Call to Order: 7:00 p.m.
Roll Call: Council Member McCracken, Council Member Martinez, Mayor Pro Tem Martinez, Council Member Stadtherr, Mayor Hamilton

Pledge of Allegiance led by Mayor Pro Tem Felipe Martinez
Invocation - Moment of Silence

ORAL COMMUNICATIONS
None

CONSENT CALENDAR

1. REVISION TO RESOLUTION 178-2005 AUTHORIZING THE ELIMINATION OF TRANSACTION (SALES) AND USE TAX RECORDS

Recommendation: That City Council approve the revised draft resolution authorizing the examination of Transactions (Sales) and Use Tax Records.

Documentation: Resolution 103-2006
Disposition: Approved.

2. EMERGENCY REPLACEMENT - FIRE STATION #1 HVAC

Recommendation: That Council award the contract to replace the air conditioning units at the Fire Department to Darrell’s of Porterville, CA, in the amount of $12,600. Further, that Council authorize payment upon satisfactory completion of the work.

Documentation: M.O. 01-080806
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member P. Martinez that the Council approve Item Nos 1 and 2. The motion carried unanimously.

SCHEDULED MATTER

3. REVIEW OF THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the Council review the City Council Procedural Handbook and direct staff to bring back any revisions and/or amendments for final consideration and adoption by the Council.
The City Manager presented the item and stated one aspect of this was the presentation of AB1234, for which the City Attorney has done a memorandum which she will present, the other is the procedural book itself which they would review on a page by page basis.

The City Attorney spoke regarding AB 1234, which went into effect on January 1, 2006. She stated that the key requirements were that local agencies adopt expense reimbursement policies that specify the kinds of activities that are reimbursable, the time limit to submit reimbursements, the use of expense report forms, and require that all expenses, for which reimbursement is requested, be documented by receipts or the reimbursement amount would default to the IRS rates. The City Attorney stated that although the legislation is purported to apply to charter cities, some cities felt it was not necessarily so, although no city wished to be the first to be a test case. Ms. Lew stated that she had put in language so that if it was found to apply to charter cities, the bases would be covered. The Council typically obtains a per diem for expenses, and prepays travel expenses, so reimbursement was not used. The City Attorney then stated that she had recommended the following modifications to the Handbook be made:

- The title of Section VII be amended to read “Travel, Meetings, and Expenses.”
- A preliminary statement be added that provides, “This policy would satisfy the requirements of California Government Code sections 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.”
- That the term “reimbursement,” as utilized in Section B.2 (mileage “reimbursement,”) be changed to mileage “expense,” to reflect that the cost is paid in advance.
- A sentence be added to the notation in Section B.2 concerning the per diem amount, reflecting that since these payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be “reimbursable expense” under AB 1234.
- Language be added to the end of Section A, providing “For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.”

The City Attorney stated that she would continue to monitor any legislation concerning AB 1234, as well as any case law that may shed light on the interpretation of the new provisions. Also, two policies that had been acted on by the Council, but not yet incorporated into the Council Handbook, also needed to be revisited. One was related to mileage and other reimbursement for noncommercial air travel, as they would relate to Council Members, and given the ambiguity related to allowances and stipends under the new legislation, as well as the scrutiny given to elected officials’ travel by elected officials, she recommended that these recent modifications not be added to and included in the Handbook. The City Attorney also recommended that changes be made to the initial program developed for the distribution of laptop computers to the Council members concerning the amortization/depreciation of the laptops. Pursuant to discussions with CPAs in the
area, the useful life of a lap top computer typically “tops out” at five years, but often the useful life is less than that given changes in software and incompatibility of programs. Therefore, the City may adopt a policy wherein, at the end of a Council member’s term, the individual may choose to return the equipment or “purchase” the equipment by paying its depreciated value. The City Attorney stated that the key is that the amortization/depreciation schedule is based on the useful life the of equipment. The City Attorney stated that she would continue to monitor the case law for AB 1234 as it changed, but she believed that the City was doing was reasonable.

Mayor Hamilton stated that Ms. Lew should continue to review any AB 1234 rulings and report back to Council in six months, or as necessary.

The Chief Deputy City Clerk stated that the formal lap top computer policy was referenced in the Handbook and needed to be adopted by Council.

Mayor Hamilton stated that the policy needed to brought to Council for consideration, and the City Manager stated that staff would bring back the policy on laptops, with Ms. Lew’s changes, for their approval.

The City Manager stated that the Chief Deputy City Clerk should add the consultants evaluation form for City Manager/Attorney as an attachment to the Handbook.

The City Manager and the City Council then reviewed the Handbook—both the proposed changes of the Chief Deputy City Clerk and the City Attorney, and the proposed changes from Council Member McCracken. The City Council concurred on the following items proposed for the Handbook:

- Bring back the policy on laptops, with Ms. Lew’s changes, and add as an attachment.
- Add the consultants evaluation form for City Manager/Attorney as an attachment to the Handbook.
- Sec. I, move Paragraph 3 to Sec. IV C.
- Sec. I, move E to Sec. V
- Do not add Parliamentary Authority
- Do not change II B
- make changes to II C- 1a, 1b, 1c or 1d
- Every letter mailed by a Council Member on letterhead:
  - to be copied to other members
  - letter to be “from the Office of Council Member ____”
  - possible clause at bottom “letters from individual Council Members represent their individual opinion and should not be construed as representing any official opinion of the City or the other Council Members
- Do not change III B; IV B; or IV C, last two paragraphs
- Requests from Council for agenda items will be submitted on an agenda short form, with no staff time involved until action is directed by a quorum of the Council.
- Keep Thursday Council delivery, but unless an emergency, no late addendums, instead item will be pulled
• Sec. V C.-“Council to be provided a copy of the agenda in electronic form suitable for loading on a laptop computer with provisions for annotating”-Staff to buy Adobe Acrobat 7 for use with Council agenda file.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem F. Martinez that the approve the agreed upon changes to the City Council Procedural Handbook and direct staff to bring back the document for final consideration and adoption by the Council. The motion carried unanimously.

Disposition: Approved.

The City Attorney was directed to look into provisions of 1090 on whether one member of Council accepting gifts over $50, and accepting gifts over $360, would ban, or forever ban, the Council from doing business with that person.

Council Member P. Martinez asked staff to bring back in October an agenda item to discuss a policy and procedure for appointments to boards and commissions through an interview selection process, with a provision for removing members. Council Member P. Martinez stated that he would work with the City Manager and send any information to the Council.

Council Member P. Martinez questioned doing an agenda item to discuss a standardized plaque for dedications.

Mayor Hamilton stated that staff would bring the item back for discussion.

ORAL COMMUNICATIONS
• Greg Shelton, 888 N. Williford, spoke regarding appointments and stated that he agreed that there was a problem with absenteeism.

• Ron Irish, 768 N. Prospect, spoke regarding appointments and Council letters. He stated that he agreed that there should be some type of qualification, but they should not make it an elitist program. He stated that on the question of personal Council correspondence, they should be able to write to whoever they want, but perhaps include that it was that Council members opinion only.

Council Member Stadtherr stated that they could add the clause to the bottom of the letter that “this is an individual opinion and does not reflect the views of the entire Council.”

OTHER MATTERS
• Council Member Stadtherr submitted letter stating his intent to resign from the Council as of the close of the September 5 Council meeting, as he was moving out of the City limits to Switzerland. The Council members congratulated Council Member Stadtherr on his marriage. He stated that he was leaving it up to the Mayor if he wanted to postpone the Council pictures that were scheduled.
• Council Member McCracken asked about truck routes and heavy trucks on City streets.

The City Manager stated that he would provide a list of truck routes to the Council.

• Mayor Pro Tem F. Martinez asked staff not to sell any fire apparatus and equipment which was being replaced so that they could look into providing the old equipment to tribes starting their own stations.

The City Manager stated that this would be brought back on the agenda with an opinion from the City Attorney.

• Mayor Hamilton asked that the City participate and provide $360 to put in an ad to support the Pow Wow on September 9, 2006.

Council concurred and the City Manager stated that he would process this item.

• Mayor Hamilton stated that there should be a better way, and a procedure, to take of emergency items like No. 2 on this agenda.

The City Manager stated that a provision could be added to the Purchasing Ordinance to address ‘life safety’ issues.

ADJOURNMENT
The Council adjourned at 8:25 p.m. to the Council Meeting of August 15, 2006.

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Georgia Hawley, Chief Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor