

Meeting called to order by Mayor Paschall. Meeting opened with the Pledge of Allegiance.

#### ROLL CALL

Councilmembers present: Charles Gee, Dennis Hoffman, Bruce Roundy , Vice Mayor Wade Elliott and Mayor Jim Paschall

Councilmembers absent: None

Staff present: Interim Chief of Police JC Tolle, Assistant City Attorney Gina Gingery and Assistant City Manager/City Clerk Angie Crook

#### ORAL AND WRITTEN COMMUNICATIONS

##### Citizen Business:

Byron Denton, 127 Tanner Way, questioned whether the City Manager's trip to Wisconsin is being paid for by the City. Mayor Paschall confirmed it was.

Stephen Shoop, Planning Commissioner, advised the Planning Commission did not approve the June 16<sup>th</sup>, 2011 Planning Commission minutes and voted to have minutes transcribed verbatim. Mr. Shoop felt the written minutes did not match the audio CD and felt important details were not included.

Byron Denton advised Mr. Shoop does not represent him on his behalf of the Planning Commission as Mr. Denton was not in favor of it.

##### Proclamation:

Mayor Paschall declared October 1<sup>st</sup> – October 9<sup>th</sup> , 2011 as Disabled Veteran's Forget-Me-Not Days.

#### CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Gee attended the Golden State Risk Management Authority (GSRMA) meeting this month. Councilmember Gee stated the Human Relation Department through GSRMA is up and running at no additional costs to the City. Councilmember Gee stated GSRMA commended Safety Officer Marston and City Clerk Crook on their safety program efforts and asked for their guidance on behalf of the City of Williams to implement a safety program. Orland Unified School District (OUSD) has opted out as a member of GSRMA.

Councilmember Roundy stated the bi-annual book sale is currently ongoing. Councilmember Roundy reported the food pantry usage has increased. The Economic Development Steering Committee will meet September 29<sup>th</sup> in the Glenn County Supervisors Conference room. Councilmember Roundy attended the 9/11 memorial event at the Fire Hall. Councilmember Roundy cautioned Council to follow the Orland Municipal Code; direction needs to be come from a full Council.

Mayor Paschall and Councilmember Roundy attended the Glenn County Transit meeting. Glenn Ride is doing quite well.

CONSENT CALENDAR

- A. Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code §36934.
- B. Approve Warrant List.

**Vice Mayor Elliott moved, seconded by Councilmember Hoffman to approve the Consent Calendar as presented. Motion carried with no abstentions.**

PUBLIC HEARING

1. Conduct Public Hearing and receive comments on Supplemental Law Enforcement Service funds (SLESF) received from State of California 2010-11; approve proposed plan for the discretionary use of the remainder of 10/11 SLESF Fund and the 11/12 funding once it is approved and appropriate.

Interim Chief of Police Tolle brought forward proposed plan for use of the remainder of SLESF funds and 11/12 funding once approved. SLESF Funds would be used for salary and benefits for one sworn staff position and also to supplement the department's front line response. The estimated surplus from 10/11 is approximately \$10,457.98 and is available for discretionary use. Public Hearing opened for comments at 7:53 p.m. Trish Saint-Evens, 6825 County Road 15, stated give the department what they need. With no further comments, the Public Hearing was closed at 7:54 p.m.

**Councilmember Hoffman moved, seconded by Councilmember Gee to approve the proposed plan for discretionary use of the remainder of the 10/11 SLESF Fund and the 11/12 funding once it is approved and appropriate. Motion carried with no abstentions.**

ADMINISTRATIVE COMMUNICATIONS

Interim Chief of Police:

Interim Chief of Police Tolle request Council to consider approval of AVOID Grant for \$78,000 effective 10/1/2011 – 9/31/2012. The Orland Police Department will serve as host agency for a Regional DUI effort in Glenn County to reduce alcohol-involved fatalities and injuries and raise public awareness during major holiday events and special events such as Halloween, Super Bowl Sunday, etc. The grant strictly pays for overtime expenses.

**Vice Mayor Elliott moved, seconded by Councilmember Roundy to approve AVOID Grant for \$78,000 effective 10/1/2011 – 9/31-2012. Motion carried with no abstentions.**

City Attorney:

Assistant City Attorney Gingery brought forward for consideration the adoption of Resolution No. 2011- 12 accepting the HCD determined Regional Housing Needs Assessment (RHNA) figures, correcting the Housing Element thereby and directing transmittal to the HCD. Assistant City Attorney Gingery advised the State has confirmed it will accept the RHNA figure 621 as errata change to the City's update. It was noted the change does not affect the approval status of the

Housing Element as it is now. Vice Mayor Elliott thanked the citizens involved in making the change.

**Councilmember Gee moved, seconded by Vice Mayor Elliott to adopt Resolution No. 2011-12 accepting the HCD determined Regional Housing Needs Assessment (RHNA) figures, correcting the Housing Element thereby and directing transmittal to the HCD. Motion carried with no abstentions.**

Councilmember Gee request to look at the Housing Element as a whole on the next City Council agenda. Councilmember Gee stated there were concerns in section HE2.A. regarding the rezone and removal of Conditional Use Permit requirement for owner-occupied and multi-family rental uses. Councilmember Roundy questioned the cost to make these changes. Discussion occurred on why the State would remove this requirement.

Assistant City Attorney Gingery request Council to discuss and consider further direction for possible amendment to Orland Municipal Code Chapter 2.12.120, City Manager – Power to appoint and remove; also to discuss and consider potential code amendment to provide for Council appointment and removal of specified officials. Councilmember Roundy stated that Councilmembers were elected as policymakers not personnel managers. Councilmember Roundy advised the Orland Municipal Code (OMC) 2.087.030 states “Department Heads serve at the pleasure of the City Manager”; which can appeal City Manager decisions to the Council as stated in OMC 2.12.120. Vice Mayor Elliott stated there is a conflict in the OMC as the prior Police Chief’s contract was in conflict with the code. Vice Mayor Elliott stated Council should be privy to the performance reviews of the departments that directly serve the public; he is not interested in running the departments. Vice Mayor Elliott stated this would not result in micromanagement. Councilmember Gee stated a conflict in the OMC needs to be examined further. Councilmember Hoffman advised the initial contract needs to be set up correctly and accountability is necessary. Councilmember Hoffman stated the appeal process should remain. Mayor Paschall advised language needs to be added to the City Manager contract requiring annual performance evaluations of employees. Byron Denton, 127 Tanner Way, stated if Council wants to change the code, it should go before a public hearing or on the ballot. Greg Wickert, County Road M1/2, stated it is important to clarify any inconsistencies in the code. Vice Mayor Elliott clarified the OMC should allow Council the right to examine department heads performance reviews; at the same time put protections in place so elected officials do not micromanage individual departments. Mike Yalow, 163 E. Swift Street, advised Councilmembers do have a right to ask questions about City department heads or directors, however, too much involvement can lead to potential litigation issues.

**Council gave direction to the City Attorney to provide a staff report identifying any contradictions within the OMC, specifically potential conflicts with department heads and contracting.**

City Manager;

Request Council to review and consider the following proposed League of California Cities Resolutions:

1. Support alternative methods of meting public notice requirement and advocate for revisions to the Government Code recognizing alternative methods as a means to meet noticing requirements.
2. Resolution relating to Tort Reform.
3. Resolution related to raising public awareness about the imminent health and safety concerns for bullied children.
4. Resolution supporting the prison rape elimination act of 2003.
5. Resolution calling for the replacement of the death penalty with the sentence of live imprisonment without the possibly of parole.

**Council directed voting delegate Roundy to vote yes on Resolution Nos. 1, 2, and 3; no direction given on Resolution Nos. 4 and 5.**

Adjourned to Closed Session at 8:58 p.m.

#### CLOSED SESSION

Closed Session was held regarding Public Employee Appointment, Employment, Evaluation of Performance, Dismissal or Release; Pursuant to Government Code Section: 54957; Position: City Manager.

Reconvened to Open Session at 9:20 p.m.

#### REPORT FROM CLOSED SESSION

Report received from Assistant City Attorney Gingery and direction given to Assistant City Attorney Gingery.

#### ADJOURN

Meeting adjourned at 9:21 pm.

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City Clerk

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Mayor