

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

04/10/18
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on April 10, 2018, at 5:00 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Council Member Andrade
Council Member Franklin
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Rochelle Clayton, Interim City Manager
Kevin Ennis, City Attorney
Jim Barrett, Building Official
Norma Barrett, Senior Building & Safety Technician
Tim Chavez, Fire Battalion Chief
Heidi Meraz, Community Services Director
Tom Miller, Electric Utility Director
Patty Nevins, Community Development Director
Art Vela, Public Works Director/City Engineer
Robert Fisher, Police Lieutenant
Mike Bennett, Police Sergeant
Robert Meteau, Deputy HR Director
Jennifer McCoy, Purchasing Manager
Ted Shove, Economic Development Manager
Jim Steffens, Power Resource & Revenue Administrator
Sonja De La Fuente, Deputy City Clerk
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

The Invocation was given by Banning Police Chaplain Merle Malland. Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney Ennis listed the items on the Closed Session Agenda as follows: 1) PUBLIC EMPLOYEE APPOINTMENT: City Manager – Pursuant to Government Code Section 54957. A status report was provided regarding the recruitment for the position of City Manager. 2) CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to Government Code Section 54957.6. Agency Designated Representatives: Rochelle Clayton, Interim City Manager and Robert Meteau, Deputy Human Resources Director. Unrepresented

Employee: Interim Police Chief. Direction was given to Rochelle Clayton. 3) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of Subdivision (d) of Section 54956.9) Name of Case: San Geronio Pass Water Agency v. Beaumont Basin Watermaster, Case No. RIC 1716346. A report was provided that the case has been concluded and a summary of the case provided. 4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one case). A status report was provided regarding the matter. 5) CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8: Property description: APN: 532-130-012, 532-130-018, 541-250-009, and 532-130-011, Banning Municipal Airport. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: O3 Worldwide, LLC., Tariq S. Hasan; Under Negotiation: Price and Terms. A status report was provided regarding potential negotiations with O3 Worldwide, LLC. Direction was given to Mr. Shove regarding price and terms and potential conveyance of the property. 6) CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8: Property description: APN: 532-190-022 & 023, 532-180-034 – 037, located in the general vicinity of east and south of the intersection of Scott Road and Westward Avenue, including Smith Creek Park. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Jeffrey M. Doolittle; Under Negotiation: Price and Terms. Direction was provided to the City's negotiators. 7) CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8: Property description: APN: 419-120-021, 023, 024, & 025, located in the general vicinity of the northeast corner of Highland Springs Avenue and Joshua Palmer Way. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Corners, Inc., Carlos Trejo, and BMW Management; Under Negotiation: Price and Terms. A status report was provided regarding negotiations. 8) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8: Property description: APN: 541-181-032, 541-181-033, 541-181-034, and 541-181-035, located in the general vicinity of Ramsey Street between San Geronio Avenue and Martin Street. City Negotiator: Rochelle Clayton, Interim City Manager and Ted Shove, Economic Development Manager – Negotiating Parties: Mark Sandoval with Mark Development Inc.; Under Negotiation: Price and Terms. Direction was given to Mr. Shove.

PRESENTATION

1. Proclamation – DMV Donate Life Month

Mayor Moyer and the City Council presented a proclamation prepared declaring April 2018 as DMV Donate Life Month to Barbara Dacuto. Ms. Dacuto shared some words of appreciation. She encouraged people to become an organ donor through the DMV and invited the Council and audience to attend the 16th Annual Donate Life Run/Walk on Saturday, April 28th.

PUBLIC COMMENTS / CORRESPONDENCE / ANNOUNCEMENTS & REPORTS

PUBLIC COMMENTS

John Hagan expressed his disappointment in the Proposition 218 Notice. He felt the envelope should have read "Proposed Rate Increase" instead of "Proposition 218 Notice" so people would know what was in the envelope. He would like clarification sent out.

Inge Schuler shared a prepared statement (Exhibit "A").

Ellen Carr informed everyone the Animal Action League will be at the Community Center with their mobile spay and neuter clinic and a low cost shot clinic from 10:00 a.m. until 2:00 p.m. on April 18-19, 2018. If anyone is interested in getting their pet spayed or neutered call (760) 366-1100 as soon as possible to get on the May schedule. In regard to the Proposition 218 Notice, she did not feel a lot of people would know what it is because of the envelope and believes it should have been more specific.

Kenneth King, owner of Ava Security is interested in providing security for the City parks. He bid on the contract in October and nothing has happened. Mayor Moyer advised Mr. King it will be going to the Finance Committee next week then on a future City Council Meeting Agenda for consideration.

Jerry Westholder expressed his disappointment in the envelope the Proposition 218 Notice was sent in. He believes it should be sent out in Spanish. Also, he would like to see the City sell its property and get out of the real estate business.

Rick Pippinger explained that he owns three properties and only received the Proposition 218 Notice for two of them.

CORRESPONDENCE

There was no correspondence received.

ANNOUNCEMENTS & REPORTS

Council Member Franklin reported on the following:

- Attended the WRCOG Executive Committee Meeting where they had a presentation regarding RivCo Connect which is the County of Riverside working to have broadband available for all residents in the County. They are working with providers in the County.
- The Healthy City Committee will hold a Health Fair on May 19th at Repplier Park with a 5K Run and Cooking Classes. They will also work with the Public Health Department to meet with community members in a focus group and/or obtain completed surveys regarding what is important to them and what they would like to see.

- The Downtown Ad Hoc Committee will hold a Community Meeting regarding Downtown on Tuesday, May 1st at 5:30 p.m. until 7:00 p.m. at the Boys and Girls Club to receive input from the community.
- Attended the Water Alliance Meeting a week ago. They are looking at water needs, availability and how to pay for it throughout the region. A recommendation should come back to the Council in the next few months.
- Attended the 2x2 with the City of Beaumont with the Mayor.
- The Disaster Survival Expo will be on April 28th from 10:00 a.m. until 2:00 p.m. at Banning City Hall.

Council Member Andrade explained that she sits on a couple of Committees with Council Member Franklin and she provided the reports. She was unable to attend the last RCA meeting.

Council Member Peterson had nothing to report.

Council Member Welch reminded everyone to attend the I-10 Bypass Project Town Hall Meeting Wednesday, April 11th from 6:00 p.m. until 8:00 p.m. in the Council Chamber.

Mayor Moyer reported on the following:

- Waste Management will hold a Community Clean-Up Day at Dysart Park on April 14th from 8:00 a.m. until 1:00 p.m. There will be shredding services available. They will not take medications or hazardous materials.
- He attended the 2x2 with the City of Beaumont to discuss transit fare issues and the left hand turn pocket on Highland Springs into the Albertson's shopping center.
- He attended the League of California Cities on April 9th where proposed bills were discussed, which included some that support local control and some that don't. He encouraged the public to keep an eye on what Sacramento is doing.
- Effective July 1st, the City of Beaumont will no longer provide Animal Control services. There will be a meeting on Tuesday, April 17th at 6:00 p.m. at the Police Department to discuss alternatives.

REPORT BY CITY ATTORNEY

City Attorney Ennis did not have anything to report.

REPORT BY CITY MANAGER

Interim City Manager Clayton did not have anything to report.

CONSENT ITEMS

Mayor Moyer indicated that Item 4 was being pulled from the Consent Calendar for separate consideration.

1. Minutes – Special Meeting – 3/27/18 (Closed Session)

Recommendation: Approve the Minutes from the March 27, 2018 Special Meeting of the Banning City Council (Closed Session)

2. Minutes – Regular Meeting 3/27/18

Recommendation: Approve the Minutes from the March 27, 2018 Regular Meeting of the Banning City Council

3. Contracts Approved Under the City Manager's Signature Authority

Recommendation: Receive and file the list of Contracts approved under the City Manager's signature authority of \$25,000 or less.

4. Notice of Completion for Project 2017-14, "Lions Park Ballfield Fencing"

Recommendation: Accept Project 2017-14 "Lions Park Ballfield Fencing" as complete and authorize the Interim City Manager or her designee to sign the Notice of Completion and direct the Deputy City Clerk to record the Notice of Completion.

5. Easement Dedications from APN 541-330-002 and 532-130-033 for Road and Drainage Purposes

Recommendation: Accept the easement dedications from APN 541-330-002 and 532-130-003 for road and drainage purposes and direct the City Clerk to sign the certificates of acceptance and record said dedications.

6. Resolution 2018-34, Authorizing the Approval of National Interest Letter of Support for 03 Worldwide, LLC

Recommendation: Adopt Resolution 2018-34, approving the Letter of Support and authorize the Mayor to execute same.

7. Resolution 2018-37, Termination of License to Graze Cattle on City Property

Recommendation: Adopt Resolution 2018-37: 1) approving termination of license to graze cattle on City property; and 2) authorizing the Interim City Manager to execute a termination letter to the Licensee on the form approved by the City Attorney.

8. Resolution 2018-42, Accepting California Office of Emergency Services/California Transportation Security Grant Program Funds

Recommendation: Adopt Resolution 2018-42, authorizing the City Manager or her designee to execute for and on behalf of the City of Banning any action necessary for the purpose of obtaining financial assistance provided by the California Governor's Office of Emergency Services under the California Transit Security Grant Program.

9. Resolution 2018-43, Adopting a Criminal Background and Live Scan Policy for all City Employees

Recommendation: Adopt Resolution 2018-43, authorizing the City to access State and Federal level summary criminal history information through the California Department of Justice for employment and volunteer purposes and establishing a City Criminal Background Check and Live Scan Policy.

10. Resolution 2018-28, Authorizing the City Manager or Her Designee to Execute any Necessary Documents Required to Obtain Funds from the California Department of Transportation Low Carbon Transit Operations Program (LCTOP)

Recommendation: Adopt Resolution 2018-28, authorizing the City Manager or her designee to execute for and on behalf of the City of Banning any documents necessary for the purpose of obtaining financial assistance for FY2017/18 through the California Department of Transportation LCTOP to eliminate the additional zone fare charged to travel to and from Cabazon.

The Mayor opened Consent Items 1 through 10 for public comment. Seeing none, closed public comment.

Motion Peterson/Welch to approve Consent Items 1 through 10. Motion carried, 5-0.

REPORTS OF OFFICERS

1. Purchasing Division's Performance Utilizing the Current e-Procurement System with PlanetBids Compared to Previous Manual Process

Purchasing Manager Jennifer McCoy presented the Staff Report as contained in the Agenda packet.

Council Member Franklin clarified that the decreased percentage in the number of bids received was because there are more projects being bid on now. Purchasing Manager McCoy confirmed.

Council Member Welch thanked the Purchasing Division for the improvement in the process.

The Mayor opened the item for public comment. Seeing none, closed public comment.

This item was for informational purposes only with no action required.

2. Resolution 2018-46, Authorizing the Interim City Manager to Execute a Professional Services Agreement to Perform an Audit of the Electric Utility and Billing Departments

Interim City Manager Rochelle Clayton presented the Staff Report as contained in the Agenda packet.

Council Member Peterson pointed out that at the February 27th Meeting he had indicated that he preferred Christy White and provided the reasons why. He pointed out that BKD was sanctioned by the SEC for violating the Exchange Act in 2014. He recommended again that Christy White is selected and the bid from BKD is disqualified. He directed staff to not bring recommendations to the Council without doing homework.

Council Member Franklin asked if it was something asked in regard to being sanctioned in the past. Manager Clayton indicated she was not part of the review committee that interviewed the candidates. She pointed out that after the review process and background checks BKD came in as the top firm and Christy White had no utility audit experience and she believes that may be why they came in at the bottom. However, staff will take direction from the Council regarding the award of the audit. Council Member Franklin asked if Moss Adams had experience in auditing electric. Manager Clayton indicated they did have some, but not as much as BKD, and Christy White had none.

There was discussion held regarding the evaluation and interview process.

Mayor Moyer read some of the comments by the interviewers related to the lack of utility audit experience, however he pointed out that they are from Southern California and wouldn't have to pay travel costs from other states.

The Mayor opened the item for public comment.

Jerry Westholder indicated that he is disturbed with the information Council Member Peterson shared. He doesn't understand why City staff is making a recommendation when they are the ones being audited. He would like the Council to make the recommendation. He wants a forensic audit on the City.

John Hagan asked if this was the same auditor that just audited the City and what exactly would be audited.

David Ellis recommended taking the advice of Council Member Peterson, because he is a successful business man.

Kenneth King suggested taking the advice of Council Member Peterson.

Don Smith suggested going with the firm that has not been selected, by either Staff or Council, Moss Adams.

Seeing no further comments, the Mayor closed public comment.

Council Member Welch explained that the City Council has the prerogative to approve or not approve recommendations made by staff and does not understand the public or council chastising staff when they don't agree with staff's recommendation.

Mayor Moyer explained that staff followed Council's direction and whether or not someone agrees with the recommendation or not, staff should not be belittled. He also pointed out that the person on City staff with the most finance expertise was not allowed to participate in the interview process. He again asked that assassinating staff for following the direction of the Council to stop.

Council Member Peterson advised that he directed staff to not bring back a recommendation and allow Council to make the decision. Mayor Moyer indicated that specific direction was not given by the Council as a whole. Council Member Welch pointed out that he appreciates staff's recommendation based on their expertise, but that it is ultimately up to Council to make the decision.

Council Member Franklin asked if all three firms were qualified to do the work. Manager Clayton confirmed.

Motion Peterson/Welch to adopt Resolution 2018-46, authorizing the Interim City Manager to execute a Professional Services Agreement with Christy White Associates to perform an audit of the Electric Utility and Billing Departments, and authorize the necessary budget adjustments. Motion carried, 4-0 with Council Member Andrade not voting.

3. Resolution 2018-33, Approving an Agreement for the Purchase of Real Property at 162 N. San Gorgonio Avenue from the Rochelle Revocable Living Trust 2011 in an Amount Not to Exceed \$36,050

Economic Development Manager presented the Staff Report as contained in the Agenda packet.

Council Member Franklin asked Manager Shove to explain, for the public's benefit, where the property is and why the City is buying it. Manager Shove explained it is on N. San Gorgonio Avenue directly north of SuperSubs+ (old two story pink building slated for demolition) and is slated for parking.

The Mayor opened the item for public comment.

Don Smith asked why the City is buying more property. He doesn't think a parking lot is needed.

Jerry Westholder indicated the City is spending money on a gamble. He asked if a parking lot is needed now and doesn't feel it is a wise move.

Seeing no further comments, the Mayor closed public comment.

Mayor Moyer shared his agreement with Mr. Westholder and doesn't feel the City needs more property.

Motion Andrade/Peterson to adopt Resolution 2018-33; 1) approving the Agreement for Purchase and Sale and Escrow Instructions for 162 N. San Geronio Avenue with Rochelle Revocable Living Trust 2011, 2) authorizing the Mayor to execute the Agreement, Escrow Instructions, and Certificate of Acceptance, and 3) authorizing the Administrative Services Director to make the necessary budget adjustments and appropriations for Fiscal Year 2018. Motion carried, 4-1, with Mayor Moyer voting against.

4. Resolution 2018-38, Approving the Western Systems Power Pool (WSPP) Confirmation Letter – Resource Adequacy Purchase Agreement with Shell Energy North America (US), LP for Calendar Year 2019

Power Resource and Revenue Administrator Jim Steffens presented the Staff Report as provided in the Agenda packet.

Mayor Moyer explained this is an insurance policy to prevent the City from being fined. Mr. Steffens confirmed it is required by the California Independent System Operator (CAISO).

Mayor Moyer opened the item for public comment. Seeing none, closed public comment.

Motion Welch/Franklin to adopt Resolution 2018-38; approving the WSPP Confirmation Letter – Resource Adequacy Purchase Agreement with Shell Energy North America (US), LP for Calendar Year 2019, and authorizing the Electric Utility Director or their designee to execute the Purchase Agreement. Motion carried, 5-0.

5. Ordinance 1520, Amending Existing Sections of Chapter 12.52 of the Banning Municipal Code that Established a Local Development Mitigation Fee for Funding the Preservation of Natural Ecosystems in Accordance with the Western Riverside County Multiple Species Habitat Conservation Plan to Bring those Sections into Conformance with the Update Standards and Provisions

Interim City Manager Clayton presented the Staff Report as provided in the Agenda packet.

The Mayor opened the item for public comment. Seeing none, closed public comment.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1520.

The Deputy City Clerk read the title of Ordinance 1520.

Motion Franklin/Welch to waive further reading of Ordinance 1520. Motion carried, 5-0.

Motion Franklin/Andrade that Ordinance 1520 pass its first reading. Motion carried, 5-0.

6. Resolution 2018-36, Approving a One-Year Contract Extension with Charles Abbott Associates, Inc. to Continue Providing Building & Safety Services

Community Development Director Nevins presented the Staff Report as provided in the Agenda packet.

Council Member Peterson asked how long they have been working for the City. Director Nevins indicated they had been here three years and Jim Barrett previously worked for the City.

Mayor Moyer expressed some concern with the increased fee.

The Mayor opened the item for public comment.

David Ellis shared his support of approving the contract extension, as he feels this is a good group of people and he receives many complements from the public.

Seeing no further comments, the Mayor closed public comment.

Council Member Welch asked if there would be any benefit to the City to hire staff. Director Nevins explained that for the number of positions and coverage provided, contract services through Charles Abbott Associates, Inc.

Council Member Franklin complemented the staff of Charles Abbott Associates, Inc. on their excellent customer service.

Motion Welch/Franklin to adopt Resolution 2018-36, approving a one-year extension to an existing Professional Services Agreement between the City of Banning and Charles Abbott Associates, Inc. to provide Building & Safety Services to the City of Banning through June 30, 2019 and amending the agreement to increase the compensation rate paid to 91% of building permit fees and plan check fees collected by the City. Motion carried, 5-0.

7. Resolution 2018-35, Approving the Measure "A"

Public Works Director Vela presented the Staff Report as provided in the Agenda packet.

He explained that the paving of Hargrave is on the list, however staff has encountered some water leak issues, so they want to get those under control before paving.

Council Member Andrade asked when he was informed about the issue.

Director Vela explained he was informed today in a staff meeting when the Water Superintendent advised that issues began after the flood control project. It may be because of the vibrations from the work affecting old water lines.

Mayor Moyer asked if the Hargrave paving could be incorporated into the Ramsey waterline project. Director Vela believes it may be a possibility if the timing and funding are appropriate.

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Franklin/Welch to adopt Resolution 2018-35, approving the Measure "A" Five Year Capital Improvement Plan Project List and authorizing the Interim City Manager to execute the Maintenance of Effort Certification Statement. Motion carried, 5-0.

8. Resolution 2018-41, Confirming the Appointment of Robert Fisher to the Position of Interim Police Chief Effective April 10, 2018 and Approving an Interim Police Chief Agreement

Interim City Manager Clayton presented the Staff Report as provided in the Agenda packet.

City Attorney Ennis listed the following changes to the Agreement:

- Section 2.2, the last word, "Sergeant" should be replaced with "Lieutenant."
- Section 2.3, on the second to the last line the word Sergeant should be replaced with Lieutenant.
- Section 3.1, add the following sentence: The Interim Police Chief will be entitled to overtime pay of 1.5 times his base hourly rate of pay only for events authorized for overtime and funded by revenue sources outside the City (i.e. grants and/or contracts for services by other law enforcement agencies).

The Mayor opened the item for public comment.

Ellen Carr spoke in support of accepting Lieutenant Fisher as Interim Police Chief.

Seeing no further comments, the Mayor closed public comment.

Mayor Moyer made an announcement consistent with Section 54953(c)(3) of the Government Code and Section 2.5 of the City Council Rules of Procedure providing a summary of the recommendation for final action on the salaries, salary schedules, or

compensation paid in the form of fringe benefits of a local agency executive as defined in Section 3511.1(d) of the Government Code.

Motion Welch/Peterson to adopt Resolution 2018-41, confirming the appointment of Robert Fisher to the position of Interim Police Chief effective April 10, 2018 and approving the Interim Police Chief Agreement in connection therewith. Motion carried, 5-0.

9. Resolution 2018-32, Accepting the 2017 State Homeland Security Program (SHSP) Grant in the Amount of \$69,208 and Approval of Equipment Purchases from Motorola Solutions, Inc., Bear Communications, Inc. and Dell Computer Corp. for the Mobile Command Center

Interim Police Chief Robert Fisher presented the Staff Report as contained in the Agenda packet.

Council Member Peterson asked why the Mobile Command Center wasn't updated when the Police Department changed over to the PSEC system. Chief Fisher explained it may have been done under separate funding.

Council Member Franklin asked what would be done with the existing equipment. Chief Fisher explained it would be retired. She asked if they could communicate with the new system. Chief Fisher explained that they couldn't.

The Mayor opened the item for public comment. Seeing none, closed public comment.

Motion Welch/Andrade to adopt Resolution 2018-32, authorizing the acceptance of the 2017 SHSP Grant through the Riverside County Emergency Management Department in the amount of \$69,208 to complete the upgrade to the communication system in the department's mobile command center. Motion carried, 5-0.

ITEMS FOR FUTURE AGENDAS

Council Member Franklin would like stats from the police log for crimereports.com.

Council Member Peterson thanked Public Works Director Art Vela and his staff for assisting the residents at 12th and April with the weeds growing in the street. He appreciates their quick response. Mayor Moyer suggested adding it to next year's plan.

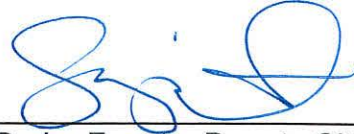
Council Member Franklin asked if something could be brought back soon regarding the illegal fireworks.

ADJOURNMENT

Mayor Moyer asked for a moment of silence in remembrance of Margaret Hansen, wife of a former Banning Mayor.

By common consent the meeting was adjourned at 7:03 P.M.

Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

These Minutes reflect actions taken by the City Council. The entire discussion of this meeting can be found by visiting the following website: <https://banninglive.viebit.com/player.php?hash=r6Je7CxaDukK> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”

to the April 10, 2018, Regular Meeting Minutes

Received 4-10-18


Inge Schuler

City of Banning City Council meeting 04/10/2018

Regarding the mailed Prop 218 Notice of the proposed Water and Sewer rate increase, it is by now apparent that the mailing was severely flawed in that some rate payers did NOT receive the notice at all whereas some rate payers received duplicates. I want to believe that there is no malice involved in this failing, only gross incompetence by the appropriate party responsible for this. That has to be the Interim City Manager, Ms Clayton. And I am addressing these comments to you directly, Ms Clayton. In my decades of employment by the Redlands USD, I have encountered mostly competent principals and superintendents, but a few stood out as examples of extensive and damaging incompetence; however, no one could raise a pimple on your derriere; you are the poster child of the Peter Principle. And no, there is no sexual connotation in this expression.

This mailing of the Prop 218 requirement is not valid and needs to be repeated. No adequate conclusion can be drawn if some rate payers did not receive the notice. The cost of this new mailing should be charged to the personal account of our Interim City Manager.

Connected with the above issue of the Prop 218 Notice, is the procedure of the counting of the Protest Forms received. This must be done by the officially elected clerk, not by some arbitrary staff person/s. There must also be a procedure in place to account for the number of the forms received, so none become lost or accidentally shredded. The trust of the constituency is at stake.

And, please, Ms Clayton, do not insult the rate payers by suggesting that they "check the city web site," as you regularly do. Many folks do not have a computer, or the time to randomly check this web site and hunt for the right information. The law governing the Prop 218 requires a ballot or a mailing. Since no one ever gets overlooked in the mailing of the utility bills, it should not be a problem to hit the same mailing list for the notices required by law.

Strive for competency and efficiency demanded by your position.