DEPARTMENT

Overtime Categories - Number of Hours								
Regular Overtime	Court	Shift Coverage	SID	Training	Avoid the 21 Grant	Special Events	Total	
27	4	8		44	156	4.75	243.75	
(see notes below for overtime description)								
DOUBLE TIME: (Sunday)								
6		6					12	
PUBLIC WORKS DEPARTMENT							Sub Total	255.75

Overtime Categories - Number of Hours								
Water Service	Sewer Emergencies	Animal Control	Special Events	Other or Call Back	On Call Duties	Total		
3	13.5		25	1	4	46.5		
(see notes below for overtime description)								
DOUBLE TIME: (Sunday)								
	7				4	11		
COMMUNITY SERVICES DEPARTMENT							Sub Total	57.5

Overtime Categories - Number of Hours			
Regular Overtime	After Hour Event	Total	
		0	
FINANCE / PLANNING DEPARTMENTS			
Sub Total			0

Overtime Categories - Number of Hours						
Regular Overtime	Utility Billing	Payroll	Dog Clinic	Year End Audit	Total	
					0	
Sub Total						0
Total Hours (All Departments)						<u>313.25</u>

POLICE DEPARTMENT:

Regular Overtime – 23 hrs late arrests, report writing, 2 hrs search warrant, 2 hrs interview suspect, 6 hrs DBL Time call out on Sunday's due to vicious dogs
Court – 4 hrs court appearance
Shift Coverage – 8 hrs shift coverage due to vacation, sick leave, 6 hrs DBL Time due to call in sick
Special Investigation Division (SID) – Special police action is required such as a search warrant, surveillance, and other crime patterns, etc
Training – 44 hrs FTO Orientation for 3 new hires
Grant – 156 hrs AVOID DETAIL
Special Events - 1.75 hrs for Neighborhood Watch mtg., 3 hrs for Parade Detail

PUBLIC WORKS DEPARTMENT:

Water Service - Includes 3 hrs overtime for shut-off and turn-on of service, all water related emergencies.
Sewer Emergencies -13.5 hrs OT & 7 hrs DT SCADA problems/Sewer emergencies. (SCADA controls pumps, wells and sewer, lift stations, all sewer and storm drain related issues)
Animal Control -Vicious or dead animals (not normally used for stray animals)
Special Events -25 hrs OT Pageantry of Lights Parade.
Other -1 hr OT Opened gates at City Yard for crew working on CNG project.
Call Back - Any emergencies where additional employees are called to assist.
On-Call Duties 4 hrs OT and 4 hrs DT for reading and recording flow meters on wells and sewer plant; feed and clean kennels, verify WWTP running effectively, etc OT is for two weekends. and/or any holidays.

COMMUNITY SERVICES DEPARTMENT

Regular Overtime – On occasion, but very rare due to the amount of part-time employees.
After Hour Event – Occurs only if a full-time employee would have to stay for clean-up or as a facility attendant.

FINANCE / PLANNING DEPARTMENTS

Regular Overtime - Only as needed.
Utility Billing - Completed on the 1st of each month
Payroll - Completed bi-weekly
Dog Clinic - Once a year clinic held after business hours
Year-End Audit - Completed over a period of time at the end of each fiscal year.

Accounts Payable

Checks by Date - Detail by Check Date

User: dgonzalez
 Printed: 12/26/2014 9:04 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
5596	10010	ACCOUNTEMPS	12/17/2014	
	41869074	FIN-TEMP AGENCY PERSONNEL-40 HRS		34.00
	41869074	FIN-TEMP AGENCY PERSONNEL-40 HRS		238.00
	41869074	FIN-TEMP AGENCY PERSONNEL-40 HRS		204.00
	41869074	FIN-TEMP AGENCY PERSONNEL-40 HRS		170.00
	41869074	FIN-TEMP AGENCY PERSONNEL-40 HRS		34.00
Total for Check Number 5596:				680.00
5597	10029	ALLIED ELECTRIC	12/17/2014	
	1189778-01	WTR-POWER SUPPLY/FUSES WELL #14		141.59
Total for Check Number 5597:				141.59
5598	10504	AUTOZONE	12/17/2014	
	5324196983	V/E-3/8 BLACK CONDUIT-SHOP		4.64
	5324206335	V/E-2 TIE ROD END #1468		59.14
	5324206347	V/E-RETURNED 1 TIE ROD END		-29.57
Total for Check Number 5598:				34.21
5599	10640	CENTRAL VALLEY PRESORT, INC.	12/17/2014	
	20174794	FIN-VAR-UTILITY ENVELOPES		87.44
	20174794	FIN-VAR-UTILITY ENVELOPES		74.33
	20174794	FIN-VAR-UTILITY ENVELOPES		56.84
Total for Check Number 5599:				218.61
5600	10452	CITY OF FRESNO WMD	12/17/2014	
	K120314	WTR-LAB ANALYSIS		75.00
	K120314	SWR-LAB ANALYSIS		77.00
Total for Check Number 5600:				152.00
5601	10097	CLEANSOURCE	12/17/2014	
	5124971-00	CTC-JANITORIAL SUPPLIES		512.91
Total for Check Number 5601:				512.91
5602	10099	CLEAR, INC	12/17/2014	
	11212014	PD-CLEAR ANNUAL MEMBERSHIP FEE (F		50.00
Total for Check Number 5602:				50.00
5603	10563	CWEA RENEWAL	12/17/2014	
	ID#000647631	WTR-CSMG CERT RENEWAL FOR EDWARI		39.50
	ID#000647631	WTR-CSMG CERT RENEWAL FOR EDWARI		39.50
Total for Check Number 5603:				79.00
5604	10128	DEPARTMENT OF JUSTICE	12/17/2014	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	071011	PD-NOV LIVE SCAN PRINTS (3DOJ, 2FBI)		130.00
	071011	PD-LIVE SCAN APP RES J DUNN		51.00
	071011	PD-LIVE SCAN APP RES D. KASER		51.00
	73885	PD-4 BLOOD ALCOHOL ANALYSIS NOV		140.00
Total for Check Number 5604:				372.00
5605	10129 12102014	DEPARTMENT OF PESTICIDE REG STRT-NEW QUALIFIED APPLICATOR CERT	12/17/2014	190.00
Total for Check Number 5605:				190.00
5606	10144 3008713 3008736 3008791 3008878 3008878 3008878	ELBERT DISTRIBUTING, INC V/E-TRANSMISSION FLUID, STOCK V/E-4 TUBES OF GREASE V/E-ADV FORMULA MOA V/E-ULTRA GUARD OIL ADDITIVE-STOCK V/E-ADVANCE FORMULA MOA-STOCK V/E-SALES TAX	12/17/2014	342.37 21.12 81.60 253.30 30.16 23.31
Total for Check Number 5606:				751.86
5607	10154 CAFR249659 CAFR249773 CAFR249773 CAFR249773	FASTENAL COMPANY LLD-9V Li BATTERY (QT:6) V/E-14 OZ BRAKLEEN LOW VOC (4) V/E-SAFETY GLASSES (6) V/E-6.4 OZ LOSMK 2.5 GAL MIX (8)	12/17/2014	60.39 26.79 5.67 44.22
Total for Check Number 5607:				137.07
5608	10572 10873084	FRESNO CITY COLLEGE PD-RANGEMASTER COURSE-E. ANTUNA	12/17/2014	74.00
Total for Check Number 5608:				74.00
5609	10162 SO12146	FRESNO COUNTY TREASURER PD-NOV PRISONER PROCESSING SERVICE	12/17/2014	168.00
Total for Check Number 5609:				168.00
5610	10175 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014 11302014	G & K SERVICES, INC VAR-UNIFORMS, MATS SUPPLIES VAR-UNIFORMS, MATS SUPPLIES	12/17/2014	3.66 30.77 23.96 1,025.01 71.20 58.64 1.72 8.95 14.75 27.95 11.43 50.09
Total for Check Number 5610:				1,328.13
5611	10514 11167 11167	ICAD INC. WTR-WONDERWARE UPGRADE WIN 911 SWR-WONDERWARE UPGRADE WIN 911	12/17/2014	4,616.17 4,616.16
Total for Check Number 5611:				9,232.33

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
5612	10205	INDEPENDENT STATIONERS	12/17/2014	
	IN-000482065	CS-COPY PAPER FOR SR ASSESSMENTS		5.61
	IN-000482842	ADM-OFFICE SUPPLIES		65.41
	IN-000482842	CC-GENERAL SUPPLIES		70.89
Total for Check Number 5612:				141.91
5613	10260	METRO UNIFORM & ACCESSORIES	12/17/2014	
	110479	PD-UNIFORM FOR D. KASER		208.55
	110480	PD-UNIFORM FOR J. DUNN		273.43
	110528	PD-UNIFORM FOR K. GODFREY		219.37
Total for Check Number 5613:				701.35
5614	10261	MID VALLEY DISPOSAL, INC	12/17/2014	
	11302014	SWA-NOVEMBER S/W CHARGES		70,633.79
	11302014	SWA-ROLL OFF/FRANCHISE FEES		-334.40
Total for Check Number 5614:				70,299.39
5615	10289	P.G.& E.	12/17/2014	
	288114119-9	CS-TRANSIT BUS FUEL-NOVEMBER		380.58
	3920400666-0	STRT-MONTHLY SERVICE 10/30/14-12/01/14		3,912.68
	4055166878-9	LLD-MONTHLY SERVICE 10/29/14-11/30/14		1,459.24
	4055166878-9	LLD-INSTALLMENT LOAN LED		1,207.83
	5467738309-0	WTR/SWR/SD-MONTHLY SERVICE 10/29/14		16,469.12
	5467738309-0	WTR/SWR/SD-MONTHLY SERVICE 10/29/14		145.31
	5467738309-0	WTR/SWR/SD-MONTHLY SERVICE 10/29/14		19.71
	5467738309-0	WTR/SWR/SD-MONTHLY SERVICE 10/29/14		63.85
	5741309690-0	BPO-MONTHLY SERVICE 10/27/14-11/24/14		358.01
Total for Check Number 5615:				24,016.33
5616	10319	RENO'S HARDWARE	12/17/2014	
	48074	STRT-RENT CEMENT TROWELING MACHI		64.94
	48557	V/E-TARP FOR FLATBED		72.93
	48648	BPO-PITCH FORK		60.16
	VARIOUS	VAR-MISC PARTS & SUPPLIES <\$50		67.91
	VARIOUS	VAR-MISC PARTS & SUPPLIES <\$50		31.57
	VARIOUS	VAR-MISC PARTS & SUPPLIES <\$50		52.65
	VARIOUS	VAR-MISC PARTS & SUPPLIES <\$50		36.14
	VARIOUS	VAR-MISC PARTS & SUPPLIES <\$50		47.46
	VARIOUS	VAR-MISC PARTS & SUPPLIES <\$50		13.20
Total for Check Number 5616:				446.96
5617	10443	ROTH CRANE SERVICE	12/17/2014	
	152732	SWR-REMOVE BLOWER 2 MOTOR FOR RE		216.00
Total for Check Number 5617:				216.00
5618	10327	SAFETY KLEEN CORP	12/17/2014	
	65223030	V/E-AQUEOUS PARTS WASHER SOLUTION		208.45
Total for Check Number 5618:				208.45
5619	10335	SILVA FORD MADERA	12/17/2014	
	19754	V/E-A/C BLEND DOOR #1467		67.12
Total for Check Number 5619:				67.12
5620	10392	VALLEY FOOD CENTER	12/17/2014	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	12022014	REC-HACIENDA HEIGHTS SNACK SUPPLI		43.32
	12032014	REC-BREAKFAST WITH SANTA SUPPLIES		3.98
Total for Check Number 5620:				47.30
5621	10399 210120	VETERINARY MEDICAL CENTER AAC-1 EUTHANASIA OF ANIMALS	12/17/2014	22.40
Total for Check Number 5621:				22.40
5622	10412 77152078 77152078 77152078	XEROX CORPORATION ADM-COPIER LEASE ADM-PRINT CHARGES @ \$0.0064 ADM-TAXES	12/17/2014	267.99 150.14 34.39
Total for Check Number 5622:				452.52
5623	10413 32564 32565 32566 32567 32568 32569 32570 32571 32572 32573 32574 32575 32576 32577 32578 32579 32580	YAMABE & HORN ENGINEERING ENG-GOLDENROD RAILROAD CROSSING ENG-WHITESBRIDGE & VINELAND TRAFF ENG-KATIES KIDS NATURE PARK ENG-GENERAL ENGINEERING ENG-WELL NO. 18 PRODUCTION WELL ENG-STANISLAUS AVE & 16TH SIDEWALK ENG-VINELAND AVE WIDENING ENG-UPRR PEDESTRIAN AND BICYCLE TR ENG-PROP 84 WATER METER PROJECT ENG-CALIFORNIA & MAY RECONSTRUCTI ENG-2014 STREET REPAIR PROJECT ENG-KERMAN CROSSINGS-PARCEL C SPR ENG-2014 ATP APPLICATION ENG-CALIFORNIA AVENUE RECONSTRUC ENG-MADERA & JENSEN GATEWAY MONU ENG-WWTP POND NO. 8 SURVEY ENG-PUNJABI TEMPLE ADA INSPECTION	12/17/2014	520.00 3,967.50 845.00 1,223.75 671.25 1,515.00 520.00 498.75 1,835.00 451.25 1,135.00 127.50 505.00 4,220.00 95.00 1,380.00 250.00
Total for Check Number 5623:				19,760.00
5624	10674 12162014	Z - ALBERT FONSECA C-UTILITY DEPOSIT REFUND	12/17/2014	78.40
Total for Check Number 5624:				78.40
5625	10675 44036	Z - ANNABEL BARREDO CTC-FACILITY USE DEPOSIT REFUND-12/1	12/17/2014	400.00
Total for Check Number 5625:				400.00
5626	10676 13658	Z - MARY BUSTAMONTE CTC-FACILITY USE DEPOSIT REFUND - 11/	12/17/2014	150.00
Total for Check Number 5626:				150.00
Total for 12/17/2014:				131,129.84
ACH	10147 12122014 12122014	Employment Development Department HR-C PR TAX DEPOSIT, SIT PAYABLE-PIT A HR-C PR TAX DEPOSIT, SDI PAYABLE=SDI	12/22/2014	4,437.25 1,514.53
Total for this ACH Check for Vendor 10147:				5,951.78

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	10517 12122014 12122014 12122014	Federal Taxes-Payroll HR-C PAYROLL TAX DEPOSIT 12/12/14, FIT HR-C PAYROLL TAX DEPOSIT 12/12/14, FIC HR-C PAYROLL TAX DEPOSIT 12/12/14, FIC	12/22/2014	15,864.03 19,585.62 4,580.60
Total for this ACH Check for Vendor 10517:				40,030.25
ACH	10518 12122014	Kerman Police Officers Assn. HR-C MEMBERSHIP DUES 12/12/14	12/22/2014	588.00
Total for this ACH Check for Vendor 10518:				588.00
ACH	10519 12122014	Kerman Municipal Employees Assn. HR-C MEMBERSHIP DUES 12/22/14	12/22/2014	180.00
Total for this ACH Check for Vendor 10519:				180.00
ACH	10520 12122014	ICMA-RC HR-C DEFERRED COMP 12/12/14	12/22/2014	1,885.33
Total for this ACH Check for Vendor 10520:				1,885.33
5627	10104 815550021014764	COMCAST TECH-TECHNOLOGY SERVICES 12/4/14-01/	12/22/2014	163.92
Total for Check Number 5627:				163.92
5628	10416 12182014	YUKON JACKS CC-MEETING WITH CITY ENGINEER	12/22/2014	125.00
Total for Check Number 5628:				125.00
Total for 12/22/2014:				48,924.28
Report Total (38 checks):				180,054.12



City of Kerman

"Where Community Comes First"

MAYOR
Stephen B. Hill
COUNCIL MEMBER
Rhonda Armstrong
MAYOR PRO-TEM
Gary Yep
COUNCIL MEMBER
Nathan Fox
COUNCIL MEMBER
Bill Nijjer

DEPARTMENT: PLANNING AND DEVELOPMENT
STAFF REPORT
CITY COUNCIL MEETING
COUNCIL MEETING DATE: JANUARY 7, 2015

To: Mayor and City Council
From: Jerry Jones, City Engineer
Subject: Request for Abandonment of Public Utility Easement at 14647 West Kearney Boulevard

RECOMMENDATION

Council by motion adopt resolution initiating proceedings for the vacation of the public utility easement at 14647 West Kearney Boulevard and set the date for the public hearing for February 4, 2015.

EXECUTIVE SUMMARY

The City has received a request to abandon the Public Utility Easement (PUE) at 14647 West Kearney Boulevard (APN 023-150-43S) from Mr. Arthur Valdivia. Mr. Valdivia intends to build a single family residence on the property and the proposed residence encroaches on the PUE.

OUTSTANDING ISSUES

If Council approves this resolution, staff will send notices to all utility companies that may be affected by the abandonment of the PUE. If any utility companies submit evidence showing conclusively that the PUE is required for their use, the PUE may not be abandoned or a separate easement will have to be negotiated.

DISCUSSION

Mrs. Beatrice Valdivia owns the subject property at 14647 West Kearney Boulevard. The property is located at the southwest corner of Kearney Boulevard and G Street, with frontages on both streets. Mrs. Valdivia, and her son, Mr. Arthur Valdivia, have approached the City in regards to building a single family residence on the subject property to be used by Mr. Valdivia. The Valdivia's submitted a plot plan (see Attachment 'B') for review and comment by staff. Upon review, Staff noted that the proposed residence encroached upon the PUE along the frontage of the property. The PUE was dedicated as a standard requirement by the City in connection with the parcel map filed by Mr. and Mrs. Fidel Valdivia in June 2005.

Mr. Arthur Valdivia submitted a request (see Attachment 'C') to abandon the PUE along the frontage of the property to facilitate the approval and construction of the proposed residence. The City received the request on December 17, 2014. In accordance with the California Streets and Highways Code (SHC), Section 8320, the City may initiate proceedings for the abandonment of a PUE upon the request of an interested person, in this case Mr. Valdivia. The specific vacation procedure set forth in SHC Sections 8320-8325 requires the following steps:

1. After receipt of a request to vacate, Council may initiate proceedings for the vacation and set the date for the required public hearing.
2. If Council initiates proceedings, the City must publish a notice of the public hearing for two successive weeks prior to the public hearing and post the notice along the PUE at least two weeks prior to the hearing.
3. Council hold the public hearing and hear evidence from any interested parties.
4. If Council finds, after considering any evidence submitted at the hearing, that the PUE is unnecessary for present or prospective use, Council may adopt a resolution vacating the PUE.
5. If vacated, the resolution shall be filed with the County Recorder.

The Notice of Public Hearing would be published in the Kerman News on January 14, 2015 and January 21, 2015. In addition, the Notice would be posted at a minimum of three locations along the PUE.

FISCAL IMPACT

There is no fiscal impact to the City that will result from the abandonment of the PUE.

PUBLIC HEARING

The required public hearing should be set for February 4, 2015.

Attachments:

- A. Resolution
- B. Plot Plan
- C. Request to Abandon PUE

Attachment 'A'

RESOLUTION NO. 15-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
INITIATING PROCEEDINGS FOR THE VACATION OF THE PUBLIC UTILITY EASEMENT
AT 14647 WEST KEARNEY BOULEVARD (APN 023-150-43S)

WHEREAS, the City has received a request to vacate the Public Utility Easement along the Kearney Boulevard and G Street frontages of 14647 West Kearney Boulevard (APN 023-150-43S).

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDERED as follows:

1. That it is the intention of the City Council of the City of Kerman to vacate the Public Utility Easement along the Kearney Boulevard and G Street frontages of 14574 West Kearney Boulevard (APN 023-150-43S), as shown on the map on file in the Office of the City Clerk of the City of Kerman, pursuant to the provisions of Chapter 3 of the Public Streets, Highways, and Service Easements Vacation Law, California Streets and Highways Code Section 8300 et seq.
2. That the date, hour, and place of the Public Hearing where all parties interested in the proposed vacation may appear before City Council and be heard shall be February 4, 2015 at 6:30 P.M., or shortly thereafter, at the regular meeting place of the Council of the City of Kerman, Kerman City Hall, Kerman California 93630.
3. A Notice of Public Hearing shall be published for at two successive weeks prior to the date of the Public Hearing in a newspaper published and circulated in the City of Kerman and the Notice shall also be posted, in a minimum of three places, along the Public Utility Easement to be vacated at least two weeks prior to the date of the Public Hearing, pursuant to the provisions of California Streets and Highways Code Section 8300 et seq.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 7th day of January 2015, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Stephen B. Hill
Mayor

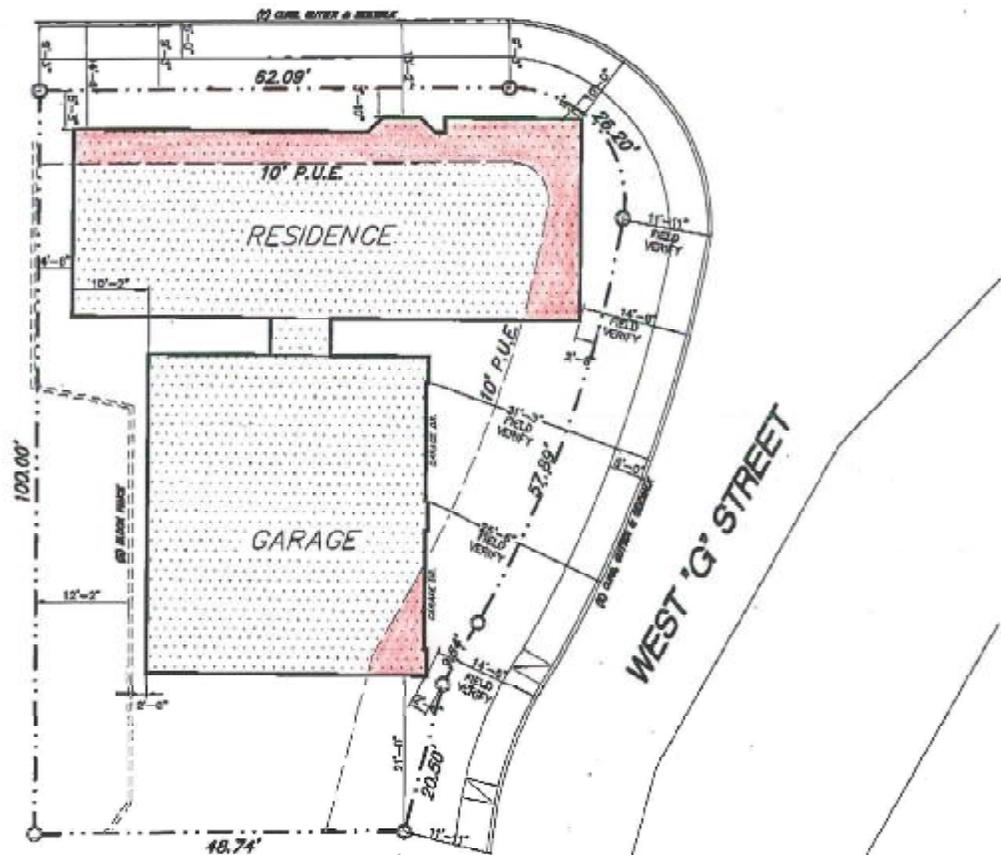
ATTEST:

Marci Reyes
City Clerk

Attachment 'B'

PARCEL 2
6,565.18 SF
0.1507 AC

WEST KEARNEY BLVD.



Handwritten signature: GARY



ENCROACHMENT IN P.U.E.

No. 0058 P. 1

12/4/14
Dec. 11, 2014 1:09PM



Attachment 'C'

To: City of Kerman
From: Arthur Valdivia
461 S. Manor Drive
Kerman, CA 93630

RECEIVED
Kerman Planning Dept
COMMUNITY
DATE: 12-11-14

I am hereby requesting that the abandonment easement be lifted for 14547 W. Kearney Blvd., which is located on the corner of Kearney and Crooked G Street. I intend to build a home at this address for myself and my family.

Thank you for your time.

Sincerely,

Arthur Valdivia



City of Kerman

"Where Community Comes First"

MAYOR
Stephen B. Hill
MAYOR PRO-TEM
Gary Yep
COUNCIL MEMBER
Rhonda Armstrong
COUNCIL MEMBER
Nathan Fox
COUNCIL MEMBER
Bill Nijjer

DEPARTMENT: CITY ATTORNEY'S OFFICE
STAFF REPORT
CITY COUNCIL MEETING
COUNCIL MEETING DATE: JANUARY 7, 2015

To: Mayor and City Council
From: Mark A. Blum, City Attorney
Subject: City Council Training on Open Meetings, Ethics and Conflict of Interest Laws

RECOMMENDATION

This is an informational item only.

EXECUTIVE SUMMARY

This presentation is intended to provide a very brief introduction to some of the legal aspects of your new duties as an elected official and member of Kerman's City Council, whether as Council Member or Mayor.

California's Open Meeting law (the Brown Act), and its Conflict of Interest laws are essential starting points. The attached materials provide links to training opportunities and sources of additional information. Council Members are advised to consult with the City Manager or the City Attorney regarding questions they may have regarding agendas, the Brown act or other ethical issues.

OUTSTANDING ISSUES

None.

DISCUSSION

To our new Mayor and Council Members, congratulations on your election and re-election to public office! To our continuing Council Members, we hope this brief refresher course regarding the "Laws on Ethics and Open Government" will be a helpful review. We commend all of you on the trust the public has placed in you and your willingness to serve your community and the public interest.

Assembly Bill 1234: The Basic Starting Point

In the brief time allotted here, we cannot provide you with a thorough education on the laws which apply to members of the City Council. However, the California Legislature has enacted requirements for training in ethics and open meeting laws which will provide you with an introductory course in the laws governing your service in public office.

- **Who:** AB 1234 requires that every public official receive two hours of training in ethics laws.
- **Where:** AB 1234 training is available online at the Fair Political Practice Commission's website at

<http://www.fppc.ca.gov/index.php?id=477>. Alternately, you can usually obtain this training at California League of Cities conventions and from other certified providers.

- **When:** Every public official must obtain a certification of the AB 1234 training every two years. Incoming officials are required to complete their first training within 12 months of taking office. Because the AB 1234 training provides a good overview and introduction to the laws governing public officials, we recommend that officials take the training as soon as possible upon assuming office. Be sure to provide the City Clerk with your participation certificate so that she can record your compliance. In addition, the City must remind you every year of your obligation to participate in AB 1234 training every two years.
- **What:** Assembly Bill 1234 (Salinas) codified primarily at Government Code Section 53232 and following covers a broad spectrum of the ethics laws and open meeting laws that govern public service and includes, but is not limited to:

(1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws. These laws include the Political Reform Act and Government Code Section 1090 Prohibitions on Contracts between public officials and their agencies.

(2) Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws. These laws include your requirement to file an annual Statement of Economic Interests, the Public Records Act, and the Brown Act.

(4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

The Public's Business is Open to the Public: Brown Act 101

The Ralph M. Brown Act¹ is California's open meeting law. Your actions as a member of the City Council of the City of Kerman are governed by the Brown Act.² The Brown Act requires that all meetings of local public agencies be open and public. Violations of the Brown Act can invalidate the actions of the City Council, and can expose the City to costly litigation. On a personal level, violations of the Brown Act by a mayor or other councilmembers can result in criminal liability. These sanctions make it extremely important to understand that City action can properly proceed only by actions of a quorum of the entire Council acting in accordance with the Brown Act.

Under the Brown Act, the council's actions must be taken openly and its deliberations conducted openly. Kerman is a general law city which operates under a Council/City Manager form of government. In practice that means that the Council is the policy-making and legislative body, conducting its business, making decisions and taking action pursuant to the Brown Act in meetings that are open to the public, except in the case of matters which are permitted to be discussed in closed executive discussions. When the Council has set policy or made its decision, in most cases it becomes the responsibility of the City Manager as the day-to-day administrator to execute that policy or decision. Later in this memo we will further discuss the role of the City Manager.

¹ California Government Code Section 54950 et seq.

² The Brown Act also governs planning commissions and other boards or local agencies with advisory or decision-making duties. Government Code Sections 54952.

WHAT DOES IT MEAN TO MAKE A MEETING OPEN AND PUBLIC?

The Brown Act insures that meetings are open and public by requiring a legislative body to post an agenda at least 72 hours in advance of each regular meeting. The agenda must specify the time and location of the next meeting, and include a brief general description of each item of business to be transacted or discussed at the meeting. No action may be taken on items not appearing on the agenda, except in special circumstances.³

As used in the Brown Act, "action taken" means...a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.⁴

The broad definition of "action taken" prohibits a number of seemingly innocent practices:

- 1) The Brown Act is violated when a legislative body (or enough of its members to make up a quorum) holds an informal meeting and commits itself collectively to a particular future decision concerning the public business. Thus, an informal, study, discussion, informational, fact-finding or pre-council gathering is a violation of the Brown Act.⁵
- 2) The Brown Act is violated when members of the legislative body have a series of one to one telephone conversations with the City Manager, City Attorney or any other person for the purpose of obtaining a collective commitment or promise by a majority of that body concerning public business.⁶
- 3) "[A] series of nonpublic contacts at which a quorum of a legislative body is lacking at any given time is proscribed by the Brown Act if the contacts are "planned by or held with the collective concurrence of a quorum of the body to privately discuss the public's business" either directly or indirectly through the agency of a non-member."⁷

ARE THERE EXCEPTIONS TO THE OPEN MEETING REQUIREMENT?

Yes. In addition to the emergency and special circumstance exceptions, the Brown Act specifically permits the City Council to hold "closed sessions" to discuss pending lawsuits, the purchase of property, labor relations, personnel matters and for other specified reasons. In the event a closed session is necessary, it will appear on the agenda, and reasons for the session will be given in the public meeting.

³ Government Code Section 54954.2. Other provisions allow special meetings (section 54956) or emergency meetings (section 54956.5) in specified situations.

⁴ Government Code Section 54952.6

⁵ Stockton Newspapers v. Redevelopment Agency (1985) 171 Cal.App.3d 95

⁶ Ibid

⁷ Id., citing 65 opinions of the California Attorney General 63 (1982)

WHAT ARE THE CONSEQUENCES OF VIOLATING THE BROWN ACT?

The Brown Act provides that “each member of a legislative body who attends a meeting such legislative body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.”⁸

Some actions taken in violation of the Brown Act will be void, and will have no force or effect. In addition, certain actions in violation of the Brown Act can subject the City to expensive legal challenges.⁹

If you as a council member have questions about the Brown Act, please request further information from either the City Manager or the City Attorney.

Other Laws and Legal Obligations

The ethics laws and the Brown Act described above are the primary California Laws that regulate the City and the City Council. There are other state and federal laws that must be considered when the Council acts. For example, the City’s relationship with its employees is governed by California’s Meyers-Millias-Brown Act which requires that the City meet and confer with its employees concerning some aspects of the City’s relationships with its employees. Our police officers are protected by another state law commonly known as the Police Officer’s Bill of Rights.

In addition to these and other state laws, the City is a party to a number of Memoranda of Understanding (MOU’s) and Joint Powers Agreements with the County of Fresno and other local agencies. These agreements create specific duties for the City of Kerman and its Council and Mayor.

A Word about Prayer

In recent years, the City’s meeting agenda has included an opportunity for an invocation and a somewhat lengthy description of what kinds of prayer might acceptably be offered. That description comes from a United States Supreme Court case, and continues to provide helpful instruction for those who would offer an invocation. In May, the Supreme Court in a 5 to 4 decision permitted the Town of Greece, N.Y. to continue its practice of allowing explicitly sectarian prayers at its monthly meetings. Because that decision was only a 5-4 decision, and because California’s constitution guarantees “free exercise and enjoyment of religion without discrimination or preference...” (Calif. Constitution, Art. 1, Sec. 4), we recommend adhering to the “script” as contained in each agenda. In *Greece v. Galloway*, the location of the prayer leader was seen by 4 of the justices as an important part of the message. In the interest of avoiding offense and possible litigation, we suggest that invocations be addressed to the Council from the podium, and not from the dais.

The Role of the City Manager and the City Attorney

The role of the City Manager is prescribed in the Kerman Municipal Ordinance at Chapter 2.12. The text of Chapter 2.12 is provided as part of this memo, but in summary provides that the City Manager acts as the administrator to execute and administer the policy decisions of the City Council. In practice the City Manager oversees the day to day operations of the City staff according to the policy dictates of the Council, and acts as the Council’s representative and agent.

⁸ Government Code Section 54959

⁹ Government Code Section 54960.1

As provided in Chapter 2.12, the City Manager is a full-time resource for members of the Council. With many years of experience in city administration, your City Manager can be a valuable resource for each Council member.

While both the City Manager and the City Attorney are obligated to serve the best interests of the City of Kerman, it should be understood that the City Attorney stands in a distinctly different role. The City Attorney represents the City as an entity, and not any individual employee or council member. By law, his advice is therefore tailored primarily toward the protection of the City, which may be different from the interests of any individual. Because the City Attorney works on an hourly contract basis for the City, the City Manager recommends for budgetary reasons that members of the Council consult first with the City Manager on matters of concern.

Resources for Ethical and Legal Guidance.

The Institute for Local Government publishes a number of useful materials, and their website is <http://www.calig.org/>. Attached to this memo are Ethics Law Principles for Public Servants, and an excerpt from a publication from the Institute for Local Government website that provides a step by step analysis of conflicts of interest. The FPPC website has a number of other publications and guides that may be helpful for you in your public service career. The FPPC website is <http://www.fppc.ca.gov/>.

The California League of Cities provides excellent training opportunities and has a page on its website with links to information on the Brown Act and related topics at <http://www.cacities.org/opengovernment>.

Conclusion

The learning curve can be steep as one embarks on any new pursuit, and serving as a public servant presents special challenges. We would be happy to try to answer any questions you may have about these issues, or to discuss them more fully than this brief presentation allows.

Kerman Municipal Ordinance Chapter 2.12 City Manager

2.12.010 Created.

The proper administration of the city requires the creation of the office of city manager in order that the public business may be carried out in the most efficient, best coordinated, well planned and properly programmed manner with reference to both work performed and the expense incurred; by reason thereof, the position of city manager is created. (Ord. 87-08 51(part), 1988: prior code §2-901).

2.12.020 Duties generally.

The duties of the city manager shall be the following:

To act as the chief appointive administrative officer of the city under the direction and control of the city council charged with those administrative functions enumerated in this chapter and otherwise lawfully delegated to him by the city council; and in so acting to supervise and coordinate the actions and efforts of all departments of the city. (Ord. 87-08 §1(part), 1988: prior code §2-902).

2.12.030 Duties as chief appointive administrative officer.

Among the administrative duties and powers of the city manager as the chief appointive administrative officer of the city shall be the following:

- A. To see that the law and policies of the city are properly executed and carried out;
- B. To attend all meetings of the city council and planning commission unless otherwise directed or excused by the city council;
- C. To exercise supervision and control over all departments and divisions of the city government, save for the city attorney who is excused by law from such control, and to coordinate the efforts and activities of the same;
- D. To keep the city council advised of all matters respecting the conduct of the public business and to make recommendations with reference thereto; but the officer shall have no authority to make policy, only to execute the same after adoption by the city council;
- E. Prepare and recommend to the city council personnel rules and revisions and amendments to such rules. Said rules will be reviewed by the city council and when voted upon and passed by resolution will create the personnel system for the city;
- F. To administer the city personnel system, and to comply with applicable laws relating to the administration of the personnel system concerning the hiring, disciplining and/or discharging of city employees. Said power may be delegated by the city manager to any other officer or employee of the city. The city manager may also recommend to the city council that such powers and duties be performed under a technical services contract which may be entered into upon a vote by the city council. The power delegated to the city manager regarding the hiring, disciplining and/or discharging of city employees shall not apply to the following positions which shall remain under the control and supervision of the city council:
 - 1. Any elective officer,
 - 2. The city attorney and any assistants or deputy city attorneys,
 - 3. Members of appointive boards, commissions, and committees,
 - 4. City clerk,
 - 5. City treasurer,
 - 6. Finance director,
 - 7. Chief of police,
 - 8. City engineer,
 - 9. Persons engaged under contract with the city to supply expert, professional, technical or any other service,
 - 10. Emergency employees who are hired to meet the immediate requirements of an emergency condition such as extraordinary fire, flood or earthquake which threatens life or property;
- G. To investigate all complaints received by the city relating to the operation of the various city departments and services, and to remedy the same in appropriate cases or otherwise report to the city council with reference thereto;
- H. To generally supervise the care and use of the real and personal property owned or operated by the city;

I. To prepare an annual budget, submit the same to the city council for its review, revision and final approval, and thereafter administer the operation of said budget. (Ord. 87-08 §1(part), 1988; Ord. 86-02, 1986; Ord. 213, 1973; prior code §2-1103).

2.12.040 Scope of duties.

The city manager shall devote his entire employable time to his duties and the interests of the city. (Ord. 87-08 §1(part), 1988; prior code §2-905).

2.12.050 Relation to city council.

Except for matters of inquiry, the city council shall deal with the administrative services and personnel of the city through the city manager. This system effectively allows the city council to voice their policies and instructions through the officer. (Ord. 87-08 §1(part), 1988; prior code §2-904).

[This editorial comment is not part of Chapter 2.12, but is intended to point out the inter-relationship of Section 2.12.050 and 2.12.030. For purposes of efficiency of communications the City Council has generally delegated to the City Manager, pursuant to Section 2.12.050, the authority to manage, supervise and control the activities of the various Dept. Heads listed above in Section 2.12.030, with the exception of the City Attorney. However, as with other matters of setting policy, the ultimate authority for hiring, firing and disciplining department heads rests in the hands of the City Council.]

FISCAL IMPACT

None

PUBLIC HEARING

None Required

Attachments:

- A. Political Reform Act—The Eight Step Conflict of Interest Test
- B. Ethics Law Principles for Public Servants: Key Things to Know

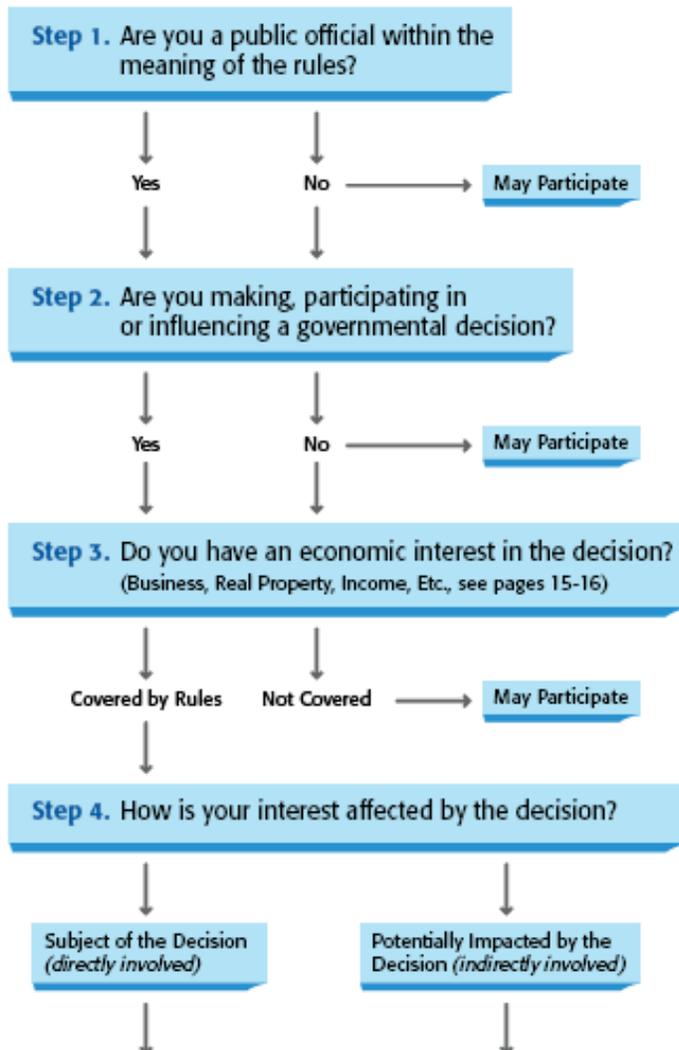
Attachment 'A'

Chapter 2: Personal Financial Gain Laws

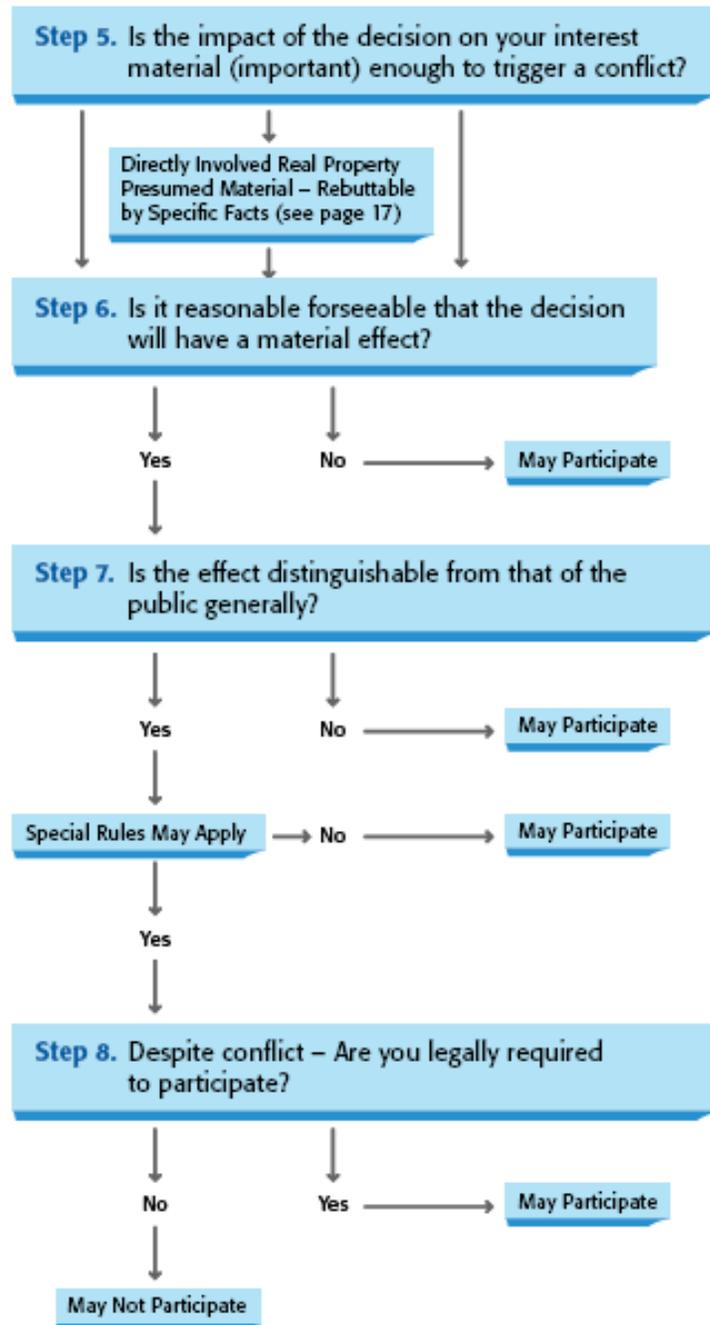
Political Reform Act – The Eight Step Conflict of Interest Test

The process of determining when an official is disqualified from participating in a decision is a very complex one. There are statutes, regulations and interpretive opinions that flesh out each aspect of the basic prohibition.

To organize the analysis of determining when an official is disqualified from participating in a decision, the Fair Political Practices Commission has adopted an eight-step procedure for identifying when one must disqualify oneself from participating in a matter.²⁸ Below is the general outline of the process. Since the rules are not necessarily logical or intuitive, it is best to consult with agency counsel or the Fair Political Practices Commission staff if there is a possibility one might have a conflict of interest.



Chapter 2: Personal Financial Gain Laws



Credit: Greg Diaz, City Attorney, Merced, CA.

Attachment 'B'



Ethics Law Principles for Public Servants:

KEY THINGS TO KNOW

Note that the following are not statements of law, but rather principles the law is designed to achieve.

The goal in providing this list is to identify the kinds of issues addressed by public service ethics laws.

If an issue arises under these principles, public officials should consult agency counsel.

Personal Financial Gain Laws

Generally speaking, California law says public officials:

- » Cannot request, receive or agree to receive anything of value or other advantages in exchange for a decision.
- » Must disclose their financial interests to the public.
- » Must disqualify themselves from participating in decisions that may affect (positively or negatively) their financial interests.
- » Cannot have an interest in a contract made by their agency.
- » Cannot be involved in agency decisions that affect an official's future employer.
- » Cannot lobby their agency for pay for a year following their departure from the agency.

Perk Issues: Including Compensation, Use of Public Resources and Gift Laws

Generally speaking, California law says public officials:

- » Receive limited compensation for their service to the public.
- » Cannot receive compensation for speaking, writing an article or attending a conference.
- » Are reimbursed for only those expenses allowed in agency expense reimbursement policies because those expenses have a demonstrable public purpose and necessity.
- » Cannot use public agency resources (money, travel expenses, staff time and agency equipment) for personal or political purposes.
- » Cannot send mass mailings at public expense.
- » Cannot make gifts of public resources or funds.

For more information on these principles, see www.ca-ilg.org/EthicsLaws.

- » Must disclose all gifts received of \$50 or more and may not receive gifts aggregating to over \$440 (2013-14 proposed) from a single source in a given year.
- » May only accept free trips and travel expenses under limited circumstances.
- » May not accept free or discounted transportation from transportation companies.
- » May not use campaign funds for personal benefits not directly related to a political, legislative or governmental purpose.

Transparency Laws

Generally speaking, California law says public officials must:

- » Disclose their economic interests when they take office, annually while they are in office and when they leave office. These economic interests include such kinds of interests as: sources of income, property ownership, investments, certain family members' interests, business interests, loans, contracts and gifts received.
- » Disclose information about who has agreed to commit significant resources (\$5,000 or more) to legislative, governmental or charitable purposes at an elected official's request.
- » Disclose campaign contributions.
- » Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- » Allow the public to participate in meetings, listening to the public's views before decisions are made.
- » Allow public inspection of documents and records generated, owned, used or retained by public agencies, except when non-disclosure is specifically authorized by law.

- » Disclose gifts given to the public agency and how they are ultimately used.

Fair Process Laws and Merit-Based Decision-Making

Generally speaking, California law says public officials:

- » Cannot receive loans from those within the agency or with whom the agency contracts; loans from others must meet certain requirements.
- » Cannot engage in vote-trading.
- » Have a responsibility to assure fair and competitive agency contracting processes.
- » Cannot participate in quasi-judicial proceedings in which they have a strong bias with respect to the parties or facts.
- » Must conduct public hearings in accordance with fair process principles.
- » Cannot participate in decisions that will benefit their immediate family (spouse or domestic partner and dependent children).
- » Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- » Cannot participate in entitlement proceedings—such as land use permits—involving campaign contributors (does not apply to elected bodies).
- » Cannot solicit campaign contributions of more than \$250 from permit applicants while an application is pending and for three months after a decision (if sitting on an appointed body).
- » Cannot solicit agency employee support for their political causes.
- » Cannot retaliate against those who whistle-blow.

Public Official's Conflict of Interest Checklist

KEY CONCEPTS

- ✓ A public agency's decision should be based solely on what best serves the public's interests.
- ✓ The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- ✓ Having a conflict of interest does not imply that a public official has done anything wrong; it just means that the official has financial or other disqualifying interests.
- ✓ Violating the conflict of interest laws could lead to monetary fines and criminal penalties. Don't take that risk.

BASIC RULE

A public official may not participate in a decision – including trying to influence a decision – if the official has financial or, in some cases, other strong personal interests in that decision. When an official has an interest in a contract, the official's agency may be prevented from even making the contract.

WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

The rules are very complex. A public official should talk with agency counsel 1) early and often, 2) when an action by the public agency, 3) may affect (positively or negatively), 4) any of the following:

- ✓ **Income.** Any source of income of \$500 or more (including promised income) during the prior 12 months for the official or official's spouse/domestic partner.
- ✓ **Business Management or Employment.** An entity for which the official serves as a director, officer, partner, trustee, employee, or manager.
- ✓ **Real Property.** A direct or indirect interest in real property of \$2000 or more that the official or official's immediate family (spouse/domestic partner and dependent children) have, including such interests as ownership, leaseholds (but not month-to-month tenancies), and options to purchase. Be especially alert when any of these are located within 500 feet of the subject of the decision.
- ✓ **Gift Giver.** A giver of a gift of \$440 (2013-14 amount) or more to the official in the prior 12 months, including promised gifts.
- ✓ **Lender/Guarantor.** A source of a loan (including a loan guarantor) to the official.

- ✓ **Personal Finances.** The official or official's immediate family's (spouse/domestic partner and dependent children) personal expenses, income, assets, or liabilities.
- ✓ **Contract.** A contract that the agency is considering entering into, in which the official or a member of the official's family may have an interest (direct or indirect).
- ✓ **Business Investment.** An interest in a business that the official or the official's immediate family (spouse/domestic partner and dependent children) have a direct or indirect investment worth \$2000 or more.
- ✓ **Related Business Entity.** An interest in a business that is the parent, subsidiary or is otherwise related to a business where the official:
 - Has a direct or indirect investment worth \$2000 or more; or
 - Is a director, officer, partner, trustee, employee, or manager.
- ✓ **Business Entity Owning Property.** A direct or indirect ownership interest in a business entity or trust of the official's that owns real property.
- ✓ **Campaign Contributor.** A campaign contributor of the official (applies to appointed decision-making bodies only).
- ✓ **Other Personal Interests and Biases.** The official has important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on the official's ability to make a fair decision.

WHAT WILL HAPPEN NEXT?

Agency counsel will advise the official whether 1) the official can participate in the decision and, 2) if a contract is involved, whether the agency can enter into the contract at all. Counsel may suggest asking either the Fair Political Practices Commission or the State Attorney General to weigh in.

EVEN IF IT'S LEGAL, IS IT ETHICAL?

The law sets only minimum standards. Officials should ask themselves whether members of the public will question whether officials should act solely in the public's interest. If they might, officials should consider excusing themselves voluntarily from that particular decision-making process.

Beyond the Law: Ethics and Values

- » Ethics is what one ought to do in a given situation. It's the kind of conduct that would make the world a better place if everyone engaged in it.
- » The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it what one ought to do.
- » What one ought to do is typically tied to a series of values:
 - Trustworthiness - Compassion
 - Respect - Loyalty
 - Responsibility - Fairness

For more information on this topic, see www.ca-ilg.org/LeadingValues.

The Institute is grateful to the following firms for making this document possible in 2013:

- Aleshire & Wynder, LLP
- Best Best & Krieger
- Burke Williams & Sorensen, LLP
- Hanson Bridgett LLP
- Kronick Moskowitz Tiedemann & Girard
- Liebert Cassidy Whitmore
- Renne Sloan Holtzman Sakai LLP
- Richards, Watson & Gershon



The Institute for Local Government is the nonprofit research affiliate of the League of California Cities and the California State Association of Counties.

Its mission is to promote good government at the local level.

The Institute's current program areas include:

- » Local Government 101
- » Public Engagement
- » Public Service Ethics
- » Sustainability

Ethics Law Principles for Public Servants: Key Things To Know

www.ca-ilg.org/EthicsPrinciples

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\$10 (Set of five)