



The following information comprises the minutes for a special and 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**

**10/13/2020
SPECIAL AND REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Mayor Daniela Andrade
Council Member David Happe
Council Member Kyle Pingree
Mayor Pro Tem Colleen Wallace
Council Member Art Welch

COUNCIL MEMBERS ABSENT: None

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

1. CALL TO ORDER – SPECIAL MEETING

The Mayor Called to Order a Special Meeting of the Banning City Council at 4:31 P.M.

The Mayor opened public comment for items on the closed session agenda. Seeing none, closed public comment.

The City Attorney listed the items on the closed session agenda.

The City Council convened to closed session at 4:33 P.M.

2. CLOSED SESSION

- ITEM.2.1.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: Sunset Substation (APNs 531-080-013 and 015)
City Negotiator: Douglas Schulze, City Manager
Negotiating Parties: New Energy North America, LLC
Under Negotiation: Price and terms for potential lease of property
- ITEM.2.2.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: 150 E. Ramsey Street
City Negotiator: Douglas Schulze, City Manager
Negotiating Parties: Sudweeks Development and Best Development
Under Negotiation: Price and terms for potential lease of property
- ITEM.2.3.** CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of Case: Fisher v. City of Banning, Case No. RIC 1905878
- ITEM.2.4** CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: Two potential cases
- ITEM.2.5** CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Designated Representative: Jennifer Christensen, Administrative Services Director, Art Vela, Public Works 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

The Mayor recessed closed session at 5:08 P.M.

The City Council reconvened to closed session at 9:04 P.M.

3. ADJOURNMENT - CLOSED SESSION

The Mayor adjourned closed session at 11:08 P.M.

1. CALL TO ORDER REGULAR MEETING

The Mayor called to order the regular meeting of the Banning City Council at 5:14 P.M.

ITEM.1.1 Invocation

Pastor Nathaniel Rodriguez, Infinite Church, offered the invocation.

ITEM.1.2 Pledge of Allegiance

Council Member Happe led the Pledge of Allegiance.

ITEM.1.3 Roll Call

COUNCIL	PRESENT	ABSENT
Andrade, Daniela	X	
Happe, David	X	
Pingree, Kyle	X	
Wallace, Colleen	X	
Welch, Art	X	

2. AGENDA APPROVAL

Pull Items 8.1 and 8.2 from the Agenda and Reschedule for October 27, 2020, Regular Meeting and Move Discussion Item 9.1 Before Report of Officer Item 8.5 and Approve Agenda with Recommended Changes.

VOTING

Motion by: Council Member Happe

Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	ABSENT
Andrade, Daniela	X			
Happe, David	X			
Pingree, Kyle	X			
Wallace, Colleen	X			
Welch, Art	X			

3. PRESENTATIONS

ITEM.3.1 Mayor's Special Recognitions

The Mayor and City Council recognized Perry Gerdes, Water/Wastewater Superintendent and the Water Department staff for making Banning a better place to work, play, and live.

ITEM.3.2 Swear in New Police Officers

Police Chief Matthew Hamner introduced Police Officer Yvette Vaca and City Clerk Marie Calderon administered the Oath of Office.

4. REPORT ON CLOSED SESSION

The City Attorney reported that the City Council met in closed session at 4:30 P.M. today. Items discussed were as listed on the closed session agenda. Regarding Item 2.1, Conference with Real Property Negotiators, there was no final reportable action. Regarding Item 2.2, Conference with Real Property Negotiators, a status report was provided with no final or reportable action. He advised that the meeting was recessed and will reconvene following the regular City Council meeting.

The City Attorney reported that the City Council reconvened closed session at 9:04 P.M. to discuss the remaining items on the closed session agenda. today. Items discussed were as listed on the agenda above. Regarding Item 2.3, Conference with Legal Counsel – Existing Litigation. There was no final reportable action. 2.4 Anticipated Litigation (two potential cases). Direction was given with no final reportable action. 2.5 Conference with Labor Negotiators. Direction was given to the City's negotiators regarding future negotiations. He noted that City Manager Doug Schulze was not present during the discussion of items 2.3 and 2.4.

5. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS, CITY COUNCIL COMMITTEE, CITY MANAGER, AND CITY ATTORNEY REPORTS

PUBLIC COMMENT

Jon Hagen, Banning resident, advised he would like to comment on Consent Item 6.8. Also, he indicated that he would like to see the Sun Lakes Boulevard extension project moved up on the priority list.

Harry Sullivan, 316 N. Sunset, explained that he is a 37-year pilot at the Banning airport. He asked who all has been to the airport and who has discussed Resolution 2017-44. He indicated the airport is essential and requested rescinding Resolution 2017-44.

Karl Hauer communicated that he had been banned from Banning Pass Transit.

John Baca, Business Representative for IBEW, spoke regarding furloughs and recommended the Council consider different avenues that have been presented other than furloughs.

Ruben Macias, City employee, read a letter from Tisha Jacobs, City employee (Attachment 1).

Doug Martinez with Teamsters revealed that the MOU with the City expired on June 1, 2020. He indicated that the last two negotiation dates were canceled and not rescheduled and requested assistance from the City Council.

Brandon Robinson, City employee echoed what Doug Martinez said and asked that it is made a priority to move forward.

Inge Schuler, Banning resident, spoke against Art Welch for City Council, District 3.

Sandra Castaneda, City employee, read letter on behalf of union members (Attachment 2).

Erica Cassadas, City employee, read letter regarding potential furloughs (Attachment 3)

Paul Perkins, Banning resident, spoke in support of a City-operated animal shelter.

Gary Hironomous advised that he has been unable to reach the Graffiti hotline to report graffiti at 1101 and 1120 W. George

Mario Elizondo, City employee, requested the Council reconsider furloughs.

CORRESPONDENCE

Letter from Edith Garcia (Attachment 4)

Andrew Foster (Attachment 5)

Melinda Fuzesy (Attachment 6)

APPOINTMENTS

None

CITY MANAGER REPORT

City Manager Schulze advised that the Sun Lakes Boulevard extension project is a priority of the City, but the timeline received from the consultant indicates it will be a very lengthy process, which involves many studies that must be completed first.

On October 17th and 18th from 2:00 P.M. until 10:00 P.M. there will be a Drag Racing event at the Airport.

The Police Department has been cleaning up multiple homeless encampments and have hauled away several tons of trash.

CITY ATTORNEY REPORT

None

CITY COUNCIL COMMITTEE REPORTS

Council Member Happe commended all the City employees for the excellent job during these extremely hard times. He also encouraged the citizens to participate in the events to generate revenue for the City.

Council Member Pingree reported that the Food Drive on Sunday had a good turnout. Drag Racing is scheduled on Saturday and Sunday. Expressed appreciation of City employees. He wished John Hagen a Happy Birthday.

Council Member Welch thanked all the City employees. He also reported that there will be a food drive on Friday, October 23rd, hosted by the Chamber of Commerce and sponsored by State Senator Mike Morrell.

Mayor Pro Tem Wallace attended a League of California Cities meeting via Zoom. She gave kudos to City staff and expressed her support. She reminded everyone that Community Action Partnership can help citizens with utility bills.

Mayor Andrade attended a League of California Cities meeting via Zoom, however there was not a quorum. She reported that the Food Drive was a success and 2,700 were served. She encouraged everyone to come out to the drag race and even volunteer. If interested in volunteering contact Council Member Pingree or the Chamber of Commerce

6. CONSENT ITEMS

Items 6.2, 6.3, 6.5 and 6.6 were pulled for separate consideration.

ITEM.6.1. Minutes of the September 22, 2020 City Council Meetings

ITEM.6.4. Notice of Completion for Project "Grit Drive Replacement"

ITEM.6.7. Resolution 2020-121, Approving New Job Description and Revision to the Compensation and Classification Plan

ITEM.6.8. Resolution 2020-124, Declaring the Intention to Levy and Collect a Change in Assessments for Fiscal Year 2021/2022, Approving the Proposition 218 Engineer's Report and Setting the Date for the Public Hearing for the Proposition 218 Ballot Proceeding for Landscape Maintenance District No. 1

ITEM.6.9. Resolution 2020-125, Approving the Amended Agreement for Participation in the County of Riverside's Urban County Program for Fiscal Years 2021-22, 2022-23, and 2023-24.

ITEM.6.10. Resolution 2020-126, Authorizing the Designation of the Director of Public Works/City Engineer as Authorized Agent for the California Department of Water Resources Proposition 1 Round 1 Integrated Regional Water Management (IRWM) Implementation Grant Agreement

- ITEM.6.11.** Resolution 2020-127, Supporting the Passage of Proposition 20 on November 3, 2020
- ITEM.6.12.** Resolutions 2020-128, Approving a Professional Services Agreement in the Amount of \$121,018, and an Optional Task Not to Exceed \$25,000, with Rincon Consultants, Inc. for the Preparation of the General Plan Housing Element Pursuant to the 6th RHNA Cycle
- ITEM.6.13.** Adopt Resolution 2020-130, Establishing a Pre-Approved Professional Land Use and Environmental Vendor List for the Remainder of Fiscal Year 20/21 through the end of Fiscal Year 23/24

Public Comment

Paul Perkins, Banning resident, spoke regarding Item 6.7 indicating that he believes there is an error in the Staff Report related to the salary range.

John Hagen, Banning resident, spoke regarding Item 6.8, advising that he still doesn't understand why he should have to pay for his neighbor's yard to be mowed and cannot figure out why some are getting increases while others are getting decreases.

Mayor Andrade asked Deputy Finance Director Suzanne Cook to provide information on the cost of the position in Item 6.7 for constituents to understand the breakdown. Deputy Finance Director Cook provided clarification regarding the breakdown of costs related to funding positions. Mayor Andrade emphasized the savings bringing Animal Control in-house rather than contracting out.

Mayor Pro Tem Wallace asked Public Works Director Art Vela to clarify why certain residents pay different assessments related to Item 6.8 for constituents to understand. Public Works Director Vela provided clarification regarding the various zones and that some have fewer homeowners than others to share in the cost, ultimately costing some homeowners more than others.

Approve Consent Items 6.1, 6.4 and 6.7 through 6.13

VOTING

Motion by: Council Member Welch

Second by: Mayor Pro Tem Wallace

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

ITEM.6.2. Lease Agreement between City of Banning and Banning Chamber of Commerce for Animal Shelter Property

Council Member Happe thanked the members of the community for coming together to make this happen. He shared that he couldn't think of a better reason to lease City property for a negligible amount.

Public Comment

None

Approve Consent Item 6.2

VOTING

Motion by: Council Member Happe
Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

ITEM.6.3. Award the Banning Connect Transit System Fleet Wrapping Services Agreement to Canyon Print & Signs of Palm Springs, California in the amount of \$100,000 and Rejecting all Other Bids

Council Member Happe requested a staff report for this item. Public Works Director Art Vela provided a report on the item. There was discussion related to why the fleet needed to be wrapped completely, and it was explained that it is for uniformity.

Public Comment

None

Approve Consent Item 6.3

VOTING

Motion by: Council Member Happe
Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

ITEM.6.5. Ordinance 1563, An Ordinance of the City of Banning, California, Approving Zone Change 17-3502 (ZC 17-3502) to Change the Zoning Classification of Real Property Identified as APNs 534-050-003, 534-084-001, and 534-084-002 2 from Low Density Residential (LDR) to Industrial Mineral Resources (IMR) – **2nd Reading**

ITEM.6.6. Ordinance 1570, An Ordinance of the City of Banning, Approving Development Agreement No. 17-1503 (Da 17-1503) Between the City of Banning, Robertson's Ready Mix, Ltd., and Matich Corporation, for the Expanded and Continued Development and Reclamation of a Quarry on Real Property Identified as APNs 534-100-001 thru 008; 534-110-001 thru 005; 534-050-003; 534-084-001 & 002; 534-110-005; 534-213-002; 534-230-001 & 002; 534-241-003 & 004; 534-242-001; 534-273-002, 003, 006 – **2nd Reading**

Mayor Pro Tem Wallace abstained from consideration of Items 6.5 and 6.6 due to comments she has made publicly. City Attorney Ennis advised she may speak on the item as a Citizen of Banning.

Public Comment

None

Approve Consent Items 6.5 and 6.6

VOTING

Motion by: Council Member Happe

Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

The Mayor recessed the meeting at 7:11 P.M. and reconvened the meeting at 7:27 P.M.

7. PUBLIC HEARINGS

ITEM.7.1 2020-129, Approving the Street Vacation Application Street Vacation of the following Public Streets, Highways, and Service Easements: Gilman, between Hathaway (E) and Evans (W); Theodore, between Hathaway (E) and Phillips (W); Summit (formerly Jacob (E/W); Repplier (formally Kline) (E/W), between Hathaway (E) and Blanchard (W); Hathaway (N/S), between Repplier (N) and Evans (S); Harlow Street (N/S), between Theodore (N) and Gilman (S). The Proposed Street Vacation Will Impact Approximately 9.7-Acres of Streets, Easements, and Public Rights-of-Way

Mayor Pro Tem Wallace abstained from consideration of Item 7.1 due to comments she has made publicly. City Attorney Ennis advised she may speak on the item as a Citizen of Banning.

Community Development Director Adam Rush presented the staff report and PowerPoint presentation (Attachment 7) for this item.

Public Hearing

Colleen Wallace, Banning resident, requested clarification regarding the street vacations.

Community Development Director Rush provided clarification.

The Mayor closed the Public Hearing.

There was discussion held among Council and staff regarding boundaries and the legal descriptions that provide the specifics.

City Manager Schulze thanked the City Attorney for his and his staff's work and pointed out that he saved the City approximately \$700,000 that will go toward the Ramsey Street and Hathaway improvement project.

The City Attorney thanked the attorney for Robertson's Ready Mix for their work as well.

Adopt Resolution 2020-129

VOTING

Motion by: Council Member Pingree

Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen			X		
Welch, Art	X				

8. REPORTS OF OFFICERS

ITEM.8.1 Amendment to Exclusive Negotiating Agreement with Sudweeks Development
Item 8.1 was continued to the October 27, 2020 City Council Meeting

ITEM.8.2 Purchase and Sales Agreement for APN 541-181-032
Item 8.2 was continued to the October 27, 2020 City Council Meeting

ITEM.8.3 Banning Sportsman's Club Lease Agreement

City Manager Doug Schulze presented the staff report for this item and provided the Council with information received just before the meeting from the Sportsman's Club (Attachment 8).

Public Comment

None

Marshall Palmer, Vice President of the Banning Sportsman's Club introduced himself and advised that he is present to answer any question.

The Council asked several questions and Mr. Palmer provided answers.

Continue Item 8.3 to the October 27, 2020 City Council Meeting so the Council Members can tour the facility.

VOTING

Motion by: Council Member Pingree

Second by: Mayor Pro Tem Wallace

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art		X			

ITEM.8.4 Term Sheet Between City of Banning and New Energy North America, LLC
City Manager Doug Schulze presented the staff report for this item.

Marion Ashley with New Energy North America provided a report on this item.

James Holtz with BYD Heavy Industries invited the City Council to tour their facility in Lancaster.

Public Comment

Paul Perkins expressed concern with the Term Sheet being too long and how the City will be receiving and distributing energy from the project.

Electric Utility Director Tom Miller addressed Mr. Perkins question regarding distribution of energy and explained that it will all be taken care of if the Term Sheet is approved. He also addressed questions regarding the substation property.

There was discussion regarding the City's substation property, timing of the project and the batteries that will be used.

Approve the Term Sheet between the City of Banning and New Energy North America (NENA) for the Banning Green City Battery Storage Project.

VOTING

Motion by: Council Member Welch
Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

9. DISCUSSION ITEMS

ITEM.9.1 Mayor/Mayor Pro Tem Rotation

City Manager Doug Schulze provided the staff report for this item. He provided the Council with additional information (Attachment 9).

Mayor Andrade shared some information she had found and recommended changing the process to a rotation format so everyone has a chance to be Mayor.

Public Comment

None

Maintain Existing Mayor/Mayor Pro Tem Selection Process

VOTING

Motion by: Council Member Pingree
Second by: Council Member Welch

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela		X			
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen		X			
Welch, Art	X				

The Mayor recessed the regular meeting at 9:04 P.M. and convened to closed session.

Per Resolution 2016-44, the City Council voted unanimously to extend the meeting past 10:00 P.M.

Per Resolution 2016-44, the City Council voted unanimously to extend the meeting past 11:00 P.M.

The Mayor reconvened the regular meeting at 11:09 P.M.

ITEM.8.5

Resolution 2020-123 Amending Compensation and Certain Benefits and Adopting a Furlough Program for City Department Director

Public Comment

None

1) Adopt Resolution No. 2020-123 Amending Compensation and Certain Benefits and Eliminating a Furlough Program for City Department Directors, and; 2) Authorize the City Manager to execute any contract amendments or documents necessary to implement the proposed changes to compensation and benefits for all directors and the Chief of Police.

VOTING

Motion by: Council Member Welch

Second by: Council Member Pingree

COUNCIL	YES	NO	ABSTAIN	RECUSE	ABSENT
Andrade, Daniela	X				
Happe, David	X				
Pingree, Kyle	X				
Wallace, Colleen	X				
Welch, Art	X				

10. ITEMS FOR FUTURE AGENDAS

Mayor Andrade requested an amendment to the Ordinance for cannabis dispensaries and City Manager Evaluation.

11. ADJOURNMENT

The Mayor adjourned the regular meeting at 11:11 P.M.

Next Meeting: Regular Meeting, Tuesday, October 27, 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:

Part 1: <https://banninglive.viebit.com/player.php?hash=tcwZix4wwfGR000000000000>

Part 2: <https://banninglive.viebit.com/player.php?hash=RBpSIIQzIk4x>

Part 3: <https://banninglive.viebit.com/player.php?hash=zd38e93L6hKf>

Part 4: <https://banninglive.viebit.com/player.php?hash=i8qrLdA70mPg>

**or by purchasing a CD or DVD in the amount of \$7.00 each
at Banning City Hall located at 99 E. Ramsey Street.**

All related documents maybe viewed here:

<https://banningca.gov/ArchiveCenter/ViewFile/Item/2378>

ATTACHMENT 1



October 13, 2020

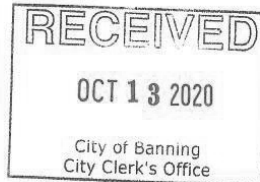
Dear Members of the City Council,

I am writing this as I could not be present tonight to speak. I am a single mother that is the sole provider for my family. As I know times are tough for many people right now, I have been struggling to be the sole financial support for my family for a few years now. Having any financial decrease in income would be a very large hardship. I recently had to go through the processes of refinancing my home in order to help my family financially, and as a result the City will be getting a pay off of \$20,000 from my lender for the silent second on my home from 2010, that had I not refinance the City would not have, and currently therefore is not listed in the current budget. While I realize that this is a small amount of the funds that are needed, I am sure there are many places that cuts can be made that do not financially impact employees. The general unit always seems to take the biggest hit and we are the lowest paid. In the past when other units received a 3% increase, our unit only received 1%. Many departments are still approving paid trainings with travel, these types of services can be suspended. Many employees and management are telecommuting with the COVID pandemic, yet if their program allows, they are still getting car allowances. I feel the City needs to be 100% transparent and show that they have cut finances in areas that have no major impact on business and employee livelihood before they start touching the budgets that provide livelihoods.

Tisha Jacobs

City of Banning Employee

ATTACHMENT 2



October 13, 2020


Dear City Council Members,

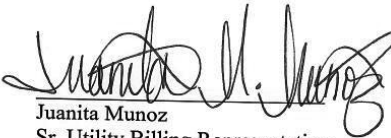
It is no secret that the financial situation in the City of Banning at this time is less than ideal but even with the uncertainty that these current times bring, we are tasked with the duty of serving our community to the best of our ability. We have been labeled "essential employees" and that is why many of us are here either at City Hall, the City yard, and Community Center to name a few, exposing ourselves to the virus and a possible infection in order to ensure that the day to day tasks are still being sustained and our residents get the help that they need.

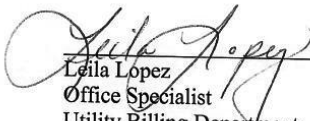
It is my understanding that in previous years, the City of Banning found itself in perhaps a worse situation where furloughs were considered an option. While there are issues at hand that may seem more important, we want you to understand just how your actions and choices affect us all. The thought of possibly having to enter into a furlough agreement only brings more uncertainty and stress to an already extreme situation. There are other organizations that have been impacted far worse by the Corona Virus outbreak and we believe that by working together we can hopefully avoid being affected far worse. We hope that you will do everything in your power to ensure that we are all taken care of and that we are shown the same respect that we show and have for this city.

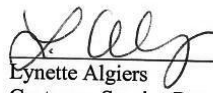
The possibility of furloughs will bring even more hardship to fellow coworker's families that have already been affected. Together they have faced the loss of a partner/spouse's job. Families that once had a dual income in their household have been impacted negatively by becoming a single income household and while we may not see it every day, there are repercussions such as not being able to feed their families, cloth them, pay bills in a timely manner, buying medications and such. We also ask that you take a moment to understand that not all families are blessed with dual incomes, and they are far more affected by the possibility of furloughs. We kindly ask that you exhaust every other option before pointing toward employee furloughs as the top solution to the financial issues that we face. It is our belief that together we can reach a common goal to ensure success.

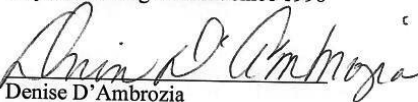
Thank you for your time and consideration,

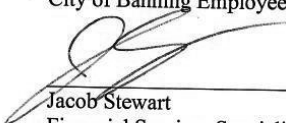

Valeria Martin
Sr. Utility Billing Representative
Utility Billing Department
City of Banning resident since 2014


Juanita Munoz
Sr. Utility Billing Representative
Utility Billing Department
City of Banning resident since 1967


Leila Lopez
Office Specialist
Utility Billing Department
City of Banning resident since 1998


Lynette Algiers
Customer Service Representative
Utility Billing Department
City of Banning Employee since 2019


Denise D'Ambrozia
Customer Service Representative
Utility Billing Department
City of Banning Employee since 2019


Jacob Stewart
Financial Services Specialist
Finance Department
City of Banning employee since 2017

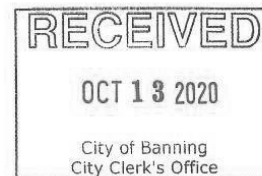
ATTACHMENT 3

Good evening, council. My name is Erica Cassadas and I'm an employee of the City of Banning. I am here to express my concern for the impact that potential furloughs will have on my livelihood. I currently work in Utility billing but will soon be transferring to a new position in a new department and even though it is a different bargaining unit – I believe I will still be faced with the possibility of furloughs.

I am a single mother of an amazing young man who just graduated from college and is working his way toward P.A. school. As a mother, we only want what's best for our children. Most of us will do whatever we can to make their dreams a reality even if that means giving up on some of our own in the process. Therefore, I made a promise to myself that I will continue to help my son financially as long as he is in school. I want him to do well and be able to focus without the stress of balancing a full-time job with medical school. But make no mistake – my decision to help him is the reason I live check to check. Furloughs would make it impossible for me to fulfill this promise which happens to be the only thing that matters to me. Some people might think 80 hours is not a lot to ask for – but if furloughs went into effect starting November until the end of the fiscal year – I would be losing 5 hours per pay period. For me this is approximately \$120 per pay period. If it went into effect in December – it would roughly be around \$137. January would result in the loss of \$160 per pay period and if we started in February – it would mean \$192 per pay period. I have my bills and my budget planned out for the next 3 pay periods. After I have met all my obligations – I have anywhere from \$150 to \$250 to last me for the next two weeks. So, while \$120 per pay period may not sound like a lot to some people – it is devastating to someone like me.

I have worked in Utility billing for 4 years and during this pandemic, while most of city hall worked remotely – we showed up every day. I know people that work for Starbucks and one other organization that were compensated for working during the pandemic. We were not given hazard pay, or what some refer to as COVID pay, and someone stated that it was because we did not work directly work with the public. This is not true. Our closed doors did not stop customers from pounding on them and yelling at us because they could not understand us through the glass. This resulted in us having to open our doors to communicate with those that refused to leave. We still had to transfer documentation and except applications from the customers for new service requests, they caught us in the parking lot and we continued to process all of the checks, cash payments and money orders handled by our community and dropped in our drop box. But we did not complain. We showed up. Everyday. And while other businesses offered their employees hazard pay – we are presented with furloughs.

I know this pandemic is forcing us to figure out solutions to problems that we have never been faced with and I know that the city has been hit hard but I just hope that we have exhausted ALL other options before resorting to furloughs. I just hope that furloughs are the absolute last resort and not just an obvious resort. Thank you for your time.



ATTACHMENT 4

eg

RECEIVED

OCT 13 2020

City of Banning
City Clerk's Office

October 13, 2020

Dear Members of the Council and City Leadership,

It is with great anguish and concern that I write this letter. I, Edith Garcia, am a resident of Banning and a City Employee. I have worked for the Public Works Department for over 2 years and can be found at my desk, Monday through Friday from the time City Hall opens its doors at 8:00 am to the time it closes at 5:00pm.

One of the items on tonight's agenda deals with furloughs for our directors and management. As you well know your decision tonight not only impacts them, but in a natural progression those of us in the general bargaining unit below them as well. This includes people like our streets crew, our customer service & utility billing representatives, our code enforcement officers, and our police dispatchers to name a few.

Many of us have been impacted financially due to the repercussions of COVID-19. Our households have gone from being dual income households to single income households, and it is only because we hold positions that are essential to continuing the welfare of our city. If as essential employees, we now face the possibility of furloughs the livelihoods of our families now become uncertain. I know that this is a fear that is lived by many and my heart breaks for all of us. I understand that it is difficult to be on either side of this decision, especially when it is people's livelihoods that are at jeopardy. Nevertheless, I do not understand how when it comes to dealing with the city's financial shortfall it is our employees that we want to take from.

How can we be considering to furlough positions that have been deemed essential? As employees we have been asked to work from our offices placing our own health on one side of the scale and the City's success on the other. It is only when money is brought into the equation that our employees lose their value and are placed on the losing side of the scale. Employees may be the most expensive asset our city has but they should also be seen as the most valuable.

Many of us have had to modify our lives to care for our children, our ill parents, and spouses. Even then from home we continue to provide our best service to the City. As you can imagine, it is extremely difficult to continue to conduct business as usual at City Hall with a "skeleton crew". Our residents come in and leave frustrated when the people they need to speak to are not physically here. They are forced to explain things over emails and phone calls, and I know that you yourself have experienced this as well as I have witnessed your frustration on many occasions.

Furloughs would only mean that we would have to put off important work that would otherwise be done. Imagine a day when you seek help getting an extension on your utility bill or an unfortunate day when you are faced with an emergency and a dispatcher is not there to answer your call. Please do not let this become a reality for our residents.

I ask that you continue offering our administration and City Manager your support in these hard times. Just like you I do not have the answers we need, but please consider giving the recommendation of seeking elsewhere for the solution to our financial deficit, and not from the pocket of our employees. It is not for me that I write this letter today but for my colleagues and the well-being of our families and residents. Please do not be the one to take food out of the mouths of those that keep your City running.

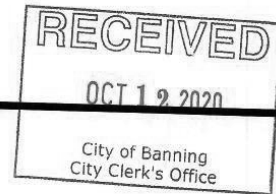


With kind regards and wishes of good health,

Edith Garcia
Resident and Solid Waste Program Coordinator for the City Banning

ATTACHMENT 5

Sonja De La Fuente



From: Andrew Foster <andrewchfoster@gmail.com>
Sent: Sunday, October 11, 2020 8:41 PM
To: Daniela Andrade; Sonja De La Fuente
Subject: City council meeting general comment (Please read it aloud)

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

Dear City Council,

My name is Andrew Foster and please stand with me and the people of this city to defend equality under our constitution and reject State Measure 16 in the November election. State Measure 16 would amend our state constitution and allow the state government to discriminate between Californians based on race, sex, color, ethnicity or national origin.

Californians overwhelmingly reject State Measure 16. A poll of 1,704 California residents released on September 16 by the Public Policy Institute of California showed voters opposed to State Measure 16 by huge margins. Eighty percent of voters have decided how to vote, and 60% of voters who have decided are opposed to State Measure 16.

Californians in every area of the state reject State Measure 16. The poll shows 53% of Los Angeles and 75% of Inland Empire voters who have decided how to vote are opposed to State Measure 16.

Elected officials, please join us in defending California's unity and equality by opposing State Measure 16. Don't divide us. Don't amend our constitution to allow the state government to discriminate between Californians based on race, sex, color, ethnicity or national origin.

Please read this comment aloud in the city council meeting general comments session.

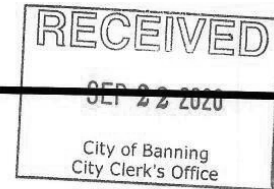
Sincerely,

Andrew Foster

ATTACHMENT 6

Sonja De La Fuente

From: Melinda Fuzesy <MelindaFuzesy@outlook.com>
Sent: Tuesday, September 22, 2020 1:05 PM
To: Sonja De La Fuente
Subject: City council meeting general comments (Please read it aloud)



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


Dear city council members and city staffs,
I'm a concerned resident. My name is Melinda Fuzesy. I am concerned about a proposition coming out in November. That is proposition 16. Proposition 16 permits the government to discriminate based on race or gender. This is clearly illegal and we request our elected officials to take a position against it. Oddly, supporters of proposition 16 state that proposition 16 benefits people of color in education and government contracting. But where is the language in the proposition that says that? Instead the proposition merely eliminates the California constitution that says you cannot base on race or gender. That is the reason why the residents of the city are against proposition 16. We must stand against racism in all forms.

Please read this comment aloud in the next city council meeting in general comments session.

Thank you!

Melinda Fuzesy

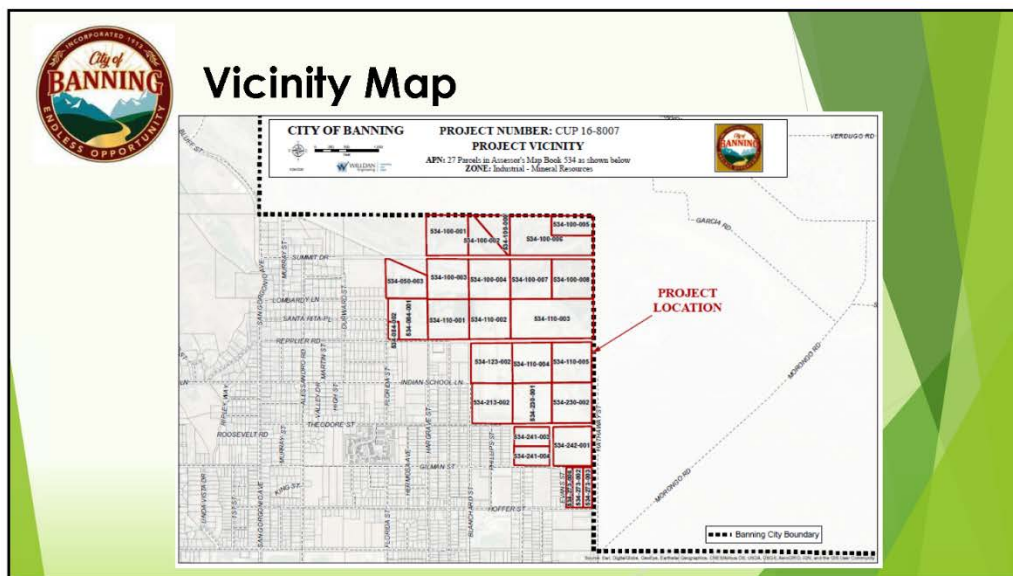
ATTACHMENT 7



CITY COUNCIL AGENDA ITEM 7.1 PUBLIC HEARING October 13, 2020

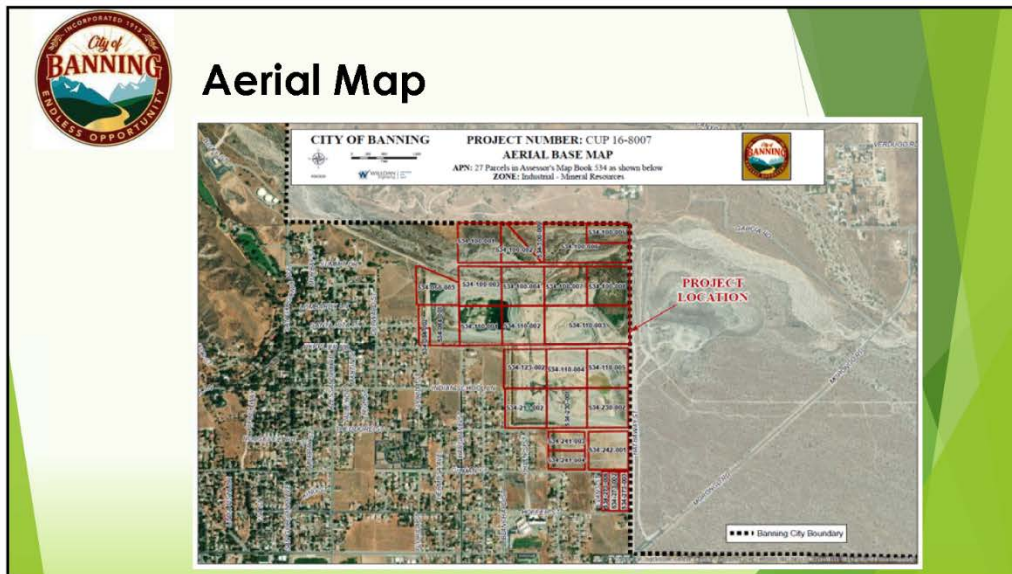
Public Hearing to consider vacating portions of Gilman Street, Theodore Street, Summit Drive, Repplier Road, Hathaway Street, & Harlow Street within the Robertson's Quarry Project Site.

1

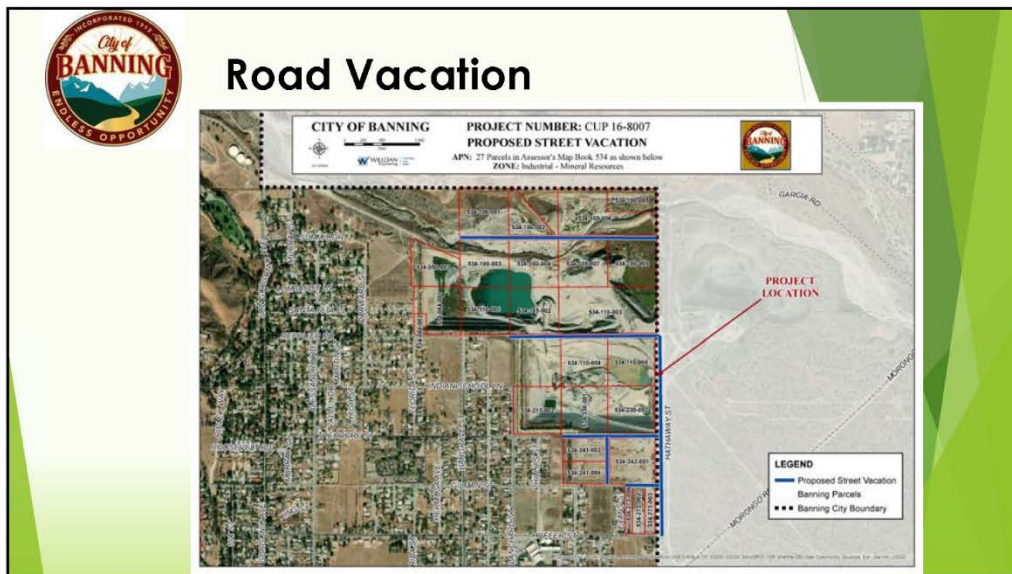


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Project Request

- Robertson's Redi-mix is proposing to vacate portions of various roadways that are located within the project site.
- The public streets and easements in questions are commonly referred to as "paper streets". This is a colloquial term indicating the streets and easements do not physically exist on the property; however, they are only represented through the City's maintained roadbook and with the plats and easements originally creating the roadways and easements.
- The property owner intends to utilize the area beneath the grade of these "paper streets" to continue their surface mining operations pursuant to the recent approval of Conditional Use Permit 16-8007.

5



Environmental Determination

- The proposed roadway vacation is considered a "Project" under the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.) and was considered under the City Council's adoption of Resolution 2020-118 (on September 22, 2020) and is inclusive of the necessary findings under CEQA.
- An Initial Study (EA 17-1503) has been prepared and made available for public review beginning on May 15, 2020 and closing on June 3, 2020.
- Based upon analysis contained in the Initial Study, staff determined that any potentially significant effects on the environment would be reduced to less than significant levels by mitigation measures incorporated in the Initial Study and that the preparation of a Mitigated Negative Declaration (MND) is appropriate. An MMRP has also been prepared, as required by CEQA.

6

3



City Council Recommendation

- ▶ Staff Recommends the City Council:
- ▶ Adopt Resolution 2020-129 Vacating portions of Gilman Street, Theodore Street, Summit Drive, Repplier Road, Hathaway Street, and Harlow Street within the Robertson's Ready-Mix Banning Quarry Project Site.

7



Conclusion

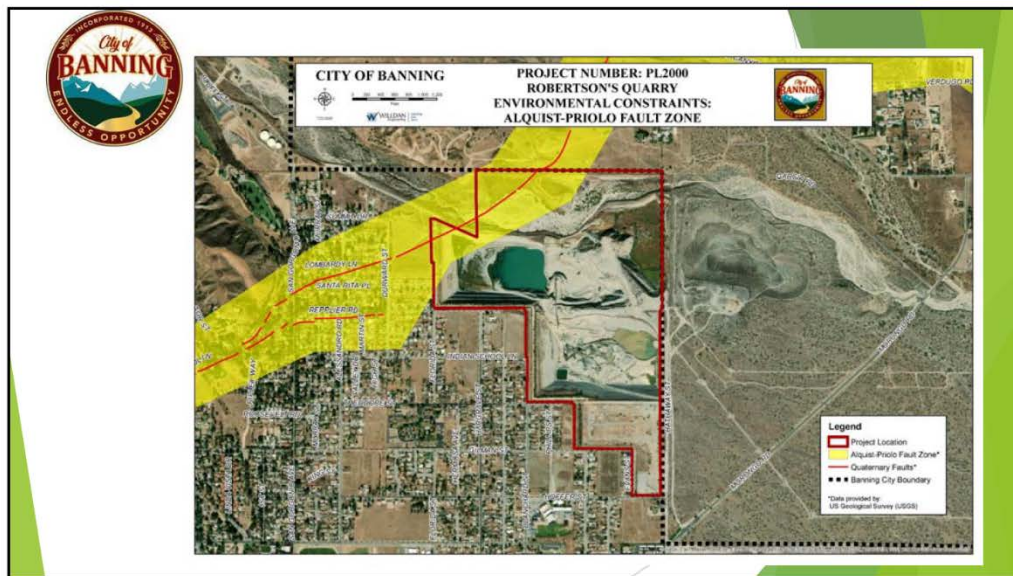
Thank you & Questions

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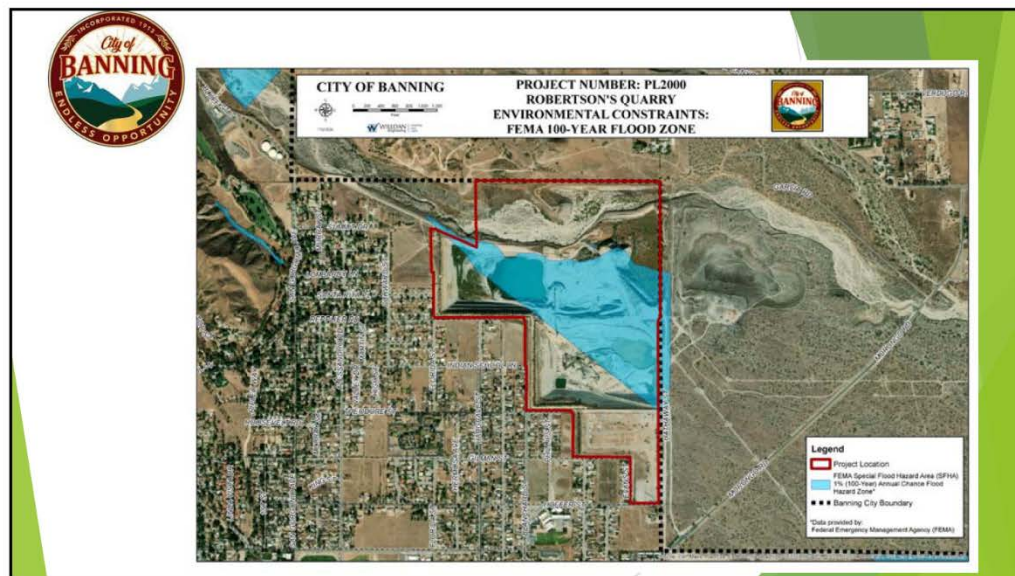


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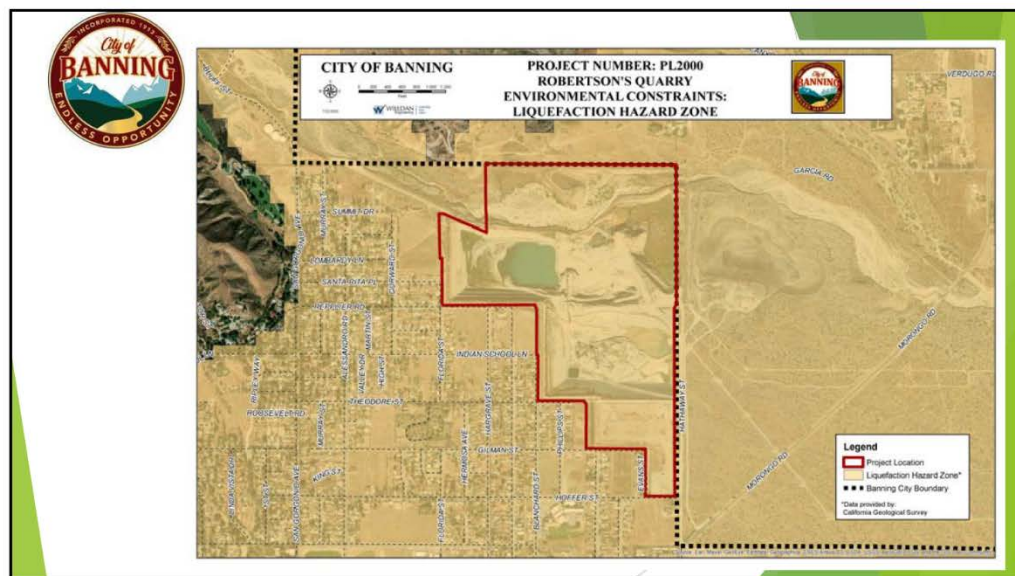


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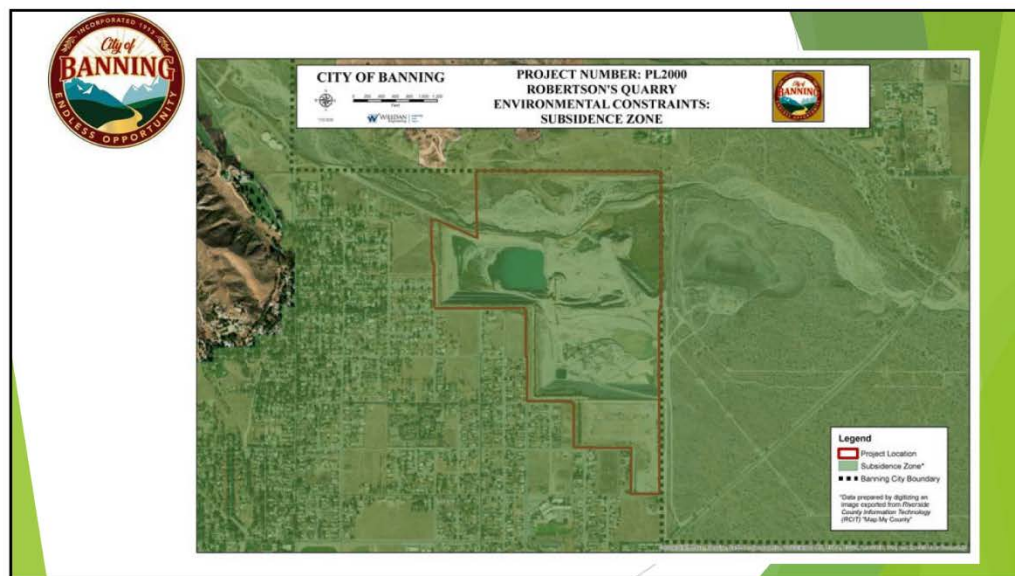
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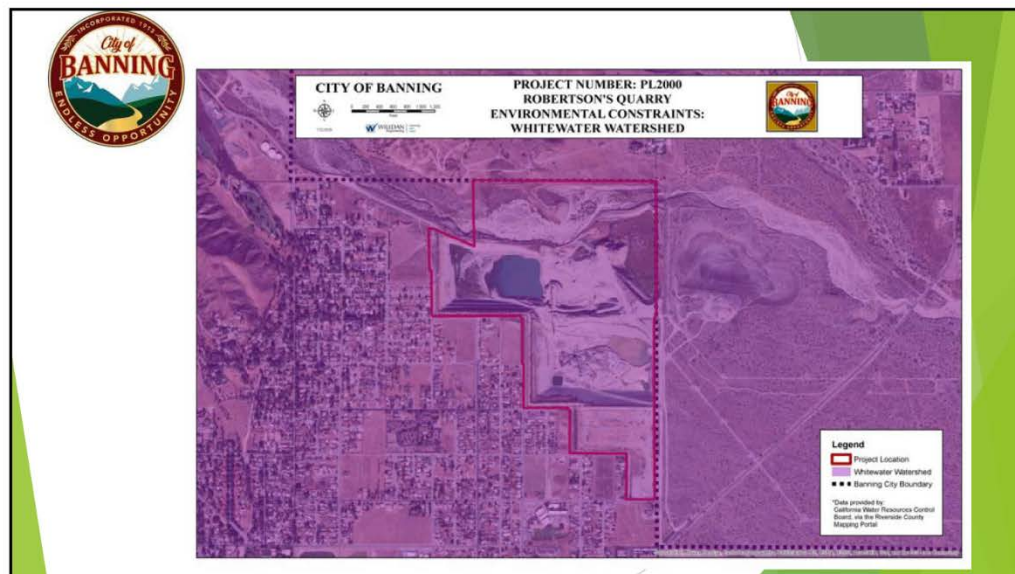
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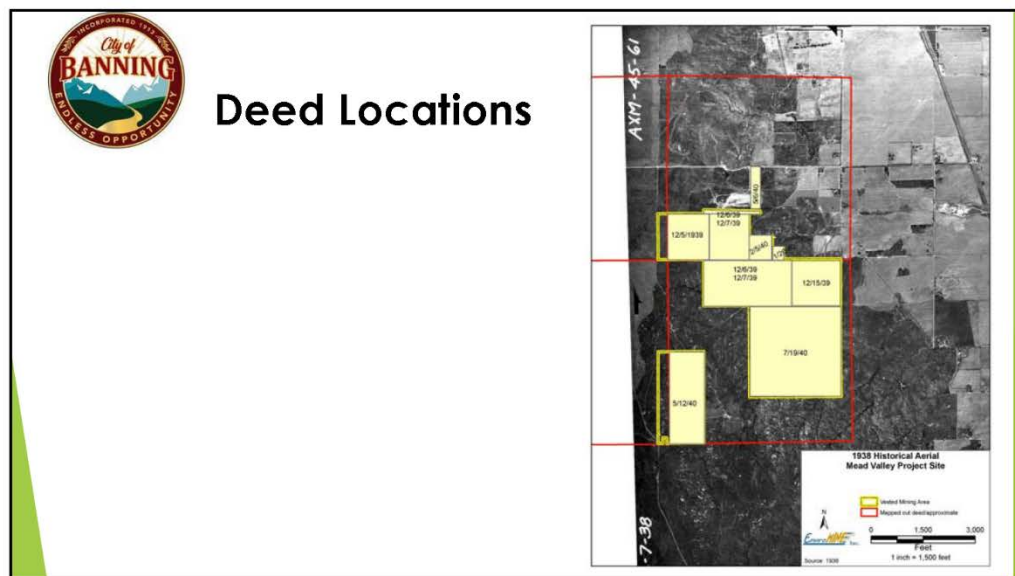
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14



15



16

ATTACHMENT 8

Questions and Answers for the City of Banning

1. Use of the Facility by members of the public. **Answer:** All of our organized shooting events are open to the Public. We put on Sunday Trap shoots (the 2nd and 4th Sunday of the month). 80% of the shooters at this shoot are non-members. We also have a Wednesday evening trap shoot every Wednesday night. 70-80% of the participants are non-members. We have a 2 day trap shoot once a year as a fundraiser for the club, only 20% of the participants are members 80% are members of the public. We have a 2 day trap shoot fundraiser during Banning Stagecoach days. The club donates all of the targets, and runs the shoot and we donate all of the proceeds to Banning Stagecoach days. Once a month we have a 22 Rifle shoot which is attended 70-80% by non-members. In November we have a turkey shoot for Turkeys and Hams for the public and local community. 90% of attendees at this shoot are non-members. Last year we gave away 40 turkeys and 20 hams in 2 days. We break up this shoot into women/kids/beginners/ and advanced shooters. We also have a handgun safety class for the local community. We have master instructors that are members of the club teaching these classes. 100% of students are non-members.
2. Membership wait list (how many are on the list and how long does it take to become a member once on the list). **Answer:** There are currently 24 people on the waitlist. It takes approx. 2 years to get into the club.
3. Will any of the planned improvements allow for increased memberships. **Answer:** There are no plans as of right now to expand the membership. We are at the max membership for the facilities we have. Our clubhouse only seats so many people. We do not have the resources to expand the facility to accommodate more members at our dinner meetings etc.
4. Club's 501 (c) (3) filing . **Answer:** We are supplying you with a copy of our 501 (C) (3) filing.



List of Activities We Do For The Community

1. All of our shoots are open to the Public
2. We do a 2 day trap shoot fundraiser for Banning Stagecoach days.
We supply all the targets and run the shoot. We then donate all the proceeds to Banning Stagecoach days.
3. Our members volunteer to help out at the Pancake Breakfast for Stagecoach days.
4. We volunteer and help cook and serve food at the Banning Little League pancake breakfast as well.
5. We donate Money to Banning Little League as well.
6. We sponsor the Inland Empire Bassmaster's Kids tournament.
They put on a fishing tournament for underprivileged and latch key kids.
7. We also provide the shooting facilities for Banning PD and other law enforcement organizations. We do all the maintenance for them.
8. In December we do a toy drive for the local community. Last year we donated all the toys we collected to the Banning PD.
9. About 90% of the money we raise during the year from shooting events, and other organizations goes back into the club for maintenance such as lighting, weeding/mowing, painting, roofing, etc.
10. We have **NO** paid positions. All of the officers and board members are volunteer. All the maintenance work is done by club members.

Banning Sportsman's Club

The Banning Sportsman's Club was established in 1948 by a group of local Outdoorsmen who felt the need to teach the younger generations about sportsmanship, conservation, and the ethical responsibilities of the outdoor sports.

The land where the current club exists, is in a flood plain on the N/E boundary of the City limits in Mias Canyon. The property was donated to the city by the Bigley family for the purpose of building a permanent site for the club.

A clubhouse was built on the property in 1952, using funds the club had raised and with 100% club member labor. 68 years later that tradition continues. The original clubhouse was expanded to its current size years later by club members to its current size.

The founding fathers of the Sportsman's Club were a diverse group of individuals coming from all nationalities, economic and work-related backgrounds, joined for their love of the outdoor sports which continues to this day.

The members of the club have always been community minded and have been involved in local activities since the club started and continue to be involved in the community, which has grown to cover a much larger area.

Members of the Public are encouraged to attend any of the club activities, which are usually posted on our website, advertised via flyers', and posted on Facebook.

Sportsman's Club Functions

- **Annual Stagecoach Days:**
 1. Club puts on a two-day shooting event to raise funds for the Stagecoach Days committee; All targets and man hours to run the event are donated by the club and all funds go directly to the Stagecoach Days Committee.
 2. The Club provides man-hours to operate one of the venues for the Stagecoach Days committee, for the three-day event.
 3. The club provides man hours for helping with the pancake breakfast.
- **Pass area Little League:**
 - 1, Financial donations to both Banning and Beaumont Little Leagues.
 - 2, Supply man hours for Banning Little League Pancake Breakfast.
- **Inland Empire Bassmaster's Club:**
 1. Annual financial contributions for Annual underprivileged and latch key kids fishing tournament.
 2. Manpower and personnel club members boats for kids fishing tournament.
 3. Manpower for cooking and serving food at kids' tournament.

- **Junior ROTC Sea Cadets:**
 1. Annual contribution of two weeks of club facilities for annual summer training.
 2. Club Training Instructors help with instruction during the two-week annual training.
- **Annual Club Picnic:**
 1. Event is open to the public and lunch is provided to all in attendance free of charge.
 2. Club Instructors provide training in a variety of outdoor sports free of charge.
- **California Hunters Safety Classes:**
 1. Club provides Instructor and all training materials to the members of the public at no charge. The attendance of this class is usually 100% non-club members and is put on two to three times annually.
- **Handgun Safety Classes:**
 1. Are open to the Public. All instructors are knowledgeable volunteers. All training materials, other than firearms and ammunition, are supplied by the club. Usually 100 % of the students are non-club members.
- **Club training facilities:**
 1. Club training facilities are provided and maintained by the club for the Banning Police Department, at no expense to the city. Other local Law Enforcement Agencies throughout the county also use the training facility.
- **Club Maintenance and Improvements:**
 1. Provided by funds raised by the club and performed using club membership labor.

Form 990

(Rev. January 2020)

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ Do not enter social security numbers on this form as it may be made public.

▶ Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047

2019

Open to Public
Inspection

A For the 2019 calendar year, or tax year beginning 2019, and ending 20

B Check if applicable:
☐ Address change
☐ Name change
☐ Initial return
☐ Final return/terminated
☐ Amended return
☐ Application pending

C Name of organization Banning Sportsmens Club
 Doing business as _____
 Number and street (or P.O. box if mail is not delivered to street address) Room/suite
P O Box 841
 City or town, state or province, country, and ZIP or foreign postal code
Banning, CA 92220

D Employer identification number
95-3227559

E Telephone number
(951) 849-6206

G Gross receipts
 \$ 61,612

F Name and address of principal officer: _____

H(a) Is this a group return for subordinates? ☐ Yes ☒ No
H(b) Are all subordinates included? ☐ Yes ☐ No
 If "No," attach a list. (see instructions)

I Tax-exempt status: ☐ 501(c)(3) ☒ 501(c) (7) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527

J Website: ▶ N/A

K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other ▶

L Year of formation: 1951 **M** State of legal domicile: CA

Part I Summary

1 Briefly describe the organization's mission or most significant activities: Educational, social and benevolent. To promote and teach the arts and sciences of hunting, fishing and general outdoor activities. And to further promote the preservation of natural wildlife.

2 Check this box ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

3 Number of voting members of the governing body (Part VI, line 1a) 3

4 Number of independent voting members of the governing body (Part VI, line 1b) 4

5 Total number of individuals employed in calendar year 2019 (Part V, line 2a) 5

6 Total number of volunteers (estimate if necessary) 150

7a Total unrelated business revenue from Part VIII, column (C), line 12 0

7b Net unrelated business taxable income from Form 990-T, line 39 0

	Prior Year	Current Year
8 Contributions and grants (Part VIII, line 1h)	6,993	9,968
9 Program service revenue (Part VIII, line 2g)	52,647	49,384
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	1	7
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	686	2,253
12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	60,327	61,612
13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	1,500	1,600
14 Benefits paid to or for members (Part IX, column (A), line 4)		0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)		0
16a Professional fundraising fees (Part IX, column (A), line 11e)		0
b Total fundraising expenses (Part IX, column (D), line 25) ▶ <u>0</u>		
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	52,398	61,294
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	53,898	62,894
19 Revenue less expenses. Subtract line 18 from line 12	6,429	(1,282)

	Beginning of Current Year	End of Year
20 Total assets (Part X, line 16)	32,288	31,006
21 Total liabilities (Part X, line 26)		0
22 Net assets or fund balances. Subtract line 21 from line 20	32,288	31,006

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here Guy Thomas 05-18-2020
 Signature of officer Date

Guy Thomas, Treasurer
 Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name <u>Terrence Walton</u>	Preparer's signature <u>Terrence J Walton, CPA</u>	Date <u>10-02-2020</u>	Check <input checked="" type="checkbox"/> if self-employed	PTIN <u>P00717128</u>
Firm's name ▶ <u>2023 N Via Miraleste Dr 1024</u>	Firm's EIN ▶ <u>Palm Springs CA 92262</u>	Phone no. <u>760-449-7334</u>		

May the IRS discuss this return with the preparer shown above? (see instructions) ☒ Yes ☐ No

For Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2019)

EEA



BANNING Sportsman's Club

P.O. Box 841

Banning, CA 92220-0006

Membership Application

Date: _____ Sponsor: _____

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Cell Phone: (____) _____ - _____ Home Phone: (____) _____ - _____

E-mail address: _____

Please provide a copy of NRA Membership:

Number: _____ Expiration Date: _____

Firearms Safety Course or equivalent: _____

A non-refundable processing fee of \$45.00 is due upon submission of this application.

The Prospective Member: Must be age 21+, and sponsored by a Banning Sportsman's Club Member in good standing, with at least one year of membership. Must be a current NRA member and have completed a firearms safety course. (Military service, Hunter Safety, CA HSC, CCW, or NRA certified course) Club Members: Must attend at least 2 Club meetings every 6 months = minimum of 4 meetings per year. Must attend at least 1 Clean Up Day every 6 months = 2 Clean Up Days per year.

Membership dues are \$100.00 per year, due before the end of the year.

Membership allows use of rifle/pistol range at no additional charge.

Law Enforcement has priority in the use of ranges.

Revised and Board approved 09-26-2019

ATTACHMENT 9



MEMORANDUM OFFICE OF THE CITY MANAGER

TO: MAYOR ANDRADE AND CITY COUNCIL
FROM: DOUGLAS SCHULZE, CITY MANAGER
SUBJECT: SELECTION OF MAYOR AND MAYOR PRO TEM
DATE: OCTOBER 13, 2020

The following is a summary of the procedures used in various Riverside County Cities for selection of the Mayor and Mayor Pro Tem.

Beaumont – No response.

Blythe – No response.

Calimesa – No response.

Canyon Lake – No policy or procedure.

Cathedral City – Ordinance codified (attached). Council Member with the longest continuous length of service appointed to serve as Mayor. Second longest continuous service appointed to serve as Mayor Pro Tem.

Coachella – Mayor is directly elected. No policy or procedure for selection of Mayor Pro Tem.

Corona – No response.

Desert Hot Springs – Municipal Code references that rotation shall be established per City Council Meeting Guidelines and Procedures.

Eastvale – No policy or procedure. Informal practice is that Mayor Pro Tem typically becomes Mayor the following year.

Hemet – No response.

Indian Wells – Automatic rotation of the Mayor and Mayor Pro Tem per Charter and can only be changed or amended with voter approval. Ordinance codified (attached).

Indio – No policy or procedure. Informal practice has been that Mayor Pro Tem rotates into the Mayor seat annually and senior-most Council Member who has not served as Mayor during his/her current term becomes new Mayor Pro Tem.

Lake Elsinore – No policy or procedure.

La Quinta – No policy or procedure.

Menifee – No response.

Morena Valley – No response.

Murrieta – No response.

Norco – No response.

Palm Desert – No response.

Palm Springs – Sequential by Council District. Mayor Pro Tem automatically succeeds to the position of Mayor. Resolution attached.

Perris – No response.

Rancho Mirage – Ordinance codified (attached). Council Member with longest continuous service on the City Council without having served as mayor shall be appointed Mayor. Council Member with second longest continuous service on the City Council without having served as Mayor shall be appointed Mayor Pro Tem.

Riverside – No response.

San Jacinto – No policy or procedure. Used to practice Mayor Pro Tem to Mayor rotation, but that has not been the practice recently.

Temecula – No policy or procedure. Historically, with exception of a couple of times in 30 years, Mayor Pro Tem succeeds to position of Mayor.

Wildomar – No response.

26 - Cities polled.

5 - Formal adopted policy/procedure

8 - No formal adopted policy/procedure

13 - Did not respond

Cathedral City

2.04.180 Selection of mayor and mayor pro tem.

A. The purpose of this section is to implement a rotating system for appointing council members to the honorary positions of mayor and mayor pro tem pursuant to Section 603 of the City Charter. The appointment of individuals to serve as mayor and mayor pro tem must follow the requirements of this section.

B. At the first city council meeting in December of 2018, the city council shall appoint a council member to serve as mayor and a council member to serve as mayor pro tem in accordance with the following:

1. The council member with the longest continuous length of service on the city council shall be appointed to serve as mayor.

2. The council member with the second longest continuous length of service on the city council shall be appointed to serve as mayor pro tem.

C. At the first city council meeting in December of 2019 and at the first city council meeting in December of each year thereafter, the city council shall appoint a council member to serve as mayor and a council member to serve as mayor pro tem in accordance with the following:

1. The current mayor pro tem shall automatically succeed to the position of mayor.

2. The city council member who has served for the longest continuous period of time on the city council other than the newly appointed mayor shall be appointed to serve as the mayor pro tem.

3. Each council member who was serving on the city council as of December 2018 must have the opportunity to serve as mayor under this rotational system before serving as mayor a second time.

4. A council member shall not serve as mayor or mayor pro tem during their first year on the city council.

D. In the event that there are two or more council members who have served continuously on the council for the same amount of time, for the purposes of this section seniority shall be determined by the number of votes each council member received at the last election where they were elected to serve on the city council.

E. If at any point in time a council member serving as mayor or mayor pro tem resigns from the position or from city council, or otherwise is no longer able to continue serving in their capacity as mayor or mayor pro tem, the position shall be filled in the same manner as the annual appointments. At the first council meeting in December thereafter, the process for selecting a new mayor and mayor pro tem shall be modified as follows:

1. If the council member serving as mayor has only served a partial term, that council member shall continue to serve as mayor.

2. If the council member serving as mayor pro tem has only served a partial term, that council member shall continue to serve as mayor pro tem unless there is an outgoing mayor, in which case the council member shall be appointed to serve as mayor.

F. Notwithstanding any other provision of this section, a council member may refuse to serve as mayor or mayor pro tem. If a council member refuses to serve in either position, the selection of mayor and mayor pro tem shall continue as provided for in this section but removing the refusing council member from the rotation.

G. In the event that following the rules for the appointment of mayor and mayor pro tem as provided for in this section would result in no council member being eligible to fill either position, then the city council may vote to appoint anyone of its members to serve. (Ord. 790 § 1, 2017)

Indian Wells Municipal Code						
Up	Previous	Next	Main	Search	Print	No Frames
Title 2 ADMINISTRATION AND PERSONNEL						
Chapter 2.08 CITY COUNCIL						

2.08.160 Appointment of Mayor and Mayor Pro Tempore.

(a) It is the purpose and intent of this Section to provide for an automatic annual rotation of Council Members who occupy the positions of Mayor and Mayor Pro Tempore. The automatic annual rotation is further intended to permit as many Council Members as possible to have an opportunity during their membership on the City Council to occupy the position of Mayor and Mayor Pro Tempore. This section shall not be amended or repealed without first obtaining the approval of a majority of those persons voting on any such proposed amendment or repeal at a general or special municipal election called for this purpose.

(b) At the first regular meeting of the City Council in December of each year, or as soon thereafter as reasonably possible in the event any newly elected Council Members have not yet taken office due to delayed certification of election results, the City Council shall appoint from among the Council Members the Mayor and the Mayor Pro Tempore to immediately assume those positions, as applicable. Appointment to the position of Mayor and Mayor Pro Tempore shall be made on a rotating basis among all Council Members as follows, and the Mayor and Mayor Pro Tempore shall serve until their applicable successor is appointed or they vacate the applicable position due to inability to fulfill the responsibilities of that position, as defined in subsection (c):

(1) The Council Member having the longest current continuous membership on the City Council without serving as Mayor shall be appointed Mayor.

(2) The Council Member having the second longest current continuous membership on the City Council without serving as Mayor shall be appointed Mayor Pro Tempore.

(3) If two (2) or more Council Members equally qualify hereunder for appointment as Mayor, any Council Member who has not previously served as Mayor during the period of current continuous membership of the qualified Council Member shall be appointed Mayor; and if two (2) or more Council Members thereafter equally qualify hereunder for appointment as Mayor, the Council Member who received the most votes among them in his or her most recent election to Council shall be appointed Mayor, and the Council Member who received the second most votes among them in his or her most recent election to Council shall be appointed Mayor Pro Tempore; and if two (2) or more Council Members thereafter equally qualify hereunder for appointment as Mayor, the Council Member whose name is then drawn by lot or other random procedure shall be appointed Mayor, and the other Council Member shall be appointed Mayor Pro Tempore.

(4) If two (2) or more Council Members equally qualify hereunder for appointment as Mayor Pro Tempore, the appointment of Mayor Pro Tempore shall be made in accordance with the same priority and criteria as otherwise set forth for appointment as Mayor in subsection (b) (3).

(5) Notwithstanding any provision to the contrary, a Council Member shall not be eligible for appointment as Mayor until he or she has first completed at least one (1) year of his or her current term on the City Council, unless no other Council Member can otherwise assume the position of

Mayor due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c).

(6) If the position of Mayor becomes vacant due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c), the Mayor Pro Tempore shall be appointed Mayor for the remainder of that term of Mayor, and shall be reappointed Mayor for the next full term of the position of Mayor if then qualified hereunder; provided, however, that service for the partial term as Mayor hereunder shall not be deemed to constitute service as Mayor for purposes of subsections (b)(1), (2) and (3).

(7) If the position of Mayor Pro Tempore becomes vacant due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c), the Council Member next qualified to become Mayor Pro Tempore shall be appointed Mayor Pro Tempore for the remainder of that term of Mayor Pro Tempore, and shall be reappointed Mayor Pro Tempore for the next full term of the position of Mayor Pro Tempore if then qualified hereunder; provided, however, that service for the partial term as Mayor Pro Tempore hereunder shall not be deemed to constitute service as Mayor Pro Tempore for purposes of subsections (b)(1), (2) and (3).

(c) A Council Member shall not be appointed Mayor or Mayor Pro Tempore, and the Mayor or Mayor Pro Tempore shall be deemed to have vacated their position, due to inability to fulfill the responsibilities of that position. As used in this section, the term "inability to fulfill the responsibilities of that position" shall mean at least one (1) of the following:

(1) Unexcused absences from more than four (4) regular or special City Council meetings within the twelve (12) month period prior to appointment as Mayor or Mayor Pro Tempore, as applicable, or during the period of service as Mayor or Mayor Pro Tempore, as applicable;

(2) Resignation from or voluntary decision not to assume appointment to the position of Mayor or Mayor Pro Tempore, as applicable;

(3) Death, or physical incapacity due to medical condition severely limiting the ability of the Mayor or Mayor Pro Tempore, as applicable, to perform ongoing duties assigned to them by City policy or the City Council;

(4) Mental incapacity (such as by reason of severe stroke, serious head injury, serious nervous breakdown, or serious mental illness) of the Council Member otherwise qualified hereunder to be appointed to, or serving in the applicable position of, Mayor or Mayor Pro Tempore, as reasonably determined at a public meeting by a majority of the City Council as then fully constituted;

(5) Upon the case-by-case determination by the City Council, in its discretion, to apply the following to the appointment or removal, as applicable, of the Mayor or Mayor Pro Tempore, as applicable: censure at a public meeting by a majority of the City Council, as then fully constituted, resulting from either: (i) a repeated failure of the Mayor or Mayor Pro Tempore, as applicable, to represent the City Council's adopted positions when representing the City, and not him or herself individually, after the City Council had first provided a written warning concerning such failure, or (ii) a violation of a requirement of law pertaining to conduct by public officials, other than as set forth in subsection (c)(6), as determined by a governmental commission, agency or officer not a part of the City;

(6) Arrest while Mayor or Mayor Pro Tempore, as applicable, for a felony or any crime of violence or moral turpitude; provided that if and when the prosecution of such felony or other crime is terminated without a plea agreement or conviction, then the Council Member shall thereafter be

placed in the highest priority behind the Mayor or Mayor Pro Tempore, as applicable, as otherwise set forth in subsection (b).

(d) As used in this section, the terms "qualify," "qualified" and "qualify hereunder" mean that a Council Member meets the priority and criteria established for selection as Mayor or Mayor Pro Tem, as applicable, as set forth in subsection (b). (Ord. 666 § 1, 2012)

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RESOLUTION NO. 24593

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALM SPRINGS, CALIFORNIA, ESTABLISHING
PROCEDURES FOR THE SELECTION OF A MAYOR AND
MAYOR PRO TEM

WHEREAS, on December 19, 2018, the Palm Springs City Council adopted Ordinance No. 1971 establishing a five (5) district electoral system. As a result, the Mayor and Mayor Pro Tem are to be selected from amongst the City Council; and

WHEREAS, in December 2019, the current at-large Mayor's term will end and the position of Mayor shall become an appointed position, with appointments to be made annually, and the process for appointment shall be set by resolution; and

WHEREAS, the Mayor and Mayor Pro Tem are peers of, and serve at the pleasure of, the other Councilmembers; and

WHEREAS, the purpose of this Resolution is to implement a rotating system for the appointment of Councilmembers to the honorary positions of Mayor and Mayor Pro Tem.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. At the first City Council meeting in December 2019 and at the first City Council meeting in December of each year thereafter, the City Council shall appoint a Councilmember to serve as Mayor and a Councilmember to serve as Mayor Pro Tem in accordance with the following:

1. The Mayor Pro Tem shall automatically succeed to the position of Mayor.
2. The Councilmember residing or representing the next sequential district shall be appointed Mayor Pro Tem.
3. If the current Mayor Pro Tem is not re-elected, the Councilmembers residing or representing the next sequential districts shall be appointed Mayor and Mayor Pro Tem, respectively.
4. A Councilmember shall not serve as Mayor during their first year on the City Council.

SECTION 2. In the event that a Councilmember would serve as Mayor during their first year on the City Council, that Councilmember shall switch their year of service as Mayor with a Councilmember representing the next sequential District eligible and willing to serve as Mayor.

SECTION 3. If at any point in time a Councilmember serving as Mayor or Mayor Pro Tem resigns from the position or from the City Council, or otherwise is no longer able to continue serving in their capacity as Mayor or Mayor Pro Tem, the position shall be filled in the same manner as the annual appointments. At the first City Council meeting in December thereafter, the process for selecting a new Mayor and Mayor Pro Tem shall be modified as follows:

1. If the Councilmember serving as Mayor has only served a partial term, that Councilmember shall continue to serve as Mayor.
2. If the Councilmember serving as Mayor Pro Tem has only served a partial term, that Councilmember shall continue to serve as Mayor Pro Tem unless there is an outgoing Mayor, in which case the Councilmember shall be appointed to serve as Mayor.

SECTION 4. At the request of a Councilmember, the City Council may grant deferral of a Councilmember's term as Mayor or Mayor Pro Tem for good cause and return to the rotation shall require approval of the City Council.

SECTION 5. Notwithstanding any other provision of this section, a Councilmember may decline to serve as Mayor or Mayor Pro Tem. If a Councilmember declines to serve in either position, the selection of Mayor and Mayor Pro Tem shall continue as provided but removing the declining Councilmember from the rotation.

SECTION 6. Every District shall have an opportunity to serve as Mayor and Mayor Pro Tem every five (5) years, unless a Councilmember declines or defers their appointment.

SECTION 7. In the event that these procedures for the appointment of Mayor and Mayor Pro Tem would result in no Councilmember being eligible to fill either position, then the City Council may vote to appoint anyone of its members to serve.

SECTION 8. The City Council by a four-fifths (4/5th) vote may remove the Mayor and/or Mayor Pro Tem.

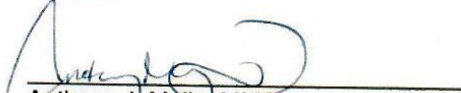
SECTION 9. The City Clerk of the City of Palm Springs shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

ADOPTED THIS 17TH DAY OF APRIL, 2019.



David H. Ready, Esq., Ph.D.
City Manager

ATTEST:


Anthony J. Mejia, MMC
City Clerk


CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24593 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the 17th day of April, 2019, by the following vote:

AYES: Councilmembers Holstege, Middleton, Roberts, Mayor Pro Tem Kors, and Mayor Moon
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 16th day of May, 2019.


Anthony J. Mejia, MMC
City Clerk

ORDINANCE NO. 888

AN ORDINANCE OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, AMENDING RANCHO MIRAGE MUNICIPAL CODE CHAPTER 2.02 "CITY COUNCIL" ESTABLISHING PROCEDURES FOR THE APPOINTMENT OF THE MAYOR AND MAYOR PRO TEM PURSUANT TO MEASURES "J" AND "K" AS APPROVED BY THE VOTERS.

WHEREAS, a regular General Municipal election was held in the City of Rancho Mirage on April 13, 2004; and

WHEREAS, at the city council meeting held on April 29, 2004, the city clerk certified the results of the April 13, 2004 election; and

WHEREAS, persons voting in said election passed Measure "J", which amends the Rancho Mirage City Charter by requiring that the city's mayor be appointed by the city council for a one year period on a rotating basis; and

WHEREAS, persons voting in said election passed Measure "K", which requires that the Rancho Mirage City Charter be amended to provide that, after the appointment of the mayor, the city council shall appoint as mayor pro tem the council member who, to the greatest extent possible, appears to be the person most likely to meet the eligibility requirements to succeed the current mayor in the year following; and

WHEREAS, the city council desires to establish the criteria that shall be considered when appointing the mayor and mayor pro tem on a rotating basis

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE DOES ORDAIN AS FOLLOWS:

Section 1.

REPEAL

Paragraphs "B" and "C" of Section 2.02.070 "Presiding officer" of Chapter 2.02 "City Council" of Title 2 "Administration and Personnel" of the Rancho Mirage Municipal Code shall be repealed in their entirety.

Section 2.

AMENDMENT

The following section shall be added to Chapter 2.02 "City Council" of Title 2 "Administration and Personnel" of the Rancho Mirage Municipal Code:

2.02.005 Line of succession; appointment of mayor and mayor pro tem.

A. At the second regular meeting in April in non-election years and at the meeting at which new council members are installed during election years, the city council shall determine the order of the line of succession following the criteria in this section.

B. Prior to the appointment of the new mayor and mayor pro tem, council members shall each be designated/identified by the length of time they have had of continuous service on the city council without having served as mayor.

1. The council member with the longest continuous service on the city council without having served as mayor shall be appointed mayor.

2. The council member with the second longest continuous service on the city council without having served as mayor shall be appointed mayor pro tem.

3. If two or more council members qualify equally for the mayoral appointment the council member who received the most popular votes in his/her most recent municipal election shall be appointed mayor, and the member with the second highest vote total shall be designated mayor pro tem. If two or more council members qualify equally for the mayor pro tem appointment the council member who received the most popular votes in his/her most recent municipal election shall be appointed mayor pro tem.

C. If any council member who is sitting as mayor dies, resigns or otherwise vacates his mayoral position, or if any council member who is about to be appointed mayor dies, resigns or announces that he/she would prefer to continue service on the city council without

holding the office of mayor, the members of the city council may, by majority vote, fill the vacancy by electing any council member to fill said un-expired term or full term, whichever is applicable; such election shall be without prejudice to said person serving a full term as mayor when his/her regular turn under these criteria occurs. If no person receives a majority vote, the position of mayor shall be filled by the mayor pro tem, who shall also serve without prejudice to serving a full term as mayor when his/her regular turn under these criteria occurs.

D. No person temporarily appointed to fill a vacancy on the city council shall serve as mayor or mayor pro tem during such appointment unless there is no available alternative. If the no-available-alternative circumstance should arise, the appointed person(s) having served the longest (in terms of months, weeks, days and hours) in such temporary capacity shall serve as required.

E. No person elected to the city council shall be given credit in determining his/her order in the line of mayoral or mayor pro tem succession for prior city council service not continuous with his/her current council service.

F. If the office of the mayor pro tem should become vacant for any reason, the office shall remain vacant for the remainder of the term.

Section 3. SEVERABILITY

If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining section, subsection and clauses shall not be affected thereby.

Section 4. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Rancho Mirage Municipal Code as heretofore adopted by the City of Rancho Mirage that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5.

EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading by the city council.

Section 6.

POSTING

The City Clerk shall within fifteen (15) days after the passage of this ordinance cause it to be posted and/or published as required by law and shall cause this ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

The foregoing Ordinance No. 888 was approved and adopted at a meeting of the City Council held on this 14th day of September 2004 by the following vote:


Ayes: GERBER, HOBART, KITE, SEMAN, MEEPOS

Noes: NONE.


Abstain: NONE.

Absent: NONE.

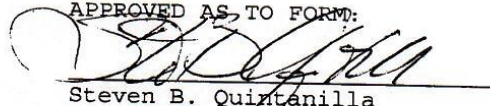
CITY OF RANCHO MIRAGE


Ron Meepos
Mayor

ATTEST:


Elena Keeran, CMC
City Clerk

APPROVED AS TO FORM:


Steven B. Quintanilla
City Attorney

ORDINANCE CERTIFICATION

I, Elena Keeran, City Clerk of the City of Rancho Mirage, California, do hereby certify under penalty of perjury, that the foregoing Ordinance No. 888 was introduced by first reading at a meeting of the City Council held September 2, 2004 by the following vote:

AYES: GERBER, HOBART, SEMAN, MEEPOS.
NOES: NONE.
ABSENT: KITE.
ABSTAIN: NONE.

Ordinance No. 888 was adopted at an adjourned regular meeting of the City Council held on September 14, 2004 by the following vote:

AYES: GERBER, HOBART, KITE, SEMAN, MEEPOS.
NOES: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

I further certify that I have caused the Ordinance to be posted and/or published as required by law (GC Sect. 36933).


Elena Keeran, CMC
City Clerk

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