



CITY OF HUGHSON
CITY COUNCIL MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
MONDAY, NOVEMBER 26, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL: Mayor Ramon Bawan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

FLAG SALUTE:

INVOCATION:

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

3.1: Approval of the November 13, 2012 Regular City Council Minutes.

3.2: Approval of the Warrants.

3.3: Approval of the Treasurers Report for the month of October 2012.

- 3.4: Approval of Resolution No. 2012-48, Approving and Authorizing the Submission of the 2012-2013 Transportation Fund (LTF) Claim.

4. UNFINISHED BUSINESS:

- 4.1: Receive Status Update on the Stanislaus Regional Water Authority and Determine if the City of Hughson Should Join the Stanislaus Regional Water Authority.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

6. NEW BUSINESS:

- 6.1: Review and Approve a Letter Requesting a Permit to Install a Water Well from River Oaks Ceres Congregation of Jehovah’s Witnesses, located at 1524 Santa Fe Avenue in Hughson.
- 6.2: Consider adoption of Resolution No. 2012-49, repealing Resolution No. 07-190 and establishing New Council Policies Regarding Meetings & Rules of Order.
- 6.3: Discuss options and provide direction on a pending vacancy on the City Council.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

- 1. Discussion of an Invocation Policy.

- 8.2: Council Comments: (Information Only – No Action)

- 8.3: Mayor’s Comments: (Information Only – No Action)

9. CLOSED SESSION TO DISCUSS THE FOLLOWING:

**9.1: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:**

One (1) case

**9.2: CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government
Code Section 54957.6:**

Agency Negotiator: Bryan Whitemyer, City Manager

Employee Organizations: Operating Engineers Local No. 3
(Skilled Trades, Professional and
Technical)

Unrepresented Employees

**9.3: PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957:**

Title: City Manager

10. REPORT FROM CLOSED SESSION:

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

December 1	▪ Downtown Christmas Festival, Chamber of Commerce, 3:00- 9:00p.m.
December 10	▪ City Council Meeting, Council Chambers, 7:00pm
December 11	▪ Parks & Recreation Meeting, Council Chambers 6:00p.m.
December 18	▪ Planning Commission Meeting, Council Chambers, 6:00pm
December 24	▪ Christmas Eve, City Council Meeting Cancelled- City Hall will be closed to the Public December 24-28.
December 25	▪ Christmas Day
December 31	▪ New Year's Eve- City Hall will be open.
January 1, 2013	▪ New Year's Day- City Hall will be closed.
January 14	▪ City Council Meeting, Council Chambers, 7:00pm

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk.
Filling out the card is voluntary.

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
 NOTIFICATION FOR THE CITY OF HUGHSON**

This agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: November 21, 2012 **TIME:** 12:00pm
NAME: Dominique Spinale **TITLE:** Deputy City Clerk

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON
CITY COUNCIL MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, NOVEMBER 13, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL:

Present: Mayor Ramon Bawan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

Staff Present: Bryan Whitemyer, City Manager
Dan Schroeder, City Attorney
Dominique Spinale, Management Analyst/Deputy City Clerk
Lisa Whiteside, Finance Manager
Sam Rush, Public Works Superintendent

FLAG SALUTE: Mayor Ramon Bawan

INVOCATION: Mayor Ramon Bawan

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comments.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

3.1: Approval of the October 22, 2012 Regular City Council Minutes.

- 3.2:** Approval of the Warrants.
- 3.3:** Approval of the Treasurers Reports for the month(s) of August and September 2012.

Beekman/Silva 5-0-0-0 motion passes to approve the Consent Calendar.

4. UNFINISHED BUSINESS:

- 4.1:** Receive a Capital Projects update.

City Manager Whitemyer presented a PowerPoint presentation that was put together by Director Clark, who was unable to attend the meeting. He reviewed the projects that were completed this year and provided status updates on the projects that Staff is currently working on. The Capital Projects update listed the projects planned and funding sources utilized through fiscal year 2015-2016.

No action was taken on this Item.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

6. NEW BUSINESS:

- 6.1:** Approve an Agreement with SeeClickFix to provide Customer Relationship Management Services through smart phone mobile applications, Facebook, and the City's website.

City Manager Whitemyer provided the Council with a PowerPoint presentation on this Item.

Carr/Beekman 5-0-0-0 motion passes to approve an Agreement with SeeClickFix to provide Customer Relationship Management Services through smart phone mobile applications, Facebook, and the City's website.

- 6.2:** Consider Resolution No. 2012-47, approving an expansion of the Enterprise Zone.

City Manager Whitemyer provided the Council with a PowerPoint presentation on this Item.

Bawanan/Carr 5-0-0-0 motion passes to adopt Resolution No. 2012-47, approving an expansion of the Enterprise Zone.

7. CORRESPONDENCE: None.

8. COMMENTS:

8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk: Provided an update on the Municipal Election that was held on November 6, 2012.

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

8.2: Council Comments: (Information Only – No Action)

Councilmember Carr provided an update on the West Nile virus and his attendance at the Turlock Mosquito Abatement District meeting.

Councilmember Silva provided an update on the Hughson High School fundraiser dinner event, advising that the high school raised \$8,000.

Mayor Pro Tem Beekman provided an update on the CAL LAFCO meeting.

8.3: Mayor’s Comments: (Information Only – No Action)

Mayor Bawanan updated the Council on the Mayor’s Meeting scheduled for January.

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: None.

10. REPORT FROM CLOSED SESSION: None.

ADJOURNMENT: Mayor Bawanan adjourned the meeting at 7:52p.m.

RAMON BAWANAN, Mayor

DOMINIQUE SPINALE, Deputy City Clerk

REPORT.: Nov 21 12 Wednesday
 RUN....: Nov 21 12 Time: 11:18
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 11-12 Bank Account.: 0100

PAGE: 001
 ID #: PY-DP
 CTL.: HUG

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
43111	11/20/2012	EMP01	STATE OF CALIFORNIA	\$ 1,231.20	B21119	PAYROLL TAXES 11/16/12
43112	11/20/2012	HAR02	THE HARTFORD	\$ 604.63	B21119	DEFERRED COMPENSATION
43113	11/20/2012	PER01	P.E.R.S.	\$ 8,077.11	B21119	RETIREMENT
43114	11/20/2012	STA23	CalPERS SUPPLEMENTAL INCO	\$ 20.00	B21119	DEFERRED COMPENSATION
43115	11/20/2012	ABS00	ABS PRESORT	\$ 1,336.09	84603	STATEMENTS-NOVEMBER 2012
				\$ 800.00	MP2012115	POSTAGE ADVANCE FOR 12/12
			Check Total:	\$ 2,136.09		
43116	11/20/2012	AFL01	AFLAC	\$ 941.45	5208	AFLAC
43117	11/20/2012	ARR00	ARROWHEAD MOUNTAIN SPRING	\$ 28.00	02K002566	BOTTLED WATER
43118	11/20/2012	AVA00	AVAYA, INC	\$ 60.11	273218479	PHONE/POLICE DEPT
				\$ 65.66	273223546	PHONES POLICE DEPT
				\$ 84.15	273224470	PHONES CITY HALL
			Check Total:	\$ 209.92		
43119	11/20/2012	BAN01	PETTY CASH	\$ 93.71	B21119	PETTY CASH REIMB 6/12-11/12
43120	11/20/2012	BLU00	BLUE SHIELD	\$ 9,420.32	B21119	HEALTH PREMIUMS 12/2012
				\$ 862.68	C21119	HEALTH PREM. S.MENDOZA 12/2012
			Check Total:	\$ 10,283.00		
43121	11/20/2012	BLU02	BLUE SHIELD OF CALIFORNIA	\$ 112.56	B21119	HEALTH PREM. D.MENDOZA 12/2012
43122	11/20/2012	BLU03	BLUE SHIELD OF CALIFORNIA	\$ 108.20	B21119	HEALTH PREM. D.MENDOZA 12/2012
43123	11/20/2012	BRE01	W.H. BRESHEARS	\$ 1,491.89	229972	FUEL
43124	11/20/2012	CAR08	CAROLLO ENGINEERS	\$ 212.90	124802	WWTP UPGRADES & EXP
43125	11/20/2012	CLA03	CLARK'S PEST CONTROL	\$ 102.00	13429134	PEST CONTROL
				\$ 57.00	13459433	PEST CONTROL
			Check Total:	\$ 159.00		
43126	11/20/2012	EXP00	EXPRESS PERSONNEL SERVICE	\$ 456.00	117121467	EXTRA HELP 10/28/12 WWTP & WATER
				\$ 456.00	117446005	EXTRA HELP 11/4/12 WWTP & WATER
			Check Total:	\$ 912.00		
43127	11/20/2012	FRA03	FRANTZ WHOLESALE NURSERY	\$ 171.80	521057	REPLACEMENT SHRUBS-FONTANA SOUTH
43128	11/20/2012	GEO01	GEOANALYTICAL LABORATORIE	\$ 106.87	Y210407	LAB TESTING FOR WATER TESTING
				\$ 111.87	Y210408	INFLUENT & EFFLUENT SAMPLING
				\$ 206.87	Y211114	INFLUENT & EFFLUENT SAMPLING
				\$ 815.78	Y211115	LAB TESTING FOR WATER
				\$ 111.87	Y211808	INFLUENT & EFFLUENT SAMPLING
				\$ 86.87	Y211809	LAB TESTING FOR WATER
				\$ 111.87	Y212513	INFLUENT & EFFLUENT SAMPLING
				\$ 86.87	Y212514	LAB TESTING FOR WATER
				\$ 111.87	Y2J0216	INFLUENT & EFFLUENT SAMPLING
				\$ 86.87	Y2J0221	LAB TESTING FOR WATER

				\$	150.00	Y2J0901	INFLUENT & EFFLUENT SAMPLING
				\$	1,520.05	Y2J0912	LAB TESTING FOR WATER
				\$	55.00	Y2J1604	INFLUENT & EFFLUENT SAMPLING
				\$	141.15	Y2J1608	LAB TESTING FOR WATER
				\$	40.00	Y2J1718	LAB TESTING FOR WATER
				\$	55.00	Y2J2301	INFLUENT & EFFLUENT SAMPLING
				\$	141.15	Y2J2310	LAB TESTING FOR WATER
				\$	55.00	Y2J3001	INFLUENT & EFFLUENT SAMPLING
				\$	141.15	Y2J3007	LAB TESTING FOR WATER
				\$	40.00	Y2K0518	LAB TESTING FOR WATER

			Check Total:	\$	4,176.11		
43129	11/20/2012	GRA03	W.W. GRAINGER, INC.	\$	324.94	995776746	CORE DRILL BIT/CABLE
43130	11/20/2012	GRO01	FERGUSON ENTERISES, INC 1	\$	47.52	852016	SPOOL SPACER
				\$	348.97	0852016-1	SPOOL SPACER

			Check Total:	\$	396.49		
43131	11/20/2012	HOM01	THE HOME DEPOT CRC	\$	5.10	70686	ELECTRICAL PARTS
				\$	638.70	B21109	WATER HEATER FOR COMMUNITY CENTER

			Check Total:	\$	643.80		
43132	11/20/2012	HUG08	CITY OF HUGHSON	\$	2,415.59	B21115	LLD WATER SERVICE
43133	11/20/2012	HUG11	HUGHSON FARM SUPPLY	\$	44.07	0419773IN	PVC MATERIAL
				\$	7.65	0420395IN	WELL #8 REPAIR
43133	11/20/2012	HUG11	HUGHSON FARM SUPPLY	\$	8.61	0420703IN	PVC FITTINGS
				\$	105.11	0421340IN	LABOR TO SHARPEN BLADES

			Check Total:	\$	165.44		
43134	11/20/2012	HUG33	HUGHSON SHELL	\$	17.75	B21113	DIESEL
43135	11/20/2012	HUG34	VALLEY PARTS WAREHOUSE, I	\$	3.96	73259	SUPERBOND
				\$	9.42	73485	WELL #3 PARTS
				\$	9.63	73554	PAINT
				\$	9.33	73572	IMPACT SOCKET
				\$	39.63	73823	CAR WASH/OIL PUMP
				\$	78.09	73842	PW-7 REPAIRS

			Check Total:	\$	150.06		
43136	11/20/2012	INT11	INTERNATIONAL CITY/COUNTY	\$	954.87	B21109	MEMBERSHIP RENEWAL 565214
43137	11/20/2012	LAD00	LADD CRANE SERVICE	\$	390.00	22877	CRANE SERVICE
43138	11/20/2012	LEG01	LEGAL SHIELD	\$	51.80	B21108	LEGAL SVCS
43139	11/20/2012	MAD16	MADRIGAL, RAFAEL	\$	210.00	B21120	DAMAGE & KEY DEPOSIT REFUND 10/6/12
43140	11/20/2012	Mar-00	MARTELLA'S AUTOMOTIVE	\$	20.00	16729	LABOR TO INSTALL PULLY
43141	11/20/2012	MOS01	MOSS, LEVY & HARTZHEIM, L	\$	12,000.00	3991	AUDIT FIELDWORK 6/30/12
43142	11/20/2012	OPE01	OPERATING ENGINEERS LOCAL	\$	389.00	B21108	LOCAL UNION #3 DUES
43143	11/20/2012	PAC05	PACIFIC PLAN REVIEW	\$	3,217.50	B21120	INSPECTION & PLAN CHECK SVCS 10/12
43144	11/20/2012	RIC04	RICOH USA, INC	\$	1,337.04	88022482	COPIER LEASE
43145	11/20/2012	SAM01	SAMARITAN VILLAGE	\$	88.32	B21109	MAYORS DINNER 10/30/12
43146	11/20/2012	SAU00	SAUNDERS A/C & HEATING	\$	114.93	12262.02	DRIP PAN FOR NEW SERVICE

43147	11/20/2012	SEC03	SECO CONTROLS, LLC	\$	4,322.82	127426	FLOW METER
43148	11/20/2012	SUT00	SUTTER GOULD MEDICAL FOUN	\$	89.28	B21109	MEDICAL REIMB.
43149	11/20/2012	SYN02	SYNAGRO WEST, LLC	\$	1,791.13	30-101377	SLUDGE REMOVAL 9/12
43150	11/20/2012	UNI07	UNITED WAY OF STANISLAUS	\$	9.00	B21120	UNITED WAY
43151	11/20/2012	UNI11	UNIVAR USA, INC	\$	474.75	SJ518581	SODIUM HYPOCHLORITE
43152	11/20/2012	UNU01	UNUM LIFE INSURANCE CO.	\$	628.53	B21115	LIFE INSURANCE WITHHOLDIN
43153	11/20/2012	WAR00	WARDEN'S OFFICE	\$	42.08	1764377-1	OFFICE SUPPLIES
				\$	359.55	1765881-0	CALENDARS
				\$	63.83	1765881-1	CALENDARS
43153	11/20/2012	WAR00	WARDEN'S OFFICE	\$	11.76	1765946-0	STAMP PAD REPL
				\$	270.55	1766134-0	REPLACEMENT PRINTER & INK
				\$	18.24	1766134-1	INK
				\$	64.37	1766439-0	STAMP
				\$	158.87	1766963-0	OFFICE SUPPLIES
				\$	18.24	1766963-1	OFFICE SUPPLIES
			Check Total:	\$	1,007.49		
43154	11/21/2012	CON14	CONDOR EARTH TECHNOLOGIES	\$	3,011.41	65045	ENVIRONMENTAL MONITORING 10/9-23/12
43155	11/21/2012	ENV02	ENVIRONMENTAL SYSTEMS	\$	1,788.93	26318	STREET SWEEPING
43156	11/21/2012	GEO01	GEOANALYTICAL LABORATORIE	\$	141.15	Y2K0609	LAB TESTING
				\$	695.78	Y2K1307	LAB TESTING
			Check Total:	\$	836.93		
43157	11/21/2012	HOM01	THE HOME DEPOT CRC	\$	27.41	1527	MATERIAL FOR SERVER
				\$	278.63	67302	MISC HARDWARE
				\$	113.27	82866	CABLE FOR SERVER
				\$	51.56	97689	MATERIAL FOR SERVER
			Check Total:	\$	470.87		
43158	11/21/2012	HUG11	HUGHSON FARM SUPPLY	\$	31.51	0421483IN	PRESSURE GUAGE WELL #3
				\$	31.66	0422910IN	PLUMBING SUPPLIES
			Check Total:	\$	63.17		
43159	11/21/2012	HUG33	HUGHSON SHELL	\$	255.27	B21121	DIESEL
43160	11/21/2012	HUG34	VALLEY PARTS WAREHOUSE, I	\$	9.65	75058	PUMICE
				\$	19.84	273822	BRUSH/WAX
			Check Total:	\$	29.49		
43161	11/21/2012	LAD00	LADD CRANE SERVICE	\$	162.50	22900	CRANE SERVICE
43162	11/21/2012	MCR01	MCR ENGINEERING, INC	\$	28,365.70	9362	ENGINEERING SVCS 10/12
43163	11/21/2012	MOD16	MODESTO COLOR	\$	422.75	M86978	SAFETY MARKING PAINT
43164	11/21/2012	NEU01	NEUMILLER & BEARDSLEE	\$	1,200.00	251960	LEGAL SVCS 10/12 GENERAL
				\$	6,481.85	251961	LEGAL SVCS 10/12
				\$	40.00	251968	LEGAL SVCS - SPECIAL 10/12
				\$	45.00	251969	LEGAL SVCS RDA 10/12
			Check Total:	\$	7,766.85		
43165	11/21/2012	PAC11	PACIFIC BOLT CP.	\$	26.84	M8770	BOLTS
43166	11/21/2012	SAU00	SAUNDERS A/C & HEATING	\$	875.72	T1521	SEMI ANNUAL SERVICE
43167	11/21/2012	STA36	STANISLAUS FARM SUPPLY	\$	59.28	1033943	GOHPER BAIT
43168	11/21/2012	TUR10	TURLOCK JOURNAL	\$	39.00	B21121	ANNUAL RENEWAL
43169	11/21/2012	UNI11	UNIVAR USA, INC	\$	474.75	SJ520553	SODIUM HYPOCHLORITE
			Cash Account Total:	\$	106,829.56		
			Total Disbursements:	\$	106,829.56		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: November 26, 2012
Presented By: Lisa Whiteside, Finance Manager
Subject: Treasurer's Report – October 2012
Budget Action: None
Desired Action: Council Review and Receive the Report

Approved: _____

Enclosed you will find the City of Hughson Treasurer's Report for October 2012. After review and evaluation of the report, I have researched the following Fund's with a deficit balance. After discussion with other management staff personnel, I submit the following detailed explanation:

Redevelopment- Debt Service Fund:

The Redevelopment Debt Service Fund currently reflects a negative balance of (\$120,951.37). State Legislature passed AB 1484, the redevelopment budget trailer bill, containing unconstitutional sales and property tax clawback or garnishment provisions. This legislation required successor agencies (cities) to pay its share of the December 2011 Property Tax distribution to the County Auditor-Controller. The City received a payment demand letter from the Stanislaus County Auditor-Controller that the property tax revenue received by the Hughson Successor Agency exceeded the total enforceable obligations by \$134,786.

As a result, the Successor Agency did not have the funds to pay the required payment. The City provided a loan to the Successor Agency to cover these costs. This loan was list as an enforceable obligation of the Successor Agency and was included on the Recognized Obligation Payment Schedule for January 2013 to June 2013. However, the Department of Finance denied the enforceable obligation request. The Successor Agency filed an appeal with the Department of Finance. We meet with the Department of Finance on November 16, 2012, and we are currently waiting for a decision.

Public Facilities Development Streets Fund:

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$711,532.33). The deficit is a result of the Euclid Bridge Project, which was constructed in Fiscal Year 2006/2007, for approximately \$1.3 million. The project was completed in anticipation of funding from Developer Impact Fees collected from new development. Unfortunately, the housing market declined significantly and the new development never materialized. Once the economy strengthens and new building starts again, we can recognize additional developer impact fees and reduce the deficit more quickly.

Water Developer Impact Fee Fund:

The Water Developer Impact Fee Fund currently reflects a negative balance of (\$575,914.77). After extensive review City staff discovered that the remaining deficit is attributable to settlement arrangements that were made in FY 2008/2009 and FY 2009/2010 for the Water Tank on Fox Road near Charles Street. During that period the City paid out \$650,000 in settlements.

This account will be in a deficit position until additional development occurs and developer impact fees are collected to cover those costs.

Transportation Capital Project Fund:

The Transportation Capital Project Fund currently reflects a negative balance of (\$388,441.25). The City currently has two Street projects under construction Pine Street and Hatch Rd. The Pine Street project almost completed and the city is in the process of applying for reimbursement from the CMAQ and CDBG funds.

Recommendation:

Staff recommends the City Council review and receives the enclosed City of Hughson Treasurer's Report for October 2012.

**City of Hughson
Treasurer's Report
October 2012**

	MONEY MARKET	GENERAL	REDEVELOPMENT**	TOTAL
Bank Statement Totals	\$ 4,688,177.65	\$ 1,096,148.38	\$ 206,385.52	\$ 5,990,711.55
Adjustment-Direct Deposit Payroll	\$ -			\$ -
Outstanding Deposits +	\$ -		\$ -	\$ -
Outstanding Checks/transfers -	\$ (6,903.47)	\$ (257,685.31)	\$ -	\$ (264,588.78)
ADJUSTED TOTAL	\$ 4,681,274.18	\$ 838,463.07	\$ 206,385.52	\$ 5,726,122.77
Investments: Various				\$ 983,316.55
California Bank Trust				\$ -
Multi-Bank WWTP				\$ 1,388,731.74
Investments: L.A.I.F.		\$ 39,134.25	\$ 39,009.81	\$ 78,144.06
TOTAL CASH & INVESTMENTS				\$ 8,176,315.12

Books - All Funds	October 2011	October 2012
2 Water/Sewer Deposit	26,259.81	28,980.24
4 Sale of Vehicle	0.00	1,890.00
5 AB939 Source Reduction	5,000.00	277.83
7 Public Safety Augmentation	0.00	0.00
8 Vehicle Abatement	1,097.86	15,110.45
11 Traffic Congestion Fund	89,313.65	172,629.08
13 Redevelopment - Debt Service	259,184.26	-120,951.37
14 Redevelopment - Housing	779,163.26	0.00
15 Redevelopment - Capital Projects	-308,120.49	0.00
17 Federal Officer Grant	6,620.00	6,620.00
19 Asset Forfeiture	1,660.43	1,660.43
25 Gas Tax 2106	44,353.09	26,741.33
30 Gas Tax 2107	20,174.03	13,034.93
31 Gas Tax 2105	101,132.16	36,161.25
35 Gas Tax 2107.5	12,672.14	14,672.14
40 General Fund	-36,186.66	87,638.83
401 General Fund Contingency Reserve	668,430.95	670,361.54
48 Senior Community Center	-1,243.67	2,188.00
49 IT Reserve	7,500.00	20,658.54
50 U.S.F. Resource Com. Center	3,950.71	6,963.81
51 Self-Insurance	107,847.52	97,073.49
52 CLEEP(California Law Enforcement E	0.00	0.00
53 SLESF (Supplemental Law Enforceme	201,444.19	189,630.13
54 Park Project	329,343.20	366,278.40
60 Sewer O & M	-96,916.12	757,650.00
61 Sewer Fixed Asset Replacement	1,054,315.29	1,502,953.07
66 WWTP Expansion 2008	3,390,745.41	2,337,618.12
70 Local Transportation	39,686.03	126,383.98
71 Transportation	-276,987.68	-388,441.25
100/200 LLD's and BAD's	93,284.73	13,154.18
80 Water O & M	147,494.97	346,125.89
82 Water Fixed Asset Replacement	-13,036.86	24,935.73
88 PW CDBG Street Project	0.00	-30,375.00
80 Water Reserve-USDA GRANT	21,524.50	21,524.50
90 Garbage/Refuse	36,946.66	-55,675.55
91 Misc. Grants	-36,898.02	0.00
92 98-EDBG-605 Small Bus. Loans	93,585.12	93,585.12
94 96-EDBG-438 Grant	403.43	403.43
95 94-STBG-799 Grant	155,360.12	156,786.17
96 HOME Program Grant (FTHB)	37,810.91	35,762.19
97 96-STBG-1013 Grant	12,682.56	33,980.53
98 HOME Rehabilitation Fund	-1,084.71	0.00
Developer Impact Fees ***	1,643,194.16	1,562,324.96
TOTAL ALL FUNDS:	8,621,706.94	8,176,315.12

I hereby certify that the investment activity for this reporting period conforms with the Investment Policy adopted by the Hughson City Council, and the California Government Code Section 53601. I also certify that there are adequate funds available to meet the City of Hughson's budgeted and actual expenditures for the next six months.

Break Down of Impact Fees ***		
10 Storm Drain	37,657.27	136,225.08
20 Community Enhancement	99,865.35	45,962.59
41 Public Facilities Development	2,159,910.07	1,559,020.44
42 Public Facilities Development-Streets	-990,575.33	-711,532.33
55 Parks DIF	132,245.45	195,688.36
62 Sewer Developer Impact Fees	883,489.60	912,875.59
81 Water Developer Impact Fees	-679,398.25	-575,914.77
Break Down of Impact Fees ***	1,643,194.16	1,562,324.96

Lisa Whiteside, Treasurer

Date



CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: November 26, 2012
Presented By: Lisa Whiteside, Finance Manager
Subject: 2012/2013 Local Transportation Fund Claim
Enclosure: Resolution No. 2012-48 and LTF Claim Form
Budget Action: None.
Desired Action: Consider and Approve a Resolution Approving and Authorizing the Submission of the 2012-2013 Transportation Fund (LTF) Claim.

Approved: _____

Summary:

The City Council of the City of Hughson is required to pass resolutions in order to approve Local Transportation Fund Claims. The LTF funds are distributed through the Stanislaus Council of Governments (StanCOG). These Funds can be used to improve streets, sidewalk, and bicycle facilities.

The item before the City Council is a request for approval to submit the Local Transportation Fund Claim. Once the Hughson City Council approves the claim it will be submitted to the StanCOG Policy Board for approval. This process will obtain the City's allocation of Local Transportation Funding.

Staff Recommendation:

Approval of Resolution authorizing the City Manager to execute and submit the City's Local Transportation Fund Claim for Fiscal year 2012/2013, in the amount of **\$96,108**, to the Stanislaus Council of Governments Claim as attached on behalf of the City of Hughson to the Stanislaus Council of Governments.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-48

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
APPROVING AND AUTHORIZING THE SUBMISSION OF THE 2012-2013
TRANSPORTATION FUND (LTF) CLAIM AND AUTHORIZING THE CITY
MANAGER TO EXECUTE AND SUBMIT THE CLAIM ON BEHALF OF THE
CITY OF HUGHSON.**

WHEREAS, the Hughson City Council is considering and has established priorities for Capital Improvement Projects and the City Manager has prepared for filing with the Stanislaus Council of Governments (StanCOG) the City's annual Transportation Development Act claim in accordance with applicable rules and regulations, in the amount of **\$96,108** for the fiscal year 2012-2013 to be drawn from the Local Transportation Fund; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson hereby approves the 2012-2013 LTF Claim, and authorizes the City Manager to execute and submit the Claim as attached on behalf of the City of Hughson to the Stanislaus Council of Governments.

PASSED AND ADOPTED and adopted by the City Council of the City of Hughson at its regular meeting held on this 26th day of November, 2012 by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

DOMINIQUE SPINALE, Deputy City Clerk

**TRANSPORTATION DEVELOPMENT ACT
LOCAL TRANSPORTATION FUND
CLAIM FOR FISCAL YEAR 2012/13 OTHER PURPOSES**

TO: Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, CA 95354

FROM: Applicant: City of Hughson
Address: P.O. Box 9
City Hughson, CA Zip: 95326
Contact Person: Bryan Whitemyer Phone: 209-883-4054
E-mail Address: bwhitemyer@hughson.org Fax: 209-883-2638

The City of Hughson hereby requests, in accordance with the Transportation Development Act and applicable rules and regulations, that its claim for other purposes be approved in the amount of \$ 96,108 for fiscal year 2012/13, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms contained in the approving resolution to the Stanislaus Council of Governments.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein is reasonable and accurate to the best of my knowledge and conforms with the requirements of the Transportation Development Act and applicable rules and regulations.

Submitted by: _____
Title: Bryan Whitemyer
City Manager
Date: _____

StanCOG Board of Directors:

Date of approval: _____

Resolution #: _____

StanCOG Approving Authority

**LOCAL TRANSPORTATION FUND
CLAIM FOR OTHER PURPOSES
FY 2012/13**

TABLE 1

1.	Planning, Local --PUC 99262/99402	\$ -
2.	Transit _____ *	\$ -
3.	Streets and Roads --PUC 99400 (a)	\$ 91,300
4.	Nonmotorized - 2% LTF funds --PUC 99233.2/99234	\$ 4,808
5.	Nonmotorized - Other LTF funds --PUC 99233.2/99234	\$ -
6.	TOTAL CLAIM	\$ 96,108

This table is to be filled out by StanCOG staff

City of Hughson**Total LTF available to be claimed for other purposes:**

FY 2012/13 Nonmotorized apportionment	\$ 4,154
FY 2011/12 Nonmotorized supplemental	\$ 654
Total 2% Nonmotorized	\$ 4,808
FY 2012/13 Other Purposes apportionment	\$ 55,229
FY 2011/12 Other Purposes supplemental	\$ 36,071
	\$ 91,300
Total available to be claimed at this time	\$ 96,108

*** If you have proposed transit expenditures, please fill in the appropriate PUC Code.**

**NONMOTORIZED PROJECTS
FY 2012/13**

(Use additional forms if necessary)

**TABLE 2
BREAKDOWN BY PROJECT**

BRIEFLY DESCRIBE PROJECTS AND EXPENDITURES INCLUDED IN THE 3 YEAR PERIOD BELOW										
ID	PROJECT TITLE	MODE			FOR BIKE PROJECTS ONLY		2010/11 ACTUAL EXPENDITURES	2011/12 ESTIMATED EXPENDITURES	2012/13 CLAIM	ACTUAL / ESTIMATED EXPENDITURES FOR 3 YEAR PERIOD
		B I K E	P E D	P L A N	PROJECT IN StanCOG's BIKE PLAN *	PROJECT IN CITY/CO BIKE PLAN *				
	Update of Nonmotorize Plan			X				\$3,878.00	\$4,808.00	\$8,686.00
	Locust Street Bike Lanes Striping	X			Yes	Yes	\$3,600.00	\$0.00	\$0.00	\$3,600.00
	Locust Street Sidewalks		X				\$2,628.00	\$0.00	\$0.00	\$2,628.00
							\$0.00	\$0.00	\$0.00	\$0.00
TOTAL FUNDS APPROPRIATED TO PROJECTS							\$6,228.00	\$3,878.00	\$4,808.00	\$14,914.00

**TABLE 3
BREAKDOWN BY CATEGORY**

RECORD LTF FUNDS ONLY							
	% of Total Expenditures	2008/09 Actual	2009/10 Actual	2010/11 Actual	2011/12 Estimate	2012/13 Claim	5 Year Total
Bicycle facilities	40.11%	\$3,977.00	\$0.00	\$3,600.00	\$0.00	\$0.00	\$7,577.00
Pedestrian facilities	13.91%	\$0.00	\$0.00	\$2,628.00	\$0.00	\$0.00	\$2,628.00
Preparation of Bicycle Plan	45.98%	\$0.00	\$0.00	\$0.00	\$3,878.00	\$4,808.00	\$8,686.00
TOTAL AMOUNT OF BIKE/PED EXPENDITURES		\$3,977.00	\$0.00	\$6,228.00	\$3,878.00	\$4,808.00	\$18,891.00

DOES THIS CLAIM MEET THE MINIMUM 50% BICYCLE EXPENDITURE STANCOG PERFORMANCE STANDARD?	YES
StanCOG 50% bicycle expenditure requirement: The 5 year bicycle expenditures must be 50% or greater.	

**TABLE 4
FUNDS HELD IN RESERVE AT JURISDICTION**

RECORD LTF FUNDS ONLY				
	2008/09	2009/10	2010/11	2011/12
Fiscal year beginning fund balance	\$0.00	\$0.00	\$0.00	\$0.00
Plus fiscal year 2% nonmotorized claim	\$3,977.00	\$0.00	\$6,228.00	\$3,878.00
Plus interest	\$0.00	\$0.00	\$0.00	\$0.00
Minus nonmotorized expenditures	(\$3,977.00)	\$0.00	(\$6,228.00)	(\$3,878.00)
Fiscal year ending fund balance	\$0.00	\$0.00	\$0.00	\$0.00

- | | |
|---|---------|
| 1. Prior year(s) LTF carryover held by jurisdiction applied towards FY 2012/13 Nonmotorized claim (TABLE 4) | \$0 |
| 2. Interest earned on previously paid LTF funds held by jurisdiction (required by State law) (TABLE 4) | \$0 |
| 3. FY 2012/13 Nonmotorized 2% funds applied towards FY 2012/13 projects (must match Page 2, Line 4) | \$0 |
| 4. FY 2012/13 Other LTF funds applied towards Nonmotorized claim (must match Page 2, Line 5) | \$4,808 |
| 5. FY 2012/13 Nonmotorized 2% funds to be held at StanCOG | \$0 |
| 6. Total of lines #1 through #5 above | \$4,808 |

SEE PAGE 3b FOR NONMOTORIZED REGULATIONS/POLICIES AND NOTES

NONMOTORIZED PROJECTS
FY 2012/13
(Continued)

NONMOTORIZED REGULATION/POLICY REMINDERS:

- A. State law allows a jurisdiction to use LTF to update a Bicycle Action Plan once every five years (PUC 99234(h)).
- B. State law allows a jurisdiction to use up to 20% of the amount available each year to restripe Class II bicycle lanes (PUC 99234(h)).
- C. State law allows a jurisdiction to use up to 5% of the amount available each year to supplement moneys from other sources to fund bicycle safety education programs, but the funds shall not be used to fully fund the salary of any one person (PUC 99233.3).
- D. All funds must be spent within five years of receipt. Over the five-year period shown in Table 3, at least 50% of funds must be spent for bicycle purposes. StanCOG will not allocate funds to any jurisdiction which is in violation of these policies.

NOTES:

- * By StanCOG policy, all bike projects must appear in either StanCOG's Bicycle Action Plan, or in a City or County bicycle plan, to be eligible for LTF funding.
- ** Beginning with FY 2003/04, nonmotorized funds will only be allocated by StanCOG for specific projects. If no project is identified, funds will be held in reserve at StanCOG for eventual use by that jurisdiction.

**ANNUAL PROJECT AND FINANCIAL PLAN
PROJECTS FOR OTHER PURPOSES
FY 2012/13**

(Use additional forms as necessary)

TABLE 5

Briefly describe all proposed projects and indicate proposed project expenditures					
Project Title & Brief Description	Will this Project add new travel lanes? Yes or No	Will this Project use Federal Funds? Yes or No	Is this Project consistent with the RTP Yes or No	Total Project Cost	LTF Funds Utilized
5th Street Project	No	Yes	No	\$ 369,868	\$ 91,300
Hatch Rd Project	No	Yes	Yes	\$ 338,868	\$ 84,006
TOTAL				708,736.00	175,306.15

- | | |
|---|------------|
| 1. LTF carryover applied towards FY 2012/13 Other Purposes | 83,985.00 |
| 2. Interest earned on LTF carryover (required by State law) | 21.15 |
| 3. FY 2012/13 apportionment applied towards FY 2012/13 Other Purposes | 91,300.00 |
| 4. Total of Lines 1, 2 and 3 above | 175,306.15 |

**STANISLAUS COUNCIL OF GOVERNMENTS
RESOLUTION 12-04
A RESOLUTION APPROVING THE TRANSPORTATION DEVELOPMENT ACT
APPORTIONMENTS FOR FY 2012/13 FOR TRANSIT AND OTHER PURPOSES**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO), and the designated Council of Governments for Stanislaus County; and

WHEREAS, StanCOG has been designated as the Regional Transportation Planning Agency with the responsibility to administer the Transportation Development Act (TDA), including the apportionment and allocation of the Local Transportation Fund (LTF) and the State Transit Assistance (STA) Fund; and

WHEREAS, on February 15, 2012, the StanCOG Policy Board approved STA apportionments totaling \$3,098,534 for FY 2012/13, plus the LTF needed for TDA administration and transportation planning, along with 2% by jurisdiction for Nonmotorized (bicycle and pedestrian) purposes; and

WHEREAS, the Transit Cost Sharing Committee recommended that LTF in the amount of \$13,700,959 is needed for transit in FY 2012/13, leaving a balance of \$2,010,401 available to be apportioned for Other purposes; and

WHEREAS, following the Transit Cost Sharing Committee meeting, the City of Modesto submitted a revised claim which reduced the amount of new LTF needed for transit by \$251,263 (for a revised LTF total of \$13,449,696 needed for transit in FY 2012/13), leaving a balance of \$2,261,664 available to be apportioned for Other purposes.

NOW THEREFORE, BE IT RESOLVED that based on the Rules and Regulations governing the Transportation Development Act funds, including StanCOG's approved Transit Cost Sharing Procedures, the Stanislaus Council of Governments hereby approves the apportionments for Local Transportation Funds for transit and Other purposes as outlined in Attachment 2.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments, on the 25th day of July 2012. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and Resolution adopted.

MEETING DATE: July 25, 2012



CHARLIE GOEKEN, CHAIR

ATTEST:



CARLOS YAMZON, INTERIM EXECUTIVE
DIRECTOR

Attachment

V:\STANCOG\ADMINISTRATION\Resolutions\FY 12-13\July\12-04 TDA Apportionments 2012-13.doc

**STANISLAUS COUNCIL OF GOVERNMENTS
TRANSPORTATION DEVELOPMENT ACT (TDA) APPORTIONMENTS
FY 2012/13
AS PROPOSED FOR ADOPTION ON JULY 25, 2012**

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7		COLUMN 8		COLUMN 9
Claimant	TDA Admin NOTE 1	Transp. Planning NOTE 1	Bike/ Ped NOTE 1	Transit	Regional Transit Projects	Other Purposes	Total LTF		Total STA		Total TDA
StanCOG	167,000	501,000			45,000		713,000	+		=	713,000
CTSA				288,000			288,000	+		=	288,000
Ceres			28,287	1,000,670		259,016	1,287,973	+		=	1,287,973
County			68,651	5,648,640		955,535	6,672,826	+	20,690	=	6,693,516
Hughson			4,154			55,229	59,383	+		=	59,383
Modesto			125,293	5,995,859		324,129	6,445,281	+	3,067,186	=	9,512,467
Newman			6,507			45,065	51,572	+		=	51,572
Oakdale			12,907			82,550	95,457	+		=	95,457
Patterson			12,734			69,041	81,775	+		=	81,775
Riverbank			14,147			79,145	93,292	+		=	93,292
ROTA				430,027		0	430,027	+		=	430,027
Turlock			42,694	41,500		305,884	390,078	+	10,658	=	400,736
Waterford			5,266			86,070	91,336	+		=	91,336
Total	167,000	501,000	320,640	13,404,696	45,000	2,261,664	16,700,000	+	3,098,534	=	19,798,534

FY 2012/13 LTF Estimate 16,700,000
0

NOTE 1: Approved by the Policy Board on 2/15/12

v:\stancog\staff\whitehead, robln\trancost\12-13\Proposed FY 2012-13 LTF Apportionments with Other Purposes to Committees
6/27/12

STANISLAUS COUNCIL OF GOVERNMENTS

RESOLUTION 12-11

**RESOLUTION APPROVING THE FY 2011/12
LOCAL TRANSPORTATION FUND SUPPLEMENTAL APPORTIONMENT**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, the Stanislaus Council of Governments (StanCOG), as the RTPA, is responsible for administering the Transportation Development Act, including the apportionment and allocation of the Local Transportation Fund (LTF); and

WHEREAS, StanCOG approved an LTF finding of apportionment for FY 2011/12 of \$14,300,000; and

WHEREAS, LTF funds of \$17,168,215 were received for FY 2011/12; and

WHEREAS, the excess LTF funds of \$2,868,215 are available for a supplemental apportionment.

NOW, THEREFORE, BE IT RESOLVED, that based on the Rules and Regulations governing the Local Transportation Fund, the Stanislaus Council of Governments approves the FY 2011/12 Local Transportation Fund supplemental apportionment, as shown in Table 4, Attachment 3, to this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is authorized to issue an allocation instruction to the County Auditor and issue disbursement instructions to honor claimant invoices as funds become available.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments, on the 19th day of September, 2012. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: September 19, 2012



CHARLIE GOEKEN, CHAIR

ATTEST:



CARLOS YAMZON, INTERIM EXECUTIVE DIRECTOR

Attachment

STANISLAUS COUNCIL OF GOVERNMENTS
 FY 2011/12 LOCAL TRANSPORTATION FUND (LTF)
 SUPPLEMENTAL APPORTIONMENT
 SEPTEMBER 19, 2012

TABLE 4
SUMMARY OF LTF SUPPLEMENTAL APPORTIONMENT

Jurisdiction	StanCOG Planning & Programming	2% Nonmotorized	Other Purposes	Total 9/19/12 Supplemental Apportionment
Ceres	\$0	\$4,532	\$169,166	\$173,698
County	0	12,104	624,069	636,173
Hughson	0	654	36,071	36,725
Modesto	0	22,185	1,062,788	1,084,973
Newman	0	1,135	56,518	57,653
Oakdale	0	2,082	103,761	105,843
Patterson	0	2,229	127,199	129,428
Riverbank	0	2,328	127,023	129,351
Turlock	0	7,465	363,718	371,183
Waterford	0	929	56,213	57,142
StanCOG	86,046	0	0	86,046
Total	\$86,046	\$55,643	\$2,726,526	\$2,868,215

v:\stancog\staff\whitehead, robin\trancost\11-12\2011-12 Supplemental Summary

7/17/12



CITY OF HUGHSON AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: November 26, 2012
Subject: Receive Status Update on the Stanislaus Regional Water Authority and Determine if the City of Hughson Should Join the Stanislaus Regional Water Authority

Presented By: Bryan Whitemyer, City Manager

Approved By: _____

RECOMMENDATION:

Receive status update on the Stanislaus Regional Water Authority and direct the City Manager to inform the Stanislaus Regional Water Authority (Authority) that the City of Hughson is not in a position to join the Authority at this time.

BACKGROUND:

For many years the cities of Ceres, Modesto, Turlock and Hughson have worked intermittently with the Turlock Irrigation District (TID) on development of the Regional Surface Water Supply Project (RSWSP) that would pump water from the Tuolumne River, treat it to drinking water standards, and then distribute the treated water to the four cities.

TID had originally planned to finance, construct, own and operate the proposed RSWSP, subject to each participating city repaying them for the construction, operation and maintenance costs. To date, TID has completed various elements of the project including an Environmental Impact Report, Preliminary Design Report, and construction of the infiltration gallery.

In late 2008, TID informed the participating cities that it would no longer be able to finance the project; hence, TID would not own the proposed facilities. As a result, the four cities formed a technical advisory committee to determine how best to proceed in evaluating and potentially developing the RSWSP.

Throughout 2011 representatives from the four cities, Hughson, Turlock, Ceres and Modesto attended these technical advisory meetings to determine the next

steps. These meetings provided tremendous background on the project and the anticipated costs. Project estimates have ranged between \$145 million to \$154 million.

In late 2011 steps were taken to form a new joint powers authority that would manage the development and construction of the RSWSP. At that time the cities of Turlock, Ceres, and Modesto decided to form a joint powers authority called the Stanislaus Regional Water Authority (SRWA). The City of Hughson elected at that time to not participate due to the unknown final cost and uncertain completion time of the treatment plant. Additionally, the City was concerned about incurring additional design costs with no guarantee that water production would begin within the next five years.

On June 8, 2012 the City received a letter from the SRWA inviting the City to once again consider joining the SRWA. The letter also stipulated that if the City did not join the SRWA it would not be able to do so until after the first phase of the treatment plant was completed. The letter asked for the City to respond within 60 days.

On August 2, 2012 City staff attended the SRWA Board Meeting and asked the board to provide the City with additional time to consider its options. The SRWA Board agreed to allow the City additional time as the Turlock Irrigation District (TID) was once again considering taking the lead on the project. Since that time TID has decided that it is not able to be the lead on the project and SRWA Board is now awaiting the City's formal decision.

Reasons Why The City Should Not Join the SRWA:

- 1) Unknown Final Cost of the Design and Construction of the Surface Water Treatment Plant
 - a. By becoming a member of the authority each jurisdiction is responsible to cover its share of the costs necessary to complete the design and construction of the RSWSP. The total amounts of these costs are undetermined.
- 2) Completion Date Is Unknown
 - a. This is a very complicated project and many hurdles need to be cleared before this project can be completed. For example, the final design needs to be completed and a Prop 218 vote to raise water rates will be needed in order to finance the project. The passage of a prop 218 vote is not guaranteed.
- 3) The City has Immediate Water Needs

- a. The City has immediate water needs that require the construction of capital projects such as a new well with arsenic treatment and a non-potable water system. Funds are very limited in the water fund and staff believes we need to spend these funds on those projects and not the treatment plant.

City staff has given this considerable thought and analysis. The City has looked at options to provide safe and reliable water to the community today and into the future and believes that utilizing deep water wells and developing a non-potable water system are reasonable and cost effective solutions.

Attachments:

Attachment A – June 5, 2012 SRWA Letter

Attachment B – August 2, 2012 SRWA Board Meeting Minutes



STANISLAUS REGIONAL WATER AUTHORITY

P.O. Box 642, Modesto, CA 95353
(209) 577-5213 FAX (209) 577-5477

June 5, 2012

Mr. Bryan Whitemyer, City Manager
City of Hughson
P. O. Box 9
Hughson, CA 95326



Subject: Stanislaus Regional Water Authority's New Members/ Customers Policy and Invitation to the City of Hughson

Dear Bryan,

I am following up on our recent phone conversation regarding the Stanislaus Regional Water Authority's (SRWA) new members/customers policy and the City of Hughson's water needs.

As we discussed, the Board of the SRWA (at its May 31, 2012 meeting) provisionally adopted a policy that limits the provision of drinking water to its member agencies, and will not add new members to the SRWA or serve water to customers outside of the SRWA once the policy takes effect. Per SRWA Board direction, the policy will take effect sixty (60) days from the date of the Board action, and the Board further directed that I contact the City of Hughson regarding joining the SRWA prior to the policy becoming effective.

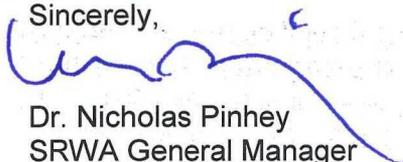
The new policy is intended to focus SRWA resources on the objective of funding and constructing the Regional Surface Water Supply Project (RSWSP) as expeditiously as possible. To do this, it will be necessary to define and "lock down" the capacity needs for each member agency in order to properly size the treatment and delivery infrastructure for design and funding. As we discussed, the goal is to begin construction of the RSWSP by 2016 at the latest.

Please consider this letter as the SRWA Board's invitation to the City of Hughson to join the SRWA prior to the new policy taking effect.

Per our discussion, it is very difficult for the City of Hughson to participate as a member of the SRWA due to the financial requirements. As you know, the RSWSP is planned in phases, with an expansion of the treatment facilities planned after the initial project is completed. Should the SRWA Board decide to amend its policy after the RSWSP becomes operational, the City of Hughson's location (adjacent to the planned treatment and transmission facilities) makes it feasible for the City to join the SRWA and buy into facilities during the next phase of treatment expansion.

Please let me know if you would like to meet or have any questions regarding this letter.

Sincerely,



Dr. Nicholas Pinhey
SRWA General Manager



STANISLAUS REGIONAL WATER AUTHORITY

SRWA Governing Board Meeting Minutes

August 2, 2012

The Stanislaus Regional Water Authority (SRWA) Governing Board met Thursday, August 2, 2012, at the City of Modesto, 1010 10th Street, Room 2001, Modesto, California.

Directors Present: Chris Vierra (Ceres), Dave Geer (Modesto), Forrest White (Turlock)
Staff Present: Ceres: Sheila Cumberland, Jeremy Damas
Modesto: Rich Ulm, Rolly Stevens, Gloriette Genereux, Jack Bond, Nick Pinhey, Emma Loethen, Jim Alves, Judy Rosa
Turlock: Dan Madden, Michael Cooke
Others Present: Bryan Whitemyer – City of Hughson, Karl Brustad – PBI, Dave Kraska – Carollo, Lyndel Melton – RMC, Richard Hunn – AECOM, John Mensonides – North Star Engineering

- I. Call to Order - The meeting was called to order at 10:02 a.m.
- II. Public Comments – None
- III. Consent Calendar
 - a. Approval of Minutes - It was moved by Vice Chair Forrest White, seconded by Director Dave Geer, and carried unanimously to approve the minutes of May 31, 2012.
 - b. Cancellation of August 23, 2012 Board meeting – It was moved by Vice Chair Forrest White, seconded by Director Dave Geer, and carried unanimously to cancel the August 23, 2012 Board meeting.

The Unfinished Business items were heard first due to Director Geer needing to leave the meeting at 11:00.

- VII. Unfinished Business
 - a. TID “Build/Own/Operate” Alternative – GM Pinhey advised that he had discussions with the TID General Manager regarding TID now being willing to finance, construct, own, and operate the RSWSP. TID is also open to the alternative of simply selling raw water to the SRWA. After much discussion, the Board stated that it would like an item placed on the TID Board agenda in September or October to find out where the TID Board stands on the RSWSP. The Board needs to know if TID is just interested in financing/constructing/owning/operating, or are they open to selling the raw water to the SRWA and entering into a raw water purchase/sales agreement. If TID is not interested in selling the raw water to the SRWA, it makes a significant difference in the JPA’s mission and program of work. The Board asked the GM to contact TID for placement on its September or October Board meeting agenda so the SRWA Board can discuss these alternatives with the TID Board.
 - b. City of Hughson – SRWA membership presentation and discussion – Bryan Whitemyer, Hughson City Manager, discussed with the Board Hughson’s desire to be part of the SRWA in some form, whether as a full member or being able to make water purchasing arrangements separate from full membership. Bryan stated that the time limit stated in the Board’s letter was very short, and he asked for more time based on Hughson’s history with the SRWA. Chair Vierra stated that with the new

development with TID wanting to possibly build/own/operate the RSWSP, the Board will not hold Hughson to the 60-day deadline. Chair Vierra did want Hughson to be aware that there might not be extra capacity to sell to Hughson, or anyone else because he believes that water is going to be one of the most valuable commodities in the valley, and there might not be a price that any agency would take to sell that water. After some discussion, it was decided that the Board would require a clear response from Hughson on whether they are part of the SRWA or not once the Board knows what TID's plans are.

The New Business item was heard prior to the balance of the agenda.

VIII. New Business

- a. Review of IMPLAN Report – General Manager Pinhey provided an overview of the IMPLAN model and stated the draft report was included in the agenda packets. Nick explained the report provides a cost-benefit analysis, which is an important piece when applying for grant funding. He also stated that this was a conservative analysis, which was focused on future industrial development and assumed that 25% of the proposed project's water supply will support this industrial development. The county-wide economic impact states that this project could directly increase employment by approximately 6,600 jobs. The draft report will be finalized in August, and any Board comments to the report will be incorporated in the final version. The final report will be presented to the Board for adoption at its September 2012 meeting.

IV. General Manager's Report

Nick provided the Board with the General Manager's Report for July, which outlined the Board agenda items. He also gave an update on the 2012 Water Bond, which has been moved from the 2012 ballot to the 2014 ballot.

V. Finance Director's Report

Finance Director Gloriette Genereux provided the monthly report, which summarized expenditures through June 2012. She stated the year-to-date expenditures for Fiscal Year 2011/12 will be presented at the September 2012 meeting.

VI. Written Communications – None

IX. Matters Too Late for the Agenda – None

- X. Board Comments – Vice Chair White asked what is the approximate design cost for this project. Chair Vierra stated it's best to assume the design cost will be 8 – 10% of the construction cost, and that possibly only the CEQA and right-of-way information is useful from the documents previously prepared and provided to the cities by TID.

XI. Items for Next Agenda - The following items will be brought before the Board for discussion at the September 27, 2012 meeting, which will be held at the City of Ceres Community Center, 2701 4th Street, Upstairs Classroom:

- a. Turlock Irrigation District project alternatives
- b. IMPLAN Report Approval



STANISLAUS REGIONAL WATER AUTHORITY

c. 2011/12 Year-to-Date Expenditures

XIII. Adjournment – The meeting adjourned at 11:17 a.m.



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: November 26, 2012

Subject: Consideration of a Request by the Jehovah's Witnesses Congregation to Install a Water Well on Their Property Located at 1524 Santa Fe Avenue at the Corner of Hatch Road

Presented By: Thom Clark, Community Development Director

Enclosure: Letter Requesting a Permit to Install a Water Well from River Oaks Ceres Congregation of Jehovah's Witnesses, 1524 Santa Fe Avenue, Hughson

Budget Action: None

Desired Action:

1. Grant permission to Install a Water Well at the River Oaks Ceres Congregation of Jehovah's Witnesses' Property Located at 1524 Santa Fe Avenue in Hughson and;
2. As a Condition of Approval, Said Parcel Shall Connect to the City Water System When Water is Available at the Site and Upon Demand by the City

Approved By: _____

BACKGROUND:

The City has received a letter from the River Oaks Ceres Congregation of Jehovah's Witnesses, located at 1524 Santa Fe Avenue in Hughson, requesting a permit to install a water well at that location (corner of Hatch and Santa Fe). They operate what is considered a transient public water system based on the number of people the system serves with no full-time use. The system has therefore been monitored by the Stanislaus County Department of Environmental Health for compliance with applicable water delivery regulations. Recently, the system has tested over the maximum allowable contamination level (MCL) for nitrates. This is the same contaminate that has recently caused the City to take two of our water wells off-line in the past year. Nitrate contamination is considered an immediate health hazard.

City Water System:

The basic requirement inside of city limits is that all properties must connect to our potable water system. There are multiple reasons for this requirement, including

eliminating the potential for cross-connection from a contaminated water source to the potable water system, additional “straws” in the ground, preventing water waste, etc.

Article VI of Chapter 13.08 of the Hughson Municipal Code (HMC) states that (my highlights):

13.08.200 Main extensions.

The following rules are established for making main extensions:

A. Determination. Upon receipt of any application for water service or request for an application form, the water superintendent shall determine whether in his judgment a main extension is necessary to provide service. A main extension shall be installed in the manner provided in this article whenever, in the judgment of the water superintendent and the council, such main extension is reasonably necessary to provide regular water service to property described in such application or request.

B. Application. Any owner of one or more lots or parcels or subdivider of a tract of land where, in the opinion of the water superintendent, one or more main extensions are required, desiring regular water service to serve such property, shall make a written application therefor to the city, said application to contain the legal description of the property to be served and tract number therefor, and any additional information which may be required by the city, and be accompanied by a map showing the location of the proposed connection.

C. Investigation. Upon receipt of the application, the water superintendent shall make an investigation and survey of the proposed extension and submit his opinion and the estimated cost thereof to the council.

D. Ruling. The council shall thereupon consider such application and report and, after such consideration, reject, amend or approve the application.

E. City Lines. All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the city.

F. Dead-End Lines. No dead-end lines shall be permitted, except as recommended by the water superintendent and approved by the council. In cases where, subsequent to the approval of a dead-end line by the council, another dead-end line is planned in sufficient proximity to make connection feasible, and such connection is recommended by the water superintendent and approved by the council, the dead-end lines shall be connected. In cases where circulation lines are necessary, they shall be designed and installed by the water department as a part of the cost of the extension.

G. Extent and Design. All main extensions may, at the discretion of the council, extend to the far property line of developed property. If additional property is developed on the same lot after installation of a main extension, the main extension may be extended to the far property line of the additionally developed property. All main extensions shall be subject to design approval by the water superintendent and council. (Ord. 89-06 § 2, 1989)

13.08.210 General.

All main extensions and house connections shall be installed by the applicant at his own expense with installation made to city standards and city design and all

extensions so made shall be inspected by the water superintendent. (Ord. 89-06 § 2, 1989)

13.08.220 Connection charges.

Where a main extension is required, including new subdivisions governed by Article VII of this chapter, there is established a connection charge which shall be paid to the city prior to the issuance of a building permit or connection permit, the amount of which shall be fixed, from time to time, by Resolution of the city council, for each dwelling unit or other building, structure, or separate occupancy to be provided water service, whether or not separate connections for such units are required. (Ord. 89-06 § 2, 1989)

New Private Well:

HMC Chapter 13 states in part: *13.08.830 Installation of wells. It shall be unlawful to install wells in the city for any purpose whatsoever without first securing the permission of the city council. (Ord. 89-06 § 2, 1989)*

DISCUSSION:

The nearest water line to the church owned parcel is an 8 inch main which terminates at the intersection of Los Alamos and Santa Fe. It is about 2,500 feet from this intersection to the church building. See attached Google Earth image. The City Engineer estimates the cost of this main line extension is approximately \$75,000 to \$80,000. The cost of a new 5/8th inch water service connection would be an additional \$3,803.

Alternatively and as requested by the church, the City Council may allow a water well to be installed within the city limits. HMC Section 13.08.830 Installation of wells, states that: *It shall be unlawful to install wells in the city for any purpose whatsoever without first securing the permission of the city council. (Ord. 89-06 § 2, 1989)* Church representatives indicate that a new water well installation to a depth of about 250 feet will cost them about \$10,500.

Ideally, the church should connect to our water system instead of drilling another well. However, the County has allowed the development of this property inside of our Sphere of Influence but at the extreme northwestern corner. Good planning is to develop outward from the city's core so that infrastructure such as water mains is extended incrementally as each new parcel develops. In this case, the church would need to run a water main extension 2,500 feet to get City water to their site. The entire cost of the water main extension would be borne by the church unless the City wanted to oversize the line to account for future development. In that case, the church would be responsible for the installation of the 8 inch main and the City would provide funds to up-size the main line to a 12 inch pipe. Up-sizing from an 8 inch main to a 12 inch main would cost the City about \$38,000 to \$40,000.

This is really not a viable option for either the church or the City. The City's fund balance for water development impacts is currently in the negative so we would not easily be able to up-size a main line. As for the church, although they would prefer to connect to the City they have indicated that they are not rich and must therefore be looking at the least expensive option that is available to them.

So the new water well becomes the best option for this project because neither party can afford the preferable option of connecting to City water.

Condition of Approval:

Staff also recommends that the City Attorney draft an agreement to be signed by the church that will require them to connect to City water when main lines are available to the parcel.

FISCAL IMPACT:

There is no fiscal impact associated with permitting a new well to be installed inside of city limits.

RECOMMENDATION:

1. Grant permission to install a water well at the River Oaks Ceres Congregation of Jehovah's Witnesses' property located at 1524 Santa Fe Avenue in Hughson and;
2. As a condition of approval, said parcel shall connect to the City water system when water is available at the site and upon demand by the City.



River Oaks Ceres Congregation
Of Jehovah's Witnesses

92361
1524 S Santa Fe Ave
Hughson Ca.

City of Hughson
Public Works Department
Hughson, Ca.

RECEIVED

NOV 13 2012

BY 
CITY OF HUGHSON
PLANNING/BUILDING

November 13, 2012

Re: Permit to drill a water well

To Whom It May Concern:

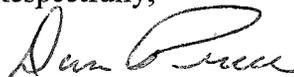
The Kingdom Hall of Jehovah's Witnesses, located at 1524 S. Santa Fe Ave., has maintained a well for use by those who attend our Christian meetings since 1988. We have worked closely with the Stanislaus County Department of Environmental Resources to provide the required testing of the water. As a result of our quarterly testing, on September 21, 2012, our nitrate level was 48, and in a follow up test on the 26th nitrates were at 45.6.

We immediately set up temporary measures, which included postings in English and Spanish warning of the high nitrate levels on all information boards and at each lavatory and we set up a bottled water dispenser for everyone to use. The drinking fountain was disabled. There are no food preparation facilities in the building.

After looking into alternatives to remedy the problem, the one that seems to be the most cost effective is to drill a new well to a depth of 250 feet and sealing it down at least 100 feet. Stanislaus County Department of Environmental Resources and Calwater Drilling Co. Inc. and Masellis Drilling Inc. had discussed the placement of the new well as in the planter area along the southeast property line adjacent to the walnut orchard approximately 10 to 20 feet away from the old well.

Stanislaus County has stepped back, when they realized this matter was in the jurisdiction of City of Hughson. We are, therefore, requesting permission to drill a water well as described above.

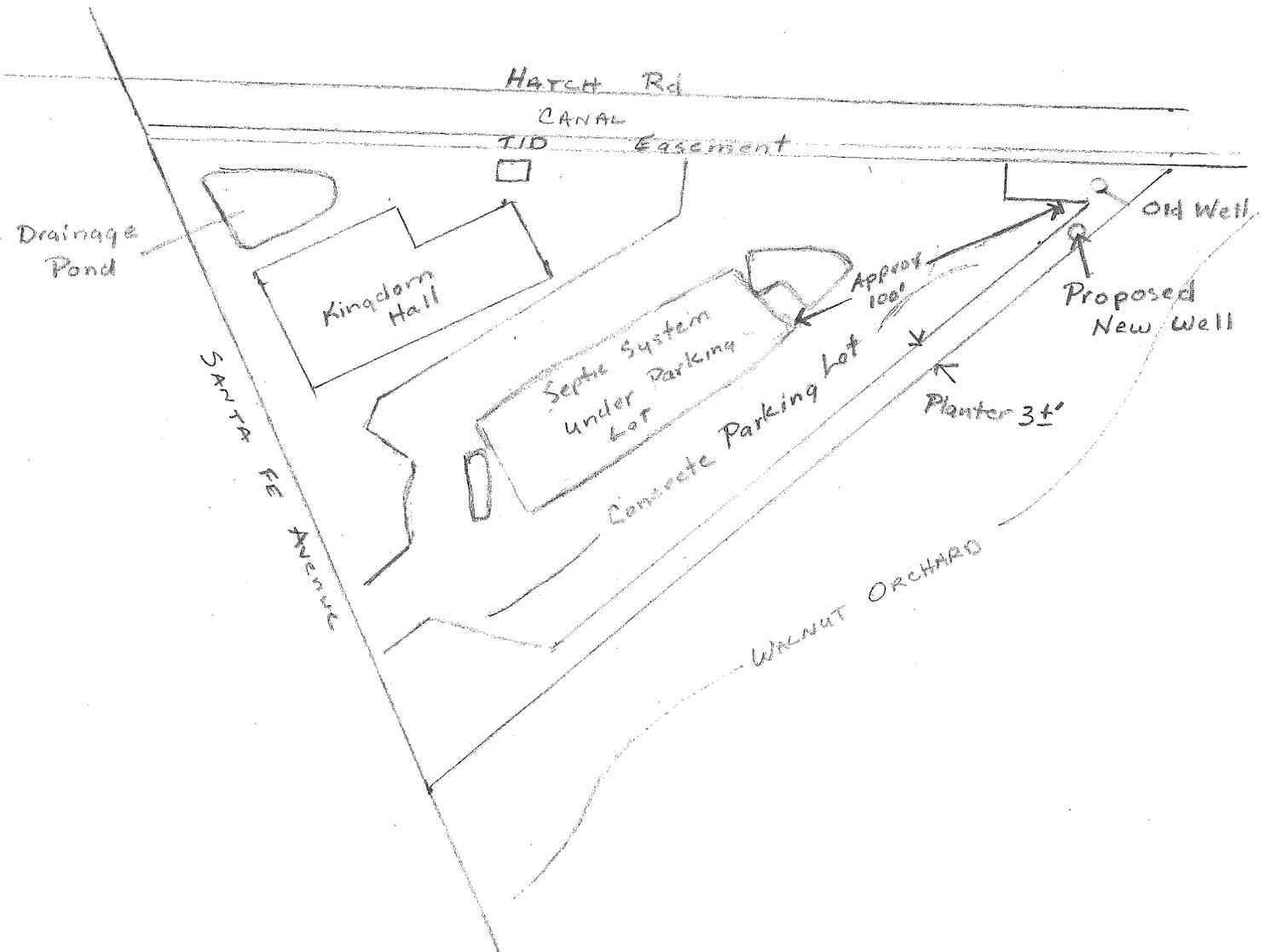
Respectfully,



Dan Pierce
Chairman – Maintenance Committee
1709 Jenner Cir
Modesto, CA

Proposed New Well at
1524 S. Santa Fe
Hughson, CA
95326

Site Plan
Not to Scale





CITY OF HUGHSON AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: November 26, 2012
Subject: Consider Resolution No. 2012-49, Repealing Resolution No. 07-190 and Establishing New Council Policies Regarding Meetings & Rules of Order
Presented By: Dan Schroeder, City Attorney

Approved By: _____

RECOMMENDATION:

That the City Counsel consider Resolution No. 2012-49, Repealing Resolution No. 07-190 And Establishing New Council Policies Regarding Meetings & Rules Of Order.

BACKGROUND AND OVERVIEW:

In 2007 the City Council adopted Resolution 07-190 establishing reviewed Council Policies and Procedures regarding its meetings and rules of order. The proposed Resolution would make five changes to the existing policy.

First, it would amend the method of how items are placed on a Council meeting agenda by allowing the Mayor, any Council Member, the City Manager, City Clerk and City Attorney to add any item to an agenda when submitted to the City Clerk by noon of the Tuesday before the Council meeting. This is located in Section B under Agenda on page 1 of the proposed resolution. The existing Policy allows any citizen of the City to add anything to the agenda without any limitation to subject or jurisdiction. The proposed policy would still allow citizens to ask the Mayor, a City council member, City Manager, City Clerk or City Attorney if they would place an item on the agenda.

Second, the proposed order of business has been amended to reflect the order that the City Council has been following for its meetings. This is located under Order of Business on page 2 of the proposed resolution.

Third, the current parliamentary rules are Robert's Rules of Order. Robert's Rules of Order are ill suited for a California City Government since it was designed for a parliamentary government which has different restrictions and requirements than a

representative government in California. It is memorialized in a 643 page book containing numerous rules and procedures unused and unheard of by many elected officials. In addition, several provision in Robert's Rules of Order conflict with the Ralph M. Brown Act.

In contrast, Rosenberg's Rules of Order are designed specifically for local representative governments such as a California City Government and are consistent with the Ralph M. Brown Act. Its rules are memorialized in 7 pages which are easy to follow and reflect what most elected bodies procedurally have been doing for decades. A copy of Rosenberg's Rules of Order is attached for your review. The proposed amendment is reflected in Section F under Rules of Debate on Page 4 of the proposed resolution.

Fourth, the current practice of the City Council has been to authorize the Mayor to call for recesses and adjourn meetings unless a majority of the Council votes to override that decision. Should the Council adopted Rosenberg's Rules of Order as recommended, those rules require a motion, second and vote to call for a recess or adjournment. The proposed change under the section entitled Duties of the Presiding Officer on page 3 of the proposed resolution would memorial the current practice of the Council.

Finally, at the present time a second to all motions of the City Council is required before a vote can be taken on the motion. Rosenberg's Rules of Order does not specifically require a second on a motion. However, we are recommending that the practice of receiving a second to all motions before a vote takes place continues. The proposed amendment is reflected in Section F under Rules of Debate on Page 4 of the proposed resolution would require a second to any motion before a vote can occur.

FISCAL IMPACT:

None.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-49**

**REPEALING RESOLUTION 07-190 AND ESTABLISHING NEW COUNCIL POLICIES
REGARDING MEETINGS & RULES OF ORDER**

BE IT RESOLVED that the City Council of the City of Hughson does hereby adopt the following policy for the conduct of meetings of the Hughson City Council, superseding and repealing Resolution 07-190.

AGENDA:

A. *Preparation.* The City Clerk is hereby directed to prepare an agenda for each Council meeting according to the order of business.

B. *Agenda Items.* The Mayor, a Council Member, City Manager, City Clerk, or City Attorney may request that an item be placed on the City Council meeting agenda. Requests received by the City Clerk prior to noon on the Tuesday before the next City Council meeting will be placed on the agenda.

C. *Staff Reports and Council Reports.* Staff and Council Reports not on the agenda shall be limited to those matters informative in nature and which do not require action by the Council.

D. *Consent Calendar.* The City Clerk may place on the consent calendar any item other than ordinances on first reading, or public hearings. Any Council member may remove any item from the consent calendar at the meeting. Any item on the consent calendar may be removed for discussion upon request by a member of the audience.

ORDER OF BUSINESS:

All meetings of the Council shall be conducted in accordance with the Ralph M. Brown Act, California Government code sections 54950 et seq., as it is now or may be hereafter be amended. The regular Council Meetings are scheduled for the 2nd and 4th Mondays of every month at 7:00 p.m. Agendas for all meetings shall be posted in accordance with the Ralph M. Brown Act, in the following places:

1. On the bulletin board in the United States Post Office at 6924 Elm Avenue, Hughson, California;
2. On the bulletin board in the City Hall at 7018 Pine Street, Hughson, California; and
3. On the bulletin board in the Stanislaus County Library, Hughson Branch, at 6935 Hughson Avenue, Hughson, California.

Agenda descriptions of closed session items shall follow the format established in California government Code section 54954.5 as it is now or may be amended. The business of the Council shall be taken up for consideration and disposition in substantially the following order except as may be otherwise ordered by the Mayor, or in his/her absence the Mayor Pro Tempore:

- A. Pledge of Allegiance to the Flag.
- B. Public Comment.
- C. Presentations.
- D. Consent Calendar.
 - i. Minutes.
 - ii. Warrants.
- E. Unfinished Business.
- F. Public Hearings.
- G. New Business.
- H. Correspondence.
- I. Comments.
 - i. Staff Reports.
 - ii. Council Comments.
 - iii. Mayor's Comments.
- J. Closed Session.

Special Meetings. Special meetings may be called by the Mayor, the City Manager, or by three or more members of the council. The City Clerk shall prepare a notice of the special meeting time, place, and the business to be transacted, and post any required agenda, in accordance with the Brown Act.

Emergency Meetings. In an "emergency situation," the Council is not required to deliver prior written notice of the meeting. An emergency situation is defined to include a work stoppage or activity and a crippling disaster, which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

Duties of the Presiding Officer. The Mayor, or in his absence the Mayor Pro Tempore, shall be the Presiding Officer. The Mayor is elected by the voters of the City

of Hughson. The Mayor Pro Tempore shall be elected by the Council the night the Council Members are sworn into office following each municipal election. He shall preserve strict order and decorum at all meetings of the Council, state questions coming before the Council, announce its decision on all subjects and decide all question or order, subject, however, to an appeal to the Council as a whole, in which event a majority vote shall govern and conclusively determine such question of order. He shall vote on all questions and he has the right to vote last on any roll call vote. The President Officer shall have the right to vary the agenda. The Mayor shall sign all ordinances, resolutions and other documents adopted by the Council at meetings at which he is in attendance. In the event of his absence, the Mayor Pro Tempore shall sign such documents as have been adopted and approved by the Council. Proclamations shall be signed by the Mayor, or in his absence, the Mayor Pro Tempore. The Presiding office shall have the authority to call for recesses during and adjourn all meetings unless three Council members vote to override his/her decision and thus continue the meeting.

Quorum. Three Council Members shall constitute a quorum for the transaction of business. When there is no quorum, the remaining members may adjourn such meeting. When there are no members present, the City Clerk may adjourn such meetings. For the purpose of considering any item subject to vote from the Council, when a Council Member disqualifies himself due to conflict of interest, that Council Member's presence shall not be considered in determining the presence of a quorum. Consideration of such item thereof shall be deferred until a quorum on non-interested Council Members is present to discuss and vote on the item.

Preparation of Minutes. The minutes of the Council shall be kept by the City Clerk, and such minutes, when approved by the Council, shall become the official records of the City of Hughson. The City Clerk shall prepare action minutes which do not require comments made by the Council Members. The minutes should include the name and address of everyone who addressed the Council.

RULES OF DEBATE

A. *Presiding Officer may debate and vote.* The Presiding Officer may move, second and debate from the chair; subject only to such limitations of debate as are by these rules imposed on all Council Members and shall not be deprived of any of the rights and privileges of a Council Member by reason of his acting as the Presiding Officer.

B. *Getting the Floor.* Every Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

C. *Interruptions.* A Council Member once recognized shall not be interrupted when speaking unless it is to call him in order, or as herein otherwise provided. If a

D. *Privilege of Closing Debate.* The Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

E. *Remarks of Council Members.* A Council Member may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

F. *Rules of Order.* "Rosenberg's Rules of Order" in its current form and as revised from time to time in the future shall govern the conduct of the meetings of the Council except as otherwise set forth herein. All motions shall require a second by a Council Member before a vote may be taken on the motion.

G. Notwithstanding the above, a majority of the members present may override a ruling of the Presiding Officer.

Addressing the Council. Any person desiring to address the Council is requested to first fill out a speaker sheet and give it to the City Clerk prior to the starting of the meeting. The person may address any item on the agenda or may discuss anything pertaining to the City of Hughson; however, if the item was not posted on the agenda, Council will not be allowed to take action on the item. The person shall also be limited to five minutes unless Council by consensus agrees to a longer time. When addressing the Council each person will be requested to state his name, title, and address for the record. All remarks shall be addressed to the Council as a body and not to any individual member. No other person, other than a Council Member or the person having the floor, shall be permitted to enter into any discussion without the permission of the Presiding Officer.

After a motion is made and seconded by the Council, no person shall address the Council without first securing the permission of the Council to do so.

Voting. All members of the Council, when present, must vote. If a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote unless, however, the Council Member abstains from voting by reason of his interest in the matter before the Council and that reason is stated at the meeting, in which case his vote shall be recorded as an abstention and shall neither be affirmative or negative.

Enforcement of Order. The Chief of Police, or his duly authorized representative, shall be ex-officio Sergeant-at-Arms of the Council and may wear his uniform. He shall carry out all orders and instructions given him by the Presiding Officer for the purpose of maintaining order in the Council Chambers. Upon instructions of the Presiding Officer, it shall be his duty to eject from the council Chamber any person in the audience who uses loud, boisterous or profane language at a Council meeting or any person who persistently interrupts the proceedings of the Council or refuses to keep quiet or take a

seat when ordered to do so by the Presiding Officer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hughson that the within policies regarding meetings and rules of order is adopted as the policy of the City Council of the City of Hughson.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof held on November 26, 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be

as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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