



In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

The following information comprises the minutes for the regular meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES
CITY COUNCIL

06/09/2020
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Mayor Andrade
Mayor Pro Tem Wallace
Councilmember Happe
Councilmember Pingree
Councilmember Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Marie Calderon, City Clerk
Sonja De La Fuente, Deputy City Clerk
Jennifer Christensen, Administrative Services Director
Matthew Hamner, Police Chief
Tom Miller, Electric Utility Director
Adam Rush, Community Development Director
Art Vela, Public Works Director/City Engineer
Ralph Wright, Parks & Recreation Director
Laurie Sampson, Executive Assistant

I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Andrade on June 9, 2020, at 5:01 p.m.

Pastor Ryan Houssein of Calvary Chapel Sweethills offered the invocation.

Councilmember Happe led the audience in the Pledge of Allegiance.

II. AGENDA APPROVAL

A motion was made by Councilmember Welch, seconded by Councilmember Pingree, to approve the agenda. Electronic vote was taken as follows:

AYES:	Andrade, Happe, Pingree, Wallace & Welch
NOES:	None
ABSTAIN:	None
ABSENT:	None

III. PRESENTATION(S)

Mayor's Special Recognitions

The Mayor and City Council recognized Juanita Munoz, Senior Utility Billing Representative, City of Banning, for making Banning a better place to work, live, and play, and the Friends of Banning Library Board of Directors and 2020 Essay Contest Winners.

IV. REPORT ON CLOSED SESSION

City Attorney Ennis reported that City Council held a special meeting beginning at 3:00 p.m. today. The items discussed were as follows:

1. **CONFERENCE WITH LABOR NEGOTIATORS** pursuant to Government Code Section 54957.6

City Designated Representative: Jennifer Christensen, Administrative Services Director and Doug Schulze, City Manager

Employee Organizations: International Brotherhood of Electrical Workers (IBEW)—General, International Brotherhood of Electrical Workers (IBEW)-Utilities, Teamsters Local Union No. 1932 (Teamsters), Banning Police Officers Association (BPOA), and Banning Police Management Association (BPMA)

Unrepresented Employees: All Department Directors
Direction was given to the City's Negotiators.

2. **THREAT TO PUBLIC SERVICES OR FACILITIES**

Pursuant to subdivision (a) of Government Code Section 54957)

The item was not discussed or acted upon.

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Property and Owners/Negotiating Parties: Real Property located in the vicinity of Ramsey and Hathaway – 1483 E. Ramsey St, APN 541-170-019 – Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

A status report was provided with no final or reportable action.

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Property and Owner/Negotiating Party: Real Property located in the vicinity of Ramsey and Hathaway – 1573 E. Ramsey St, APN 541-170-021 – Jen H. Huang

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

A status report was provided with no final or reportable action.

5. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Properties and Owners/Negotiating Party: Real Property located in the vicinity of Ramsey and Hathaway – Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005 – Frank J. Burgess; and Northeast corner of Ramsey Street and Hathaway Street, APN 532-120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

A status report was provided regarding negotiation of agreements.

6. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Properties and Owners/Negotiating Party: Real Property located in the vicinity of Ramsey and Hathaway – Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005 – Frank J. Burgess; and Northeast corner of Ramsey Street and Hathaway Street, APN 532-120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees

City Negotiators: Douglas Schulze, City Manager and Art Vela, Public Works Director

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements

A status report was provided regarding negotiation of agreements.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENT(S)

Paul Perkins requested the City follow-up with Beaumont regarding the left-hand turn into Sun Lakes Shopping Center. Regarding the Ramsey Street Village, he would like spreadsheet regarding costs, etc. So public can see if it is something they can afford. He requested items 2, 3, 5, 6 & 7 on the Consent Calendar to be discussed.

Mary Hamlin shared an Article regarding 10 characteristics of a positive community (Attachment 1). She commended the City on progress made. She indicated that the Homeless Village is a good start with regard to the homelessness issue.

Bill Bell expressed how proud he is to be a resident of Banning. He thanked the Council for the difficult job they're doing. He thanked Doug Schulze and City staff as well for finding solutions for difficult issues like homelessness. He expressed appreciation for the various organizations helping put food on the tables of those in need. He also expressed that he is embarrassed about those berating City staff week after week with sanctimonious, ugly personal attacks and abusive behavior. (i.e. at the May 26th Council Meeting when someone suggested a Council Member get their face slapped). He advised that it is OK to disagree, but not threaten violence.

Bill Hobbs indicated he agrees with everything Mr. Bell said. He advised the potholes have been filled on I-10. He gave kudos to the Police Department, especially the Police Chief, as he attended the march and was so impressed by the Chief and City Manager. He advised he is very proud of Banning and offered support to each and every Council Member.

Seeing no further comments, the Mayor closed public comment.

CORRESPONDENCE

None

APPOINTMENT(S)

None

VI. CONSENT ITEMS

Consent Item 10 was pulled for separate consideration.

1. Minutes – May 26, 2020, Regular Meeting
2. Minutes – May 26, 2020, Special Meeting (Closed Session)
3. Notice of Completion for Project No. 2019-05, “Street Rehabilitation at Various Locations”
4. Resolution 2020-74, Approving the Fiscal Year 2020/2021 – 2022/2023 Short Range Transit Plan and Authorizing the Submittal of the Fiscal Year 2020/2021 Funding Claims
5. Comment Letter – White Paper on Economic Feasibility Analysis in Consideration of a Hexavalent Chromium Maximum Contaminant Level
6. Approval of a Street Sweeping Services Agreement with Cannon Pacific Services, Inc. dba Pacific Sweep of San Marcos, California in the Amount of \$91,177 and Rejecting all Other Bids
7. Award a Professional Services Agreement for the Design of the Wastewater Treatment Plant Equalization Basin to Albert A. Webb Associates in the Amount of \$217,536 and Approving a 10% Contingency for a Total Project Budget Not to Exceed \$239,289.60
8. Resolution 2020-73, Authorizing the Acceptance of an Allocation of Funds and Execution of CARES ACT Funding Grant Agreement with the Federal Aviation Administration (FAA) CARES Act Funding
9. Resolution 2020-61, Authorizing Use of the Public Utilities Exceptions for Informal Procurement of Specified Items of Equipment, Materials and Supplies for Fiscal Year 2021
11. Resolution 2020-75, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for the Purpose of Providing Coordinated Transit Services
12. Resolution 2020-76, Awarding a Construction Agreement for IFB No. 20-017, Project No. 2020-01EL “Ivy and Stagecoach Substation Construction” to Electric Power Systems International, Inc. of Santa Ana, California, in an Amount Not to Exceed \$6,618,636.70

Public Comments

The Mayor opened public comment.

Paul Perkins indicated at the Planning Commission meeting an extension was given to a cannabis dispensary. Also, he would like more of an explanation regarding property purchases.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch to approve Consent Items 1-9 and 11-12. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Approved Consent Items 1-9 and 11-12.

10. Ordinance 1562, an Ordinance of the City of Banning, California, Approving an Amended and Restated Development Agreement No. 11 Between the City of Banning and AMG Sign Company, Inc., for the Construction and Operation of an Electronic Message Center in the Downtown Commercial General Plan Designation and Zoning District on Real Property Located at 583 West Livingston Street (APN: 540-192-005) **(2nd Reading)**

Councilmember Happe indicated that he disagrees with waiving the \$50,000 revenue portion of the Development Agreement and removing Council's power to renegotiate the agreement until 30 years from now.

Public Comments

None

A motion was made by Councilmember Welch, seconded by Councilmember Pingree to approve Consent Item 10. Electronic vote was taken as follows:

AYES: Andrade, Pingree, Wallace & Welch
NOES: Happe
ABSTAIN: None
ABSENT: None

Action: Approved Consent Item 10.

VII. PUBLIC HEARING(S)

None

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Pingree reported the protest was peaceful and that he appreciates that. Unfortunately, he could not attend.

Mayor Pro Tem Wallace reported that she attended protest. On June 5th she spoke at the Riverside Unity Rally to 1,000 people along with five other speakers. The League of California Cities is getting money from the CARES Act and hopes to distribute to the cities. On June 2nd she received a certificate for her classes attended regarding the Santa Ana Watershed. The Southern California Association of Governments (SCAG) celebrated their 55th year. They are trying to get funding to help communities. The goal is to have cities work together and communicate. This Thursday at Roosevelt Williams Park she will be facilitating a Town Hall Meeting at 6:00 p.m. She recommended wearing a mask and bringing a chair. The City Manager and Police Chief will be in attendance and 20 people will be able to ask questions.

Councilmember Welch reported that RTA had shut down for two days in downtown Riverside due to demonstrations, but they are now back up to full services, except for three express lines. One of them affects this area and that line will only make two trips per day instead of four. In regard to the demonstration in Banning, he expressed that he is very proud of the residents in Banning. The youth made up about 50% in attendance and he was very impressed with the Police Chief and City Manager.

Councilmember Happe reported that COVID-19 will be an issue moving forward. He spoke regarding racial issues and advised that change needs to happen. He advised this is not just racial injustice, financial too.

Mayor Andrade reported that she has been communicating with Prestige Film and she met with them along with the City Manager and the Chamber of Commerce. They are considering a film festival here in Banning. She reminded everyone that on June 17th the Chamber of Commerce will be having a Recognition Dinner at their Chamber Mixer to recognize the volunteers for the Food Drive. It will be held at the Haven Café at 6:00 p.m. On the same date at 7:00 a.m. the Sunrise Breakfast will be held at the Haven Café. She noted that the City's Budget was discussed today at 4:00 p.m. and costs for fire services is a lot for the City and will be looking at opportunities and possibly a legislative bill. She indicated the protest

was nice and expressed appreciation for the City Manager and Chief of Police being in attendance. A Revenue & Taxation meeting through the League of California Cities where the CARES Act funding was discussed.

The Mayor invited the Chief of Police up to comment.

Chief Hamner advised that the Police Department's utmost concern is to make sure every single person in the City feels safe and that they are here for the community to protect and serve everyone fairly and equally. He also encouraged any church or organization to invite him to share with them. Finally, he emphasized the importance of time and encouraged anyone to come see him to talk about anything, his door is always open.

REPORT BY CITY ATTORNEY

City Attorney Kevin Ennis answered a question raised by Mr. Perkins regarding some real property items on recent closed session agendas. He indicted the properties on today's agenda and most of the properties on agendas over the last six months were related to the Ramsey Street and Hathaway Project and acquiring right of way and temporary construction easements for the project.

REPORT BY CITY MANAGER

City Manager Doug Schulze advised the City planned to reopen on June 8th, but certain supplies were delayed. The City will reopen as soon as possible, hopefully within the next week. He provided a monthly report on the Ramsey Street Village. He advised there were 40 tenants at the beginning of the month and 40 at the end of the month. There are now eight people on the waiting list. There were six evictions in April and none in May. One tenant transitioned to more permanent housing. Several job placements took place. Significant events that occurred in May were as follows: 1) Electric and water were connected. 2) Food service was provided (seven meals per week). 3) AA/NA meetings were held one time per week. 4) There were eight crimes reported within a one-mile radius (up one from last month). Crimes reported were malicious mischief/vandalism, one commercial burglary, one residential burglary, one vehicle theft and one trespass. He reminded the Council and public that these crimes are not necessarily related to the Ramsey Street Village, but the City is keeping track of the activity in the area. Multiple arrests have been made related to those that refuse shelter. Most of those arrests occurred in west Banning. One of the benefits of having the Ramsey Street Village is that the City is then better to enforce laws related to trespassing or vagrancy that would not be able to otherwise if the City didn't have beds to offer.

Councilmember Pingree asked the City Manager to ensure the Ramsey Street Village is still being kept clean. City Manager Schulze advised that Officer Sayeski visits on a regular basis. He reported that there was an issue last night where

residents are trying to self-police and hold some of the other tenants accountable. He received photographs and he will be addressing that with the tenants.

REPORTS OF OFFICERS

1. Resolution 2020-66, Calling for a Ballot Measure to Ask Voters Whether the Position of Banning City Clerk Should be Appointive

City Manager Doug Schulze provided the staff report for this item.

Public Comment

None

A letter was submitted by and received from Frank J. Connolly (Attachment 2) in opposition of the City Clerk being appointive.

Councilmember Welch recommended setting this aside for future consideration due to the current financial situation and to allow time to educate the community.

City Clerk Marie Calderon advised that she feels the City Clerk position should be appointed due to the level of knowledge and training required and recommended consideration.

A motion was made by Mayor Andrade to adopt Resolution 2020-66. The motion died for lack of a second.

A motion was made by Councilmember Welch and seconded by Councilmember Happe, to not put a measure on the 2020 ballot asking voters whether the position of City Clerk should be appointive. Electronic vote was taken as follows:

AYES: Happe, Pingree, Wallace & Welch

NOES: Andrade

ABSTAIN: None

ABSENT: None

Action: Directed staff to not put a measure on the 2020 ballot asking voters whether the position of City Clerk should be appointive

City Manager Schulze explained that the level of work being done by the Deputy City Clerk is that of a City Clerk and that the Council should be aware of that.

Councilmember Happe recommended revisiting next year, as he believes the position should be an appointed position and it should be considered.

2. First Reading of an Ordinance to Reduce the Cannabis Cultivation Tax from \$15 to \$5 per Square Foot of Canopy Space for the First Year a Business is in Operation, and \$10 per Square Foot of Canopy Space for Every Year Thereafter

City Attorney Kevin Ennis presented the staff report for this item

Public Comment

The Mayor opened Public Comment.

Paul Perkins asked if there was a cap.

Seeing no further comments, the Mayor closed Public Comment.

In response to Mr. Perkins' question, City Attorney Ennis explained that it would not go higher than \$10 per square foot.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1564.

The Deputy City Clerk read as follows:

“Ordinance 1564, an Ordinance of the City of Banning, Amending Chapter 3.17 (Cannabis Commercial Cultivation, Manufacturing, and Laboratory Testing Tax) of Title 3 (Revenue and Finance) of the Banning Municipal Code to Decrease the Cannabis Cultivation Tax Rate, and Making a Determination Under CEQA Guidelines Section 15060(C)(3)”

A motion was made by Councilmember Welch, seconded by Councilmember Pingree, to waive further reading of Ordinance 1564. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Waived further reading of Ordinance 1564

A motion was made by Councilmember Welch, seconded by Councilmember Pingree, that Ordinance 1564 pass its first reading. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Ordinance 1564 passed its first reading

3. Three Potential Ballot Measures to be Placed on the November 2020 Ballot by the City Council: 1) a Proposed Ordinance Authorizing the Imposition of a 10% Gross Receipts Tax on Cannabis Distributors, 2) a Proposed Ordinance to Retain the Cap on Cannabis Retailers, Which is Set at One (1) for Every 10,000 Residents, and 3) a Proposed Ordinance to Increase the Cap on Cannabis Retailers to One (1) for Every 3,000, 4,000 or 5,000 Residents (or Some Other Ratio), Depending on Council Direction

City Attorney Kevin Ennis presented the staff report for this item. He provided an alternative cannabis retailer cap ballot question (Attachment 3).

Community Development Director Adam Rush provided a report on the Planning Commission's actions regarding various cannabis related items. He advised that notices have been sent to all 24 retailers and the City has received nine applications from the balance of 21 to renew their regulatory permit.

There was discussion held among Council and staff regarding the potential ballot measures.

Public Comment

The Mayor opened Public Comment.

Pastor Ryan Houssein spoke against placing the measures on the ballot, as he feels there are other ways to raise revenue and sees marijuana as a knock on the community. He believes people should be sober minded. He advised there is CBD without THC and he has heard good things. He expressed understanding that the City needs money and that he wants to see City prosper, but not this way.

Paul Perkins spoke against placing the measures on the ballot and indicated that he believes a promise was made to the citizens as it was stated that there would be one dispensary per 10,000 population/people. He advised that the Planning Commission required a 200-foot setback from homes and that it should stay. He is not sure marijuana is needed to make the City whole.

Bill Hobbs spoke against placing the measures on the ballot and expressed concern with safety in the community. He indicated that he doesn't want Banning to be the place to go for marijuana. He recommended providing the public with more information before moving forward.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Councilmember Happe, seconded by Councilmember Pingree, to approve a proposed ordinance authorizing the imposition of a 10% Gross Receipts Tax on Cannabis Distributors. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Approved a proposed ordinance authorizing the imposition of a 10% Gross Receipts Tax on Cannabis Distributors.

There was extensive discussion among the Council and staff regarding the other proposed ballot measures.

A motion was made by Mayor Andrade to approve the resolution to ask the voters to adopt the alternative cannabis retailer cap ballot question, "shall an ordinance be adopted to eliminate the current cap of 1 retailer per 10,000 residents and instead allow the Council to issue permits up to 1 retailer per 7,000 residents . The motion died for lack of a second.

A motion was made by Councilmember Pingree, seconded by Councilmember Welch, to not put a measure on the 2020 ballot asking voters to eliminate the current cap on cannabis retailers. Electronic vote was taken as follows:

AYES: Happe, Pingree, Wallace & Welch
NOES: Andrade
ABSTAIN: None
ABSENT: None

Action: Directed staff to not put a measure on the 2020 ballot asking voters to eliminate the current cap on cannabis retailers

IX. DISCUSSION ITEM

None

X. ITEMS FOR FUTURE AGENDAS

Mayor Andrade requested the cannabis items on the next agenda if at all possible, as well as language on the Planning Commission staggering terms.

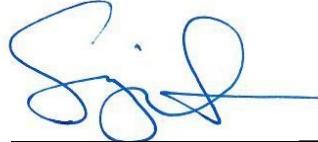
Mayor Pro Tem Wallace would like a report on future plans for the City's property previously occupied by the homeless.

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 7:11 P.M.

Next Meeting: June 23, 2020, 5:00 p.m.

Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

*The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=CiX0Ig4PcFkU>. Any related documents maybe viewed here:
<https://banningca.gov/ArchiveCenter/ViewFile/Item/2311> or by purchasing a CD or DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.*

ATTACHMENT 1

Rec'd 06/09/2020
(2)

The Importance of Positive Communities

Involvement in a positive and encouraging community has a tangible impact on individual self-awareness and fulfillment.

Positive experiences with communities allow individuals to feel more connected to their environment and the people in it. This form of connection also provides a support system for members when they are in need of encouragement or sympathy.

Strong feelings of connection to the group also work to combat any mental illness that can arise from alienation in the form of anxiety and depression.

Positive community experiences provide members with a sense of belonging and the feeling of being able to express themselves without feeling judged.

Communities that excel at promoting this feeling of belonging encourage members to speak up about their ideas and opinions, which, in turn, leads to members considering their positions from a deeper perspective. Involvement in positive and encouraging communities facilitates self-reflection and exploration of core values and beliefs.

10 Traits of Positive Communities

Positive communities may differ in what they encourage and how their values get implemented into policy, but, overall, these groups share ten characteristics:

1. Work Together Toward a Common Goal

The most effective communities share similar values and belief systems that cooperate to help accomplish one or several goals. These goals can vary radically depending on the community in question.

For example, one community may value environmental goals such as promoting recycling and making forest areas more friendly to wildlife while another community may put more value on improving the education system.

2. Allow for Freedom of Expression

Central to developing a positive community is comfort among citizens when it comes to speaking their minds and expressing what is important to them. Individuals who feel encouraged to give their input about an issue, who feel heard when they do speak their minds are more likely to feel connected to their community.

3. Promote Fairness

Diversity is abundant in all communities. However, among every group containing diversity, there are always individuals who fall in the minority.

Positive communities work to ensure that those who fall in minority populations are not treated differently. These communities give a voice to minority populations through frequent consultation with members of those societies about how the community can improve to meet their needs better.

4. Set Clear Policies and Obligations

Positive communities do not set rules. Instead, they work to encourage community members to fulfill their obligations. This may include things as simple as attending community meetings or paying taxes to support the public school system.

5. Maintain Sensitivity Towards Members

In addition to feeling heard, members of positive communities also feel as though their concerns are adequately addressed and that they are cared for by the community. Positive communities prioritize the well-being of every member of the community and address concerns in a timely and sensitive manner when they arise.

6. Celebrate Community Heritage

Every long-standing community has heritage and traditions that have risen during the community's development. Positive and efficient communities embrace their culture by reminding members of the long way the community has come.

This could be as simple as sending out an annual newsletter commemorating the accomplishments of the year or as elaborate as an annual festival held to celebrate the birthday of the community.

7. Promote Interaction Among Members

Positive communities work to foster a feeling of genuine connection among members by providing plenty of opportunities for interaction. Creating a feeling of connection works to make members more motivated to meet their obligations and work towards the established goals of the community.

8. Elect Leaders that Stand by Community Values

Individuals elected to leadership positions within positive communities should be fair and just in their political focus. Their shared values should inform the decisions they take for the community. Additionally, leaders should also take the thoughts and suggestions of the community members into account when making decisions that will affect their lifestyles.

9. Prioritize Effective Communication

Communication is essential for any effective community. All of the wheels need to be moving at the same pace for the project to continue successfully. Positive leaders ensure that all members are aware of the projects currently in process, as well as what they can do to help those projects run smoothly.

10. Make Smart Decisions

Decisions made by positive and encouraging communities focus primarily on the promotion of happiness among its members. Members will inevitably disagree on some issues or values, but an effective community leader incorporates concerns from both sides into the eventual decision made.

A Take-Home Message

Only the highest standard of a community can be classified as “positive” in this context, as the bar for these groups is set extraordinarily high. However, with dedicated effort and commitment to a better world, any community can become more positive and encouraging for its members.

After all, according to Henrik Ibsen:

“A community is like a ship; everyone ought to be prepared to take the helm.”

About the Author

Stephanie Caldow, B.A., is a certified positive psychology practitioner and holds a postgrad in Human Resource Management from the Australian College of Applied Psychology.

<https://positivepsychology.com/10-traits-positive-community/>

ATTACHMENT 2

RECEIVED

By Sonja De La Fuente at 1:42 pm, Jun 08, 2020

From: "f462012c@aol.com" <f462012c@aol.com>

Date: June 6, 2020 at 12:11:10 PM PDT

To: Daniela Andrade <dandrade@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>, Art Welch <awelch@banningca.gov>, David Happe <dhappe@banningca.gov>

Subject: City Clerk

Reply-To: <f462012c@aol.com>

Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.
City of Banning Information Technology

April 6, 2020

Dear City Councilmembers,

Attached is a section of the ordinance regarding City Clerk Duties and Responsibilities. As highlighted on the attached document the reference "he" "his" in today's society would be considered "sexual discrimination". Furthermore, in the City of Banning the City Clerk has been elected and occupied by a female for the 50 years I have resided in Banning (Lucielle Elizondo and Marie Calderon) both of whom have done an outstanding job serving our city. I would request that the City of Banning please review this document and make proper changes in language to reflect today's view on proper identity (he/she) or (his/her). I'm not sure if this section is part of the "City Ordinance" or a portion of the "State Ordinance" governing "City Clerk". Either way this should be changed at all levels to reflect the correct definition.

I further would like to go on record as being opposed to the City Clerk position being an appointed position. It is my opinion that the elected position should continue to be "Non Political". Though the City Clerk historically in the City of Banning has served dual roles and responsibilities as City Clerk and Secretary to the City Manager among other duties, I have always received professional service when dealing with the City Clerk on issues over the years without a hint of Political Rhetoric. It is my opinion that making this a appointed position would only expose more problems to our city which we don't need. I understand the dual roles and responsibilities served however it is best to keep them separated to avoid legal and political problems. This being the purpose of having a "Deputy City Clerk" position to avoid these problems.

Thank You!

Sincerely,

Frank J. Connolly

City Clerk Duties and Responsibilities

The basic duties of the City Clerk are set forth in the Government Code. "40801. The city clerk shall keep an accurate record of the proceeding of the legislative body in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index. "40806. The city clerk shall keep a book marked "ordinances" and record in it all city ordinances with his certificate annexed to each, stating: (a) It is a true and correct copy of a city ordinance. (b) The ordinance number. (c) It has been published or posted pursuant to law. "40811. The city clerk is the custodian of the city seal. "40812. [The city clerk] shall perform such additional duties as are prescribed by ordinance. "40813. The city clerk may appoint deputies, for whose acts he and his bondsmen are responsible. The deputies shall hold office at the pleasure of the city clerk and receive such compensation as is provided by the legislative body. "40814. The city clerk and his deputies may administer oaths or affirmations and take and certify affidavits and depositions pertaining to city affairs and business which may be used in any court or proceedings in the state. The acknowledgment of an instrument may be made before a city clerk and his deputies within the city in which they were elected or appointed."

Additional City Clerk responsibilities in addition to these basic, historic duties, the legislature has assigned ever greater and more complex responsibilities to the City Clerk over the years. Per Election Code Section 320, the City Clerk is the Election Official for the City. In this capacity, the City Clerk interacts with the County Elections Department during all local elections to assure compliance with all election laws and regulations. Under Section 54950 et seq. of the Government Code, the City Clerk is responsible for ensuring compliance with the Brown Act ("Open Meeting Laws"), regarding conduct of city business and responses to public inquiries. The Political Reform Act, Government Code Section 83111, designates the City Clerk as the official responsible for coordinating, recording and retaining the Statements

ATTACHMENT 3

ALTERNATIVE CANNABIS RETAILER CAP BALLOT QUESTION

"Shall an ordinance be adopted to eliminate the current cap on cannabis retailers (dispensaries) which allows 1 retailer for every 10,000 residents, and instead allow the City Council to increase the number of cannabis retailers that can lawfully operate in the City as long as the cap does not exceed 1 retailer for every 3,000, 4,000, 5000 residents, which based on the current population could increase the number of retailers from 3 to ?"