



The following information comprises the minutes for a 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**

**2/14/2023
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member Reuben Gonzales
Council Member Rick Minjares
Mayor Alberto Sanchez.
Mayor Pro Tem Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works
Adam Rush, Community Development Director
Tom Miller, Electric Utility Director
Ralph Wright, Parks and Recreation Director
Laurie Sampson, Assistant City Manager
John Garside, Multimedia Specialist

1. CALL TO ORDER

Mayor Sanchez called the regular meeting to order at 5:02 p.m.

- 1.1. Invocation – Pastor Dave Kieffer of Our Savior’s Lutheran Church provided the invocation.

Mayor Sanchez called for a moment of silence for retired City employee Richard Garcia, who passed recently.

- 1.2. Pledge of Allegiance – Council Member Flynn led the Pledge of Allegiance.

- 1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Flynn, Sheri	X	
Gonzales, Reuben	X	
Minjares, Rick	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

2. **AGENDA APPROVAL**

2.1. Approve Agenda

Motion to approve the agenda.

Motion by Council Member Minjares
Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

3. **PRESENTATIONS**

3.1. Proclamation – National Engineers Week

Nate Smith, Deputy Director of Public Works spoke to the importance of engineers to the City's work.

3.2. Banning Beautification Award for February 2023 - *Western Dental & Orthodontics in Banning*

4. **REPORT ON CLOSED SESSION**

4.1. City Attorney Young reported on agenda items 3.1 and 3.2, stating there was direction provided to staff with no reportable action.

Council Member Gonzales recused himself from agenda item 3.2 due to a conflict of interest in his source of income. Direction was provided to staff with no final or reportable action.

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

5.1. **PUBLIC COMMENTS**

The following individuals addressed City Council during Public Comment:

- Rick Diaz
- Carla Taller
- Hans Miranda (5th District Representative of Yxstian Gutierrez)
- Lynnea Hagen
- Virginia DeVry

- Nikki Schorza
- Announced an event hosted by the Cultural Alliance of the Pass in honor of Black History Month
- Bill Hobbs

5.2. CORRESPONDENCE

One item of correspondence was provided by --- related to rent control in the Sunrise Mobile Estates.

Two items of correspondence related to Agenda Item 8.1, the use of fountains at the Sun Lakes Country Club location.

5.3. APPOINTMENTS

5.3.1. Appointment of Four Positions on the Banning Planning Commission (Positions 1, and 3 through 5)

Public Comment

None

Motion to appoint Richard Krick to Position 1 on the Planning Commission.

Motion by Council Member Flynn

No second. Motion fails.

Motion to appoint Gideon Kinzie Hawver to Position 1 on the Planning Commission.

Motion by Council Member Minjares

Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		X			
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-1.

Motion to appoint Leroy Miller to Position 3 on the Planning Commission.

Motion by Council Member Gonzales

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

Motion to appoint Richard Krick to Position 4 on the Planning Commission.

Motion by Mayor Pro Tem Wallace
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		X			
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 4-1.

Motion to appoint Robert Wilcox to Position 5 on the Planning Commission.

Motion by Mayor Sanchez
Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

5.3.2. Appoint a Replacement to the Cannabis Ad-Hoc Committee for Fiscal Year 2023-2024

Public Comment

None

Motion to appoint Council Member Minjares to the Cannabis Ad Hoc Committee.

Motion by Mayor Sanchez
Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

5.4. CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Wallace reported on two meetings with the Riverside Conservation Authority (RCA) and Southern California Association of Governments (SCAG). She also attended the New Mayors and Council Members Academy.

Council Member Gonzales reported on attending CalCities' New Mayors and Council Members Academy. He made several Chamber of Commerce-related announcements.

Council Member Flynn reported on the New Mayors and Council Members Academy and a Riverside County Transportation Commission (RCTC) meeting.

Council Member Minjares reported on the New Mayors and Council Members Academy and a Western Riverside County Council of Governments (WRCOG) meeting.

Mayor Sanchez reported on the New Mayors and Council Members Academy and thanked staff for their help with travel and accommodations.

5.5. CITY MANAGER REPORT

City Manager Schulze reported on a financial award received by the City on their Annual Comprehensive Financial Report. Mr. Schulze reported on a recent City Manager's conference he attended. City offices will be closed for Presidents' Day on that Monday.

5.6. CITY ATTORNEY REPORT

City Attorney Young had no report.

5.7. CITY TREASURER REPORT

Treasurer Geronimo again congratulated the Finance team on their recent recognition.

6. CONSENT ITEMS

- 6.1. Minutes of the January 24, 2023 City Council Meetings
- 6.2. Parks and Recreation Report of Monthly Activities through the 2nd Quarter of Fiscal Year 2022/2023 – December 2022
- 6.3. Consideration of Resolution 2023-24, Awarding a Construction Agreement for Project 2022-22 “Repplier Park Rehabilitation and Improvement Project - Camera Installation” to Vector Resources, Inc.
- 6.4. Consideration of Resolution 2023-25, Approving the Reprogramming of Leftover Community Development Block Grant (CDBG) Funds from the Dysart Improvement Project (5.BN.43-19) in Fiscal Year 2018/2019 and for the Senior Center ADA Improvements Project (5.BN.49.20) in Fiscal Year 2019/2020
- 6.5. Consideration of Resolution 2023-26, Approving the Agreement for Purchase and Sale and Escrow Instructions between the City of Banning, as Buyer, and Mr. Eulogio Garcia as Seller, for the Purchase of Real Property Identified as APN 538-040-006 in the Amount of \$250,000
- 6.6. Consideration of Resolution 2023-27, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2023/2024
- 6.7. Consideration of Resolution 2023-28, Approving Amendment No. 1 to the Landscape Maintenance Agreement for City Properties with Mariposa Landscapes, Inc. to Include Fire Station #89 Located at 172 N. Murray Street and the Fire Administration Building Located at 3900 W. Wilson Street for an Additional Cost of \$7,248 through June 30, 2023
- 6.8. Consideration of Resolution 2023-29, Approving a Cooperative Agreement between the City of Banning, Riverside County Flood Control and Water Conservation District, and Tri Pointe Homes for the Construction of the Banning Master Drainage Plan (MDP) Line I-1 Stage 1 and Stage 3, and Banning Master Drainage Plan Smith Creek Lateral Basin, Stage 1
- 6.9. Consideration of Resolution 2023-30, Approving a Cooperative Agreement between the City of Banning, Riverside County Flood Control and Water Conservation District, and KB Homes for the Construction of the East Gilman Home Channel A, Stage 1 and East Gilman Home Debris Basin, Stage 1
- 6.10. Consideration of Resolution 2023-32, Approving the First Amendment to the Contract Services Agreement C00727 with Electric Power Systems International, Inc., for Construction of the San Gorgonio Substation
- 6.11. Consideration of Resolution 2023-02UA, Approving a Construction Agreement with Best Drilling and Pump, Inc. for Project No. 2018-02W “Drilling, Construction, Development and Testing of City of Banning Well C-8” in the amount of \$2,181,456 and Establishing a Total Project Budget of \$2,399,601 and Rejecting All Other Bids
- 6.12. Consideration of Resolution 2023-03UA, Approving the Purchase of a Case 588H Forklift in the Amount of \$121,966.14 for the Water and Wastewater Divisions of the Public Works Department
- 6.13. Consideration of Resolution 2023-04 UA, Approving a Purchase Order in the Amount of \$204,938 with Zenner USA for the Purchase of Water Meters, Communications Equipment, and Hardware
- 6.14. Release of Maintenance Bond for Improvements at Well C4

- 6.15. Consideration of Resolution 2023-35, Acknowledging Receipt of a Report made by the Fire Chief of the Riverside County Fire Department Regarding Compliance with the Annual Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code

Public Comment

None

Motion to approve the consent agenda 6.1, 6.4 through 6.11, and 6.13 through 6.15.

Motion by Mayor Pro Tem Wallace

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 6.2. Parks and Recreation Report of Monthly Activities through the 2nd Quarter of Fiscal Year 2022/2023 – December 2022

Council Member Flynn asked questions of staff regarding the report.

Public Comment

- Juanita Diaz

- 6.3. Consideration of Resolution 2023-24, Awarding a Construction Agreement for Project 2022-22 “Replier Park Rehabilitation and Improvement Project - Camera Installation” to Vector Resources, Inc.

Public Comment

None

Motion to approve Resolution 2023-24.

Motion by Mayor Pro Tem Wallace

Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				

Minjares, Rick	X
Sanchez, Alberto	X
Wallace, Colleen	X

Motion approved by a vote of 5-0.

- 6.12. Consideration of Resolution 2023-03UA, Approving the Purchase of a Case 588H Forklift in the Amount of \$121,966.14 for the Water and Wastewater Divisions of the Public Works Department

Public Comment

None

Motion to approve Resolution 2023-03UA.

Motion by Mayor Pro Tem Wallace
Seconded by Mayor Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

Mayor Sanchez announced a recess at 6:40 p.m. The meeting was reconvened at 6:52 p.m.

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

- 8.1. Consideration of Resolution 2023-33, Approving a Revised Water Shortage Contingency Plan Reflecting Reasonable Alternative Actions Consistent with the State Water Resources Control Board's Emergency Regulation Related to Water Conservation

Art Vela, Director of Public Works, presented the staff report.

Public Comment

- Michele Walter
- Bob Walter

Motion to adopt Resolution 2023-33.

Motion by Council Member Minjares
 Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

- 8.2. Consideration and Adoption of Resolution 2023-34, Approving Amendments to Sections 6.1 and 6.6 of Article VI – Order of Business – of the Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning to Incorporate a City Treasurer’s Report into Every City Council Regular Meeting Agenda, and Paragraph Formatting Amendments

Caroline Patton, Deputy City Clerk, presented the staff report.

Public Comment

- Kevin Walton
- Alejandro Geronimo

Motion to adopt Resolution 2023-34, with revised title Amending Section 6.1 and 6.6 of Article I and Section 7.1 of Article VII to incorporate and making other clerical and paragraph formatting amendments.

Motion by Mayor Sanchez
 Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto	X				
Wallace, Colleen	X				

Motion approved by a vote of 5-0.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items:

1. Update on Opportunity Village (Flynn)


10.2. Pending Items:

1. ~~Cannabis Microbusiness (Wallace)~~
2. Grow Banning (Sanchez)
3. Rent Control (Sanchez)
4. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
5. Committee for Seniors (Gonzales)
6. Food Desert Zoning Overlay (Minjares)
7. Historic Site Preservation Board/Mills Act (Minjares)
8. Roadside Services (Minjares)
9. Beautification of San Gorgonio Overpass Funding (Gonzales)
10. Update to Reimbursement Policy Section D (Wallace)
11. ~~Fountain Allowances (Flynn)~~

11. ADJOURNMENT

Mayor Sanchez adjourned the meeting at 7:36 p.m.

Minutes Prepared by:


Caroline Patton, Deputy City Clerk

This entire meeting may be viewed here:

<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>

All documents related to this meeting are available here:

<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2772>

ATTACHMENTS:

- Exhibit A – Proclamation for Engineers Week – Staff Presentation
- Exhibit B – Agenda Item 8.1: Correspondence Received (2)
- Exhibit C – Agenda Item 8.2: Staff Presentation
- Exhibit D – Public Comment Received (1)



City of Banning

February 14th, 2023

City Council Presentation



What is National Engineers Week?

- ▶ Engineers Week is a way to recognize the work and contributions of Engineers throughout society.
- ▶ Outreach Effort to encourage student to pursue STEM education paths and bring awareness to the engineering fields.
- ▶ Specific focus on encouraging girls to pursue STEM education and career paths.

What is the first thing you do after you alarm goes off in the morning?

Hint: Please say “I hit the snooze button”

What engineers help you to snooze an extra 7 minutes?



- ▶ Computer Engineers
- ▶ Electrical Engineers
- ▶ Industrial Engineers
- ▶ Manufacturing Engineers
- ▶ Materials Engineers

▶ Do you charge your phone overnight?

- ▶ Electrical Engineers
- ▶ Civil Engineers
- ▶ Structural Engineers
- ▶ Geotechnical Engineers

- ▶ POWERPLANTS
- ▶ Electrical, Mechanical, Civil, Structural, Computer, Materials, Industrial



- ▶ Aerospace Engineers
- ▶ Electrical Engineers
- ▶ Computer Engineers
- ▶ Industrial Engineers
- ▶ Materials Engineers
- ▶ Civil Engineers

▶ And so many others

- ▶ A daily task as simple as hitting ‘Snooze’ required design, construction, and maintaining complex engineered systems.

- ▶ Any part of the built environment that we interact with is part of a larger engineered system, from the complex like a snooze button, to more simple like the length and width of stripes on the roadway.



FEBRUARY 19–25, 2023

Engineering Fields

- ▶ Chemical Engineering
 - ▶ Agricultural Engineering
 - ▶ Corrosion Engineering
 - ▶ Materials Engineering
 - ▶ Paper Engineering
 - ▶ Environmental Engineering
- ▶ Civil Engineering
 - ▶ Architectural Engineering
 - ▶ Structural Engineering
 - ▶ Geotechnical Engineering
 - ▶ Fire Protection Engineering
- ▶ Electrical Engineering
 - ▶ Computer Engineering
 - ▶ Electronics Engineering
- ▶ Mechatronics Engineering
- ▶ Robotics Engineering
- ▶ Microelectronics Engineering
- ▶ Engineering Management
 - ▶ Industrial Engineering
 - ▶ Manufacturing Engineering
 - ▶ Control Systems Engineering
- ▶ Geologic Engineering
 - ▶ Petro-Chemical Engineering
- ▶ Mechanical Engineering
 - ▶ Automotive Engineering
 - ▶ Aerospace Engineering
 - ▶ Bio/Medical Engineering
 - ▶ Bio/Mechanical Engineering



FEBRUARY 19–25, 2023

Engineering in the City of Banning

- ▶ Public Works Department
 - ▶ Water and Wastewater system design, maintenance, operation, and upgrades
 - ▶ Street and traffic design, maintenance, operation, and upgrades
 - ▶ Storm drain design, maintenance, operation, upgrades, flood protection, floodplain management
 - ▶ Environmental Compliance and Stewardship for wastewater and storm runoff
 - ▶ Capital project planning, design, and construction
 - ▶ Facility Planning to address growth, congestion, safety, and efficiency
 - ▶ Plan/Project review to ensure compliance with City standards, regulatory requirements, and engineering principals
 - ▶ Map/survey review of subdivisions, lot adjustments, easement dedications, rights of way
- ▶ Banning Electric
 - ▶ Electric distribution system design, maintenance, operation, and upgrades
 - ▶ Electric system redundancy and reliability
 - ▶ Capital project planning, design, and construction
 - ▶ Plan/Project review to ensure compliance with City standards, regulatory requirements, and engineering principals
- ▶ Building and Safety
 - ▶ Review of structures, walls, and utilities for public and private improvements
 - ▶ Building Inspection support services



City of Banning Engineers and Engineering Staff

▶ Public Works Department

- ▶ Art Vela, PE
- ▶ Nate Smith, PE
- ▶ Kevin Sin, PE
- ▶ Ann Marie Loconte, PE
- ▶ Patrick Safari
- ▶ Additional contract and on-call services for specialized items

▶ Banning Electric

- ▶ Brandon Robinson
- ▶ Ben Coffee
- ▶ Richard Soriano
- ▶ Victor Cortez Jasso
- ▶ Erica Cassadas
- ▶ Dustin Gray

▶ Building and Safety

- ▶ Patrick Johnson, PE
- ▶ Contract staff for the building and Safety Department

PS: We're hiring! Help spread the word



Key Dates

- ▶ Sunday, February 19
 - ▶ #EWeek2023 #CreatingtheFuture Kickoff
- ▶ Tuesday, February 21
 - ▶ #FutureCity2023 Finals
- ▶ Thursday, February 23
 - ▶ Celebrate #GirlDay2023
- ▶ Saturday, February 25
 - ▶ Last Day of #EWeek2023
- ▶ Saturday, March 4
 - ▶ Celebrate #WorldEngineeringDay



**CITY OF BANNING
OFFICE OF THE MAYOR**



Proclamation

WHEREAS, Engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and,

WHEREAS, Engineers face the major technological challenges of our time – from rebuilding towns devastated by natural disaster, cleaning up the environment, and assuring safe, clean, and efficient sources of energy, to designing information systems that will speed our country into the future; and,

WHEREAS, Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and,

WHEREAS, We will look more than ever to engineers and their knowledge and skills to meet the challenges of the twenty-first century; and,

WHEREAS, Engineers within the City of Banning work to ensure the services expected by our citizens are met on a daily basis, to ensure they will continue to be met into the future, and to ensure Banning can meet future challenges.

NOW THEREFORE, I, Alberto Sanchez, Mayor of the City of Banning, do hereby proclaim the week of

***February 19 - 25, 2023
National Engineers Week***

BE IT PROCLAIMED this 14th day of February 2023.

Alberto Sanchez, Mayor

Thank You!



Exhibit B - Agenda Item 8.1
Correspondence Received

Caroline Patton

From: Carole Elliott <uniquemkt@msn.com>
Sent: Monday, February 6, 2023 11:55 AM
To: cityclerks
Subject: SLCC Water Fountains

The State Water Board has always allowed fountains, ponds, and lakes with recirculating pumps that only lose water through evaporation to continue to function. Banning Public Works decided to make it more restrictive and shut down our beautiful entrance fountains. Please reconsider and allow us to have our fountains again. This restriction has affected our property values, looks unsightly and is a potential liability issue. Please allow us to resume our water feature.

Very sincerely

Sent from [Mail](#) for Windows 10

Carole Elliott

Unique Marketing Concepts
uniquemkt@msn.com
Office/Fax: 951 267 3619
Direct/Text: 858 342 3097

Exhibit B - Agenda Item 8.1
Correspondence Received

Caroline Patton

From: Susan Walsh <hummengberd@aol.com>
Sent: Tuesday, February 7, 2023 8:19 AM
To: cityclerks
Subject: Sun Lakes Fountains

Please take the appropriate steps to allow the signature fountains at Sun Lakes to be turned on again. They should never have been turned off by the City of Banning. The State Water Board has always allowed fountains, ponds and lakes with recirculating pumps that only lose water through evaporation, to continue to function.

Thank you,
Susan Walsh
Banning, CA

Sent from my iPhone



MANUAL OF PROCEDURAL GUIDELINES

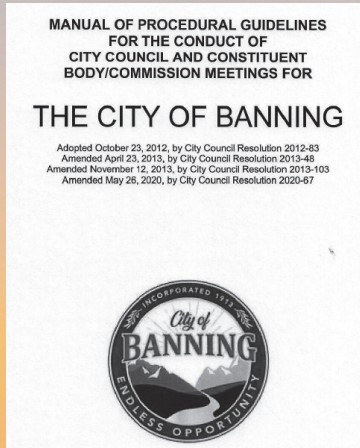
Agenda Item 8.2. Consideration of Resolution 2023-34,
Amending the City's Manual of Procedural Guidelines



MANUAL OF PROCEDURAL GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CONSTITUENT BODY/COMMISSION MEETINGS FOR THE CITY OF BANNING



Existing Manual



- Originated in 2012
City Council Resolution 2012-83
- Amended April 2013
City Council Resolution 2013-48
- Amended November 2013
City Council Resolution 2013-103
- Amended May 2020
City Council Resolution 2020-67



Proposed Changes

Article VI – Order of Business

- Section 6.1:
Update to reflect existing practices
- Section 6.6:
Define City Treasurer's Report



Proposed Changes

Article VI – Order of Business

Section 6.1: Update to reflect existing practices

- (a) Roll Call.
- (b) Announcement of Closed Session Items, if applicable.
- (c) Public Business from the floor on closed session items.
- (d) Recess.
- (e) Reconvene Regular Meeting.
- (f) Pledge of Allegiance.
- (g) Closed Session Report, if applicable.
- (h) Public Comments, Correspondence, Presentations, Appointments.
- (i) Announcements and Reports
- ~~(j)~~(j) Consent Items. (See Section 6.3 below.)
- ~~(j)~~(k) Public Hearings.
- ~~(k)~~(l) Report(s) of Officers
- ~~(l)~~(m) Discussion Items.
- ~~(m)~~(n) Items for Future Agendas (Pending Matters).
- ~~(n)~~(o) Adjournment.



Proposed Changes

Article VI – Order of Business

Section 6.6: Define City Treasurer's Report

(c) There is an agenda item referred to as Reports from City Manager. This may be used by the City Manager similarly to the item for members of the Legislative Body in Subsection (a) above to make announcements without separately listing the matter on the agenda, and subject to the same restriction that there may be no discussion or action on such matter.

(e)(d) There is an agenda item referred to as Reports from City Treasurer. The City Treasurer shall attend the meetings of the Legislative Body, unless excused. The City Treasurer may report on (i) the activities of the City Council Budget and Finance Committee and perform such other duties as may be requested by the Legislative Body (ii) the duties of the City Treasurer as imposed under State law, except such duties otherwise delegated by the City Council to the City Clerk and/or the Administrative Services Director.



Proposed Changes

Article VII – Public Comment and Presentations

Section 7.1: Remove reference to Section 7.3

7.1 Public Comment

At the beginning of any Legislative Body meeting the public shall be afforded the right to comment on any and all issues (not on the agenda) within the subject matter jurisdiction of the Legislative Body. Such general public comment on non-agendized issues shall be taken at the beginning of the meeting under a “General Public Comment” heading. Each speaker will be limited to a maximum of three (3) minutes to provide comments on non-agendized issues. With regard to matters not on the agenda, the Legislative Body may ask questions of persons who raise new matters during the General Public Comment period or otherwise, ~~and the Presiding Officer should handle such matters as provided in Section 7.3, below.~~ However, all Legislative Body questions must be limited to facts-only informational inquiries, and the Legislative Body may not discuss the merits, express any opinions, or ask questions that convey opinions or thought processes with respect to any non-agendized issue. The public shall also be afforded the right to comment on every item appearing on the agenda prior to the Legislative Body’s consideration of that item, as provided in Section 7.4 below.



Proposed Changes

Article VII – Public Comment and Presentations

Section 7.1: Remove reference to Section 7.3

7.3 Reserved



Proposed “Changes”

Add Exhibit A back to Manual.

EXHIBIT A Chart of Motions

1. Motions listed in order of precedence

MOTION	YOU SAY THIS	May you interrupt the speaker?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?	Can it be reconsidered?
Adjourn meeting	“I move to adjourn.”	No	Yes	No	No	Majority	No
Call an intermission ¹	“I move to recess for...”	No	Yes	No	Yes	Majority	No
Register a complaint	“I rise to a question of privilege”	Yes	No	No	No	None	No (usually)
Temporarily suspend consideration of an issue ²	“I move to table the motion”	No	Yes	No	No	Majority	No
Close debate	“I move the previous question”	No	Yes	No	No	2/3	No, unless the vote on question has not been taken
Limit or extend debate	“I move that the debate be limited [or “extended”] to...”	No	Yes	No	Yes	2/3	Yes
Give closer study of something ³	“I move to refer the motion to the committee”	No	Yes	Yes	Yes	Majority	Yes, unless the board has already taken up the subject
Amend a motion	“I move to amend the motion by...”	No	Yes	Yes	Yes	Majority	Yes
Motion to continue to a certain time	“I move that the motion be continued to...”	No	Yes	Yes	No	Majority	Yes
Introduce business (bring a main motion)	“I move that [or “to”]...”	No	Yes	Yes	Yes	Majority	Yes

**Exhibit A not shown in full.*



Proposed “Changes”

Add Exhibit A back to Manual.

2. Incidental Motions – no order or precedence. Arise incidentally and decided immediately.

MOTION	YOU SAY THIS	May you interrupt the speaker?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?	Can it be reconsidered?
Protest breach of rules (i.e., Point of Order) ⁴	“I rise to a point of order...”	Yes	No	No	No	None	No
Motion to appeal the ruling ⁵	“I appeal from the decision of the Presiding Officer [or “Chair”]”	Yes	Yes	Yes	No	Majority	Yes
Suspend rules temporarily	“I move to suspend the rules so that ...”	No	Yes	No	No	2/3	No
Avoid considering an improper matter	“I object to the consideration of the question...”	Yes	No	No	No	2/3	No, only if the main question or motion was not in fact considered
Divide motion	“I move to divide the question”	No	Yes	No	Yes	Majority	No
Parliamentary law question	Parliamentary inquiry	Yes, if urgent	No	No	No	None	No
Motion to depart from the agenda	“I move to consider matter [...] out of order”	No	Yes	Yes	Yes	Majority	Yes
Take up matter previously tabled ⁶	“I move to take from the table ...”	No	Yes	No	No	Majority	No
Cancel or change previous action ⁷	“I move to rescind/amend something previously adopted...”	No	Yes	Yes	Yes	2/3 or majority with notice	No
Reconsider motion	“I move to reconsider the vote on...”	Yes	Yes	Only if motion is debatable ⁸			

**Exhibit A not shown in full.*



Future Changes

It's time to update this document!

- Incorporate new legal requirements
 - AB 992 re: Social Media
 - AB 2449 re: Remote participation
- Increase **accessibility**
 - Organization / Table of Contents / Format
 - Language



City Council Action

- Motion to adopt Resolution 2023-34

AND/OR

- Provide direction to staff to continue updating the Manual



Thank You

Contact Information

Caroline Patton, Deputy City Clerk
cpatton@banningca.gov



Received In Meeting
February 14, 2023
Regular meeting

January 7, 2022

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Pass Through of Property Taxes Under California Law

[REDACTED]


This office represents the owner of Sunrise Estates, in Banning, California. I have been asked to respond to your question regarding the parkowner's right to increase rents, based on an increase in property taxes.

Under California law, parkowners are allowed to increase rents based on an increase in operating expenses, unless there is a rent control ordinance, or other law, specifically prohibiting such a rent increase. As there is no rent control ordinance in Banning, the parkowner is allowed to increase your rent based on increased operating expenses, including property taxes.

Although it is not entirely clear, it would appear you have taken the position that "property taxes" cannot be passed through, pursuant to Civil Code Section 798.49. Unfortunately, you have misread that statute.

→ Under Civil Code Section 798.49, local governments can prevent parkowners from increasing rents based on increases in property taxes, if the local government has adopted a rent control ordinance. As stated above, however, the City of Banning has not adopted a rent control ordinance. ← Because Civil Code Section 798.49 does not apply, the parkowner is free to increase rents based on an increase in operating expenses, including property taxes.

If there is any doubt, one need only review the California Supreme Court's decision



in *Cacho v. Boudreau* (2007) 40 Cal. 4th 34, which addressed both Civil Code Section 798.49 and property taxes. In that case, the Supreme Court specifically acknowledged that "property tax expenditures have traditionally been recoverable components of rent, even under rent control ordinances." *Cacho v. Boudreau* (2007) 40 Cal. 4th 341, 358.

Under paragraph 3(iii) of your rental agreement, the parkowner is entitled to increase your rent "to any level allowed by law." Because there is no rent control in Banning, Civil Code Section 798.49 does not prevent the parkowner from increasing your rent, based on an increase in property taxes. To the contrary, as determined by the California Supreme Court, such increases are a "recoverable component of rent."

In conclusion, Civil Code Section 798.49 does not prohibit rent increases based on increases in property taxes, where there is no local rent control ordinance. As the City of Banning does not have rent control, the parkowner properly increased the rent for your space, based on the increase in property taxes.

Hopefully, this letter adequately addresses your questions regarding your rent increase. If you would like to discuss this issue further, you may contact me on my direct line at (510) 336-1538. If I am not in, please leave a detailed voicemail with a number where you can be reached, and I will return your call as soon as possible. Thank you.

Very truly yours,

