EXETER CITY COUNCIL AGENDA
TUESDAY, MARCH 12, 2024
Closed Session – 6:00 p.m.
Regular Session – 7:00 p.m.
137 North "F" Street, Exeter, California 93221

CITY ADMINISTRATOR *Adam Ennis*	**MAYOR** *Frankie Alves*	PUBLIC WORKS DIRECTOR *Daymon Qualls*
CHIEF OF POLICE *John Hall*	**MAYOR PRO TEM** *Justin Mills*	CITY ATTORNEY *Julia Lew*
FINANCE DIRECTOR/CITY TREASURER *Eekhong Franco*	**COUNCIL MEMBERS** *Jacob Johnson* *Vicki Riddle*	CITY PLANNER *Greg Collins*
CITY CLERK *Francesca Quintana*	*Barbara Sally*	CITY ENGINEER *Martin Querin*

Staff Reports related to items on the agenda are available on the City's website at www.cityofexeter.com and available for viewing at the Council Chambers.

6:00 p.m.

A. CALL TO ORDER CLOSED SESSION

B. PUBLIC COMMENTS REGARDING CLOSED SESSION MATTERS - Comments from the public are limited to items listed on the closed session matters (GC 54954.3a). Speakers will be allowed three (3) minutes. Please begin your comments by stating your name and providing your City of residence.

C. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

1. 54957.6 Conference with Labor Negotiations
   Agency Negotiator: Shelline Bennett
   Employee Groups: All represented and unrepresented employees
2. 54956.9(d)(4) Conference with Legal Counsel Re: Potential Initiation of litigation by the City: One (1) case

7:00 p.m. (or, immediately following Closed Session)

D. CALL TO ORDER REGULAR SESSION AND REPORT ON CLOSED SESSION ITEMS (if any)

E. INVOCATION: Pastor Zoll

F. PLEDGE OF ALLEGIANCE: Mayor Alves

G. PUBLIC COMMENTS:
This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Exeter City Council. In compliance with public meeting laws, Council cannot discuss topics that are not included on the published agenda. This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Public comments related to all pulled Consent Calendar Items and all Individual Business or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at a time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, comments shall be limited to five (5) minutes for each individual, ten (10) minutes for an individual representing a group, and thirty (30) minutes overall for the entire public comment period, unless otherwise indicated by the Mayor. Although not required, speakers are asked to begin their comments by stating their name and city of residence.

H. SPECIAL PRESENTATIONS (if any): None

I. CONSENT CALENDAR:
Items listed under the Consent Calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

1. Approval of February 27, 2024 regular meeting minutes (pp. 4 – 7)
2. Payment of Bills (pp.8 – 12)
3. March 01, 2024 Payroll (pp. 13 – 18)
4. Authorize the City Administrator to execute an Extra Work Authorization with the City's contract City Engineer firm – QK, in an amount not to exceed $257,400 for professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue (pp. 19 – 30)
5. Approval of Letter of Support for Senate Bill No. 1011, as requested by the City Council to support California Senate Bill (SB) No. 1011, an act to add section 647.10 to the Penal Code relating to public safety (pp. 31 – 37)

J. INDIVIDUAL BUSINESS ITEMS:
Comments related to Individual Business and Public Hearing Items are limited to three (3) minutes per speaker, for a maximum of 30 minutes per item. The Mayor may reasonably limit or extend the public comment period to preserve the Council's interest in conducting efficient, orderly meetings.

1. Consideration of Appointment of Francesca Quintana as City Clerk retroactively effective February 26, 2024 (p. 38)
   Presented by Adam Ennis, City Administrator

2. Adoption of **Resolution 2024-04**, approving an amendment to the Exeter City Council Handbook of Rules and Procedures to include a council communication policy regarding inquiries received by council members from community members outside their district (pp. 39 – 70)
Presented by Adam Ennis, City Administrator and Julia Lew, City Attorney

K. CITY COUNCIL ITEMS OF INTEREST

L. CITY ADMINISTRATOR/DEPARTMENT COMMENTS

M. REGULAR MEETING ADJOURNMENT

State of California)
County of Tulare) ss.
City of Exeter)

I declare under penalty of perjury that I am employed by the City of Exeter, in the Administrator's Office; and that I posted this Agenda on the bulletin board in the Finance Office and on the bulletin board outside of City Hall on March 08, 2024.

_____
City Clerk

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In compliance with the Americans with Disabilities Act, and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the City Clerk (559) 592-9244. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet. (28 CFR 35.102-35. 104 ADA Title II).

Materials related to an item on this Agenda submitted to the legislative body after distribution of the agenda packet are available for public inspection at City of Exeter, Administration Office 100 N. C Street, Exeter CA during normal business hours.

EXETER CITY COUNCIL
FEBRUARY 27, 2024, REGULAR MEETING
ACTION MINUTES

A closed session of the City Council, City of Exeter was held on Tuesday, February 27, 2024, at 6:30 p.m., in the Exeter City Council Chambers, 137 North F Street in Exeter CA 93221.

COUNCIL PRESENT: Frankie Alves, Barbara Sally, Jacob Johnson, and Vicki Riddle.

COUNCIL ABSENT: Justin Mills

STAFF PRESENT: Adam Ennis, Julia Lew, Eekhong Franco, Francesca Quintana, and Christina Arias.

A. CALL TO ORDER CLOSED SESSION
Mayor Alves called the closed session to order at 6:32 p.m.

B. PUBLIC COMMENTS REGARDING CLOSED SESSION MATTERS
Mayor Alves requested those who wish to speak on matters listed on the Closed Session Agenda to do so at this time.

1. 54957.6 Conference with Labor Negotiations
   Agency Negotiator: Adam Ennis, Shelline Bennett
   Employee Groups: All represented and unrepresented employees
2. 54956.9(d)(4) Conference with Legal Counsel Re: Potential Initiation of litigation by the City: Two (2) cases

No public comment was presented.

C. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):
Mayor Alves adjourned to closed session at 6:32 p.m.

A regular session of the City Council, City of Exeter was held on Tuesday, February 27, 2024, at 7:00 p.m., in the Exeter City Council Chambers, 137 North F Street in Exeter CA 93221.

COUNCIL PRESENT: Frankie Alves, Barbara Sally, Jacob Johnson, and Vicki Riddle.

COUNCIL ABSENT: Justin Mills

STAFF PRESENT: Adam Ennis, Julia Lew, Eekhong Franco, Francesca Quintana, Daymon Qualls, John Hall, and Christina Arias.

D. CALL TO ORDER REGULAR SESSION AND REPORT ON CLOSED SESSION ITEMS (if any)
Mayor Alves called the regular session to order at 7:20 p.m. City Attorney Julia Lew advised there was no reportable action out of closed session.

E. PLEDGE OF ALLEGIANCE AND INVOCATION
An invocation was given by Pastor Chris Genetti and the Pledge of Allegiance was given by Council Member Johnson.

F. SPECIAL PRESENTATIONS: None

G. PUBLIC COMMENTS:
Public comment from Mark Tadlock. Tadlock addressed the Council and expressed his gratitude for the Exeter Community and its available Parks and Recreation amenities. Tadlock addressed the Council and offered to collaborate with the City on any recreation projects that would benefit the community.

H. CONSENT CALENDAR:

1. Approve regular minutes of February 13, 2024
2. Payment of Bills
3. Payroll February 16, 2024
4. Approve a facility use and street closure request from the Stag Saloon and the Exeter Chamber of Commerce, to consist of the City parking lot adjacent to City Hall, and a street closure of F Street from Pine Street to City Hall from 5:00 a.m. - 9:00 p.m., Saturday April 6, 2024, for a chili cook off, subject to the conditions presented.

Approval of Consent Calendar as Presented							
1st	2nd	Result	ALVES	MILLS	RIDDLE	JOHNSON	SALLY
SALLY	RIDDLE	(4-0)	AYE	ABSENT	AYE	AYE	AYE

It was moved by Council Member Sally and seconded by Council Member Riddle, that the items on the Consent Calendar be approved as presented. The motion carried 4-0, noting that Mayor Pro Tem Mills was absent.

I. INDIVIDUAL BUSINESS ITEMS:

1. **Public Hearing** and approval for the Close-Out of the 20-CDBG (Community Development Block Grant)-CV2-3-0012 Coronavirus Relief Business Assistance Grant. Finance Director, Eekhong Franco.

Finance Director Eekhong Franco provided a report for the Council's review and consideration. Mayor Alves opened the public hearing at 7:35 p.m. Receiving no public comment, Mayor Alves closed the public hearing at 7:35 p.m.

Approval of Close-Out of the 20-CDBG (Community Development Block Grant)-CV2-3-0012 Coronavirus Relief Business Assistance Grant as Presented							
1st	2nd	Result	ALVES	MILLS	RIDDLE	JOHNSON	SALLY
SALLY	RIDDLE	(4-0)	AYE	ABSENT	AYE	AYE	AYE

Following discussion, it was moved by Council Member Sally and seconded by Council Member Riddle, that the close out of the 20-CDBG CV2-3-0012 Coronavirus Relief Business Assistance Grant be approved as presented. The motion carried 4-0, noting that Mayor Pro Tem Mills was absent.

2. Consider a proposal from Harvest Wealth Group of Exeter to install and maintain year-round LED lighting in the downtown area. Public Works Director, Daymon Qualls.

Public Works Director Daymon Qualls provided a report for the Council's review and consideration. Representatives from Harvest Wealth Group also addressed the Council and provided comments.

Approval of Proposal from Harvest Wealth Group of Exeter to Install and Maintain Year-Round LED Lighting in the Downtown Area as Presented							
1st	2nd	Result	ALVES	MILLS	RIDDLE	JOHNSON	SALLY
ALVES	RIDDLE	(3-1)	AYE	ABSENT	AYE	NAY	AYE

Following discussion, it was moved by Mayor Alves and seconded by Council Member Riddle, that the proposal from Harvest Wealth Group of Exeter to install and maintain year-round LED lighting in the downtown area be approved as presented. The motion carried 3-1, noting that Mayor Pro Tem Mills was absent.

3. Discussion and consideration of amending the Exeter City Council Handbook of Rules and Procedures to include a council communication policy regarding inquiries received by council members from community members outside their district. City Administrator Adam Ennis and City Attorney Julia Lew.

City Attorney Julia Lew provided a report for the Council's review and consideration.

Approval of Amending the Exeter City Council Handbook of Rules and Procedures to Include a Council Communication Policy Regarding Inquiries Received by Council Members from Community Members Outside their District as Presented							
1st	2nd	Result	ALVES	MILLS	RIDDLE	JOHNSON	SALLY
ALVES	RIDDLE	(4-0)	AYE	ABSENT	AYE	AYE	AYE

Following discussion, it was moved by Mayor Alves and seconded by Council Member Riddle to amend the Exeter City Council Handbook of Rules and Procedures to include a council communication policy regarding inquiries received by council members from community members outside their district as presented. The motion carried 4-0, noting that Mayor Pro Tem Mills was absent.

4. Discussion of Animal Control, Shelter and Licensing Service options for the City of Exeter and provide direction to staff regarding the provision of Animal Control Services and authorize the City Administrator to negotiate the contract with the City of Visalia to provide these services. City Administrator, Adam Ennis.

City Administrator Adam Ennis provided a report for the Council's review and consideration.

Approval to Authorize the City Administrator to Negotiate the Contract with the City of Visalia to Provide Animal Control, Shelter, and Licensing Service Options for the City of Exeter as Presented							
1st	2nd	Result	ALVES	MILLS	RIDDLE	JOHNSON	SALLY
RIDDLE	SALLY	(4-0)	AYE	ABSENT	AYE	AYE	AYE

Following discussion, it was moved by Council Member Riddle and seconded by Council Member Sally to authorize the City Administrator to negotiate the contract with the City of Visalia to provide animal control, shelter, and licensing service options for the City of Exeter as presented. The motion carried 4-0, noting that Mayor Pro Tem Mills was absent.

J. CITY COUNCIL ITEMS OF INTEREST

Council discussed items of interest. Council Member Sally informed the Council and public of events she attended as well as upcoming community events. Council Member Riddle informed the Council and public of events she attended as well as updates on the SR-65 and Planning Commission projects. Council Member Riddle requested a letter of support for Senate Bill No. 1011 item be agendized for a future meeting. Following discussion, it was moved by Mayor Alves and seconded by Council Member Riddle to place a letter of support for SB No. 1011 on a future meeting agenda. Mayor Alves publicly thanked the Exeter Little League for addressing the City Council and their community involvement. Mayor Alves also requested that staff look into available community project funding via U.S. Congressman Jim Costa's office.

Approval to Place a Letter of Support for SB No. 1011 on a Future Meeting Agenda							
1st	2nd	Result	ALVES	MILLS	RIDDLE	JOHNSON	SALLY
ALVES	RIDDLE	(4-0)	AYE	ABSENT	AYE	AYE	AYE

K. CITY ADMINISTRATOR/DEPARTMENT COMMENTS

City Administrator Adam Ennis, Public Works Director Daymon Qualls, Police Chief John Hall, and Eekhong Franco provided a brief update on City and department related items.

L. ADJOURN REGULAR MEETING

Mayor Alves adjourned the regular meeting at 8:46 p.m.

M. RECONVENED CLOSED SESSION

Mayor Alves called to reconvene the closed session at 8:55 p.m.

N. ADJOURN CLOSED SEESION

Mayor Alves adjourned the closed session at 9:34 p.m. City Attorney Julia Lew informed that there were no reportable actions out of closed session.

Prepared by:
Francesca Quintana, City Clerk

AVENU FINANCIAL SYSTEM CITY OF EXETER
02/23/2024 13:20:08 Payments for Publication GL050S-V08.21 COVERPAGE
GL335R

Report Selection:

Run Group... 022324 Comment... CHECK RUN 2/23/2024

Approval Date for Report..... 02 23 2024

Payments Through Date..... 02 23 2024

Cutoff Amount to be Used..... 0000000

RUN GROUP... 022324 COMMENT... CHECK RUN 2/23/2024

DATA-JE-ID	DATA COMMENT
D-02232024-911	CHECK RUN 02/23/2024

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01		LASERHP4	Y	S	6	066	10			

AVENU FINANCIAL SYSTEM CITY OF EXETER
2/23/2024 13:20:08 Payments for Publication GL335R-V08.21 PAGE

Approved on 2/23/2024 for Payments Through 2/23/2024

Vendor Name	Description	Amount
A.R.E AUTO PARTS INC.	WATER PUMP-19 TAHOE	1,523.99
ABLE INDUSTRIES, INC	1/24 MAINT-VISALIA RD	720.00
ADVENTIST HEALTH TULARE	JAN 2024 LAB FEES	290.00
ANDERSON FENCE COMPANY	REPLACE BARBWIRE AT RANG	4,147.99
AT&T	JAN 2024 LIVESCAN	415.69
AT&T MOBILITY	PW-1/3/24-2/2/24	405.63
BLUE SHIELD OF CALIFORNIA	3/1/24 - 3/31/24	48,110.56
BUZZ KILL PEST CONTROL	FEB 1907 W MEYER PEST CO	238.00
CALIFORNIA BUSINESS MACHINES	PD 2/9-3/8/24 BASE RATE	96.53
CALIFORNIA INDUSTRIAL RUBBER	1"X100' RED GST HOSE	1,789.11
CENTRAL CAL WATERWORKS, INC	CHANGE PUMP SEQ LIST-TOW	231.50
COLANTUONO, HIGHSMITH &	JUNE 22 REISSUE	352.14
CONSOLIDATED ELECTRICAL DISTRI	7 DAY 30A DPST TM SE	676.77
CONTINENTAL BATTERY COMPANY	FT 410 BATTERY/CORE CHAR	571.67
DEPT OF JUSTICE	JAN FINGERPRINTS	602.00
DEPT OF TRANSPORTATION	OCT-DEC 23 SIGNAL/LIGHTI	353.50
DOOLEY ENTERPRISES INC	9MM 124GR FULL METAL JAC	4,956.23
ELITE CORPORATE MEDICAL SERV	MEDICAL CLINIC FEES-62	1,457.00
EMD NETWORKING SERVICES, INC.	NEW SERVERINSTALL	2,125.32
EMPLOYER DRIVEN SOLUTIONS	MAR 2024 CLAIMS	2,776.83
EMPLOYMENT DEVELOPMENT DEPT	OCT-DEC 2023 UI BENEFIT	2,239.00
EXETER IRRIGATION & SUPPLY	3/4"SCH80 PVC MALE-DOBSO	91.38
EXETER MOTORS, INC.	WHEEL ASY-E14	663.59
EXPERIENCED GARDENER/THE	SYSTEMIC TREE CARE-E PIN	1,193.50
FASTENAL COMPANY	FLOR BLU INVMKG 17OZ	583.76
FERGUSON ENTERPRISES INC	8 BOALINQ COUP 8.54-9.84	3,435.70
MINERAL KING PUBLISHING INC	2/14/24 PN-186-07 PNCDBG	184.80
FRONTIER CALIFORNIA INC.	1705-1/16/24 - 2/15/24	286.00
GALLS INCORPORATED	SUREFIRE REMOTE GRIP SWI	265.35
HALL/ JOHN	HOTEL REIMB- FOR CONFERE	782.39
JOSHUA GLENN ENGLAND	NEW RIDGE CAP-WELL #13	1,100.00
KRC SAFETY CO INC.	ROLL UP SIGN-RD WORK AHE	895.34
LEAGUE OF CA CITIES	2024 MEMBERSHIP DUES-ADM	168.55
MCCORMICK KABOT JENNER & LEW	DEC 23 LEGAL SERVICES	5,251.44
MID VALLEY DISPOSAL, LLC	20Y EXCHANGE-SWEEPER BOX	819.00
MOONLIGHT MAINTENANCE	CH OUTDOOR RESTROOM	85.00
MOORE TWINING ASSOCIATES, INC	GM WWTF MONITORING	5,344.00
PAVEMENT COATINGS CO.	RFB 23-003 RETENTION	19,634.30
PENA'S DISPOSAL INC	CH FEB 2023 SHRED	125.00
PRESSLEY & ASSOCIATES, INC.	22-23 APR-OCT ANNUAL SER	28,870.00
PRIDEAUX/ TRACI	PER DIEM REIMB-BATI REPO	45.00
PRINCIPAL LIFE INSURANCE CO.	MAR PREMIUMS-34	4,647.08
PRUDENTIAL OVERALL SUPPLY	01/11/24 UNIFORM SERVICE	198.36
QUAD KNOPF ENGINEERING	240008 24 GEN ENGINEERIN	10,534.58
SAN JOAQUIN VALLEY RAILROAD	3/1/24-2/28/25 SANIT SEW	3,863.70
SELF-HELP ENTERPRISES	JAN LOAN PORTFOLIO-156	1,184.75
SIERRA SANITATION INC	2/7/24-3/5/24 350 W FIRE	224.19
SIMMONS TIRE SERVICE	245/55R18 103V GOODYEAR	1,110.02

AVENU FINANCIAL SYSTEM CITY OF EXETER
2/23/2024 13:20:08 Payments for Publication GL335R-V08.21 PAGE

Approved on 2/23/2024 for Payments Through 2/23/2024

Vendor Name	Description	Amount
SOUTHERN CALIFORNIA EDISON	7269-1/1/24 - 1/31/24	27,760.32
SOUTHERN CALIFORNIA GAS CO.	0891-12/27/23 - 1/25/24	1,720.05
T-MOBILE	12/21/23-1/20/24 GPS	189.00
TOLBERT/ GAVIN	JOYNER-TRIM & BALA 2 TRE	4,750.00
TOWN & COUNTRY CAR WASH	JAN 24 CAR WASH	59.98
COUNTY OF TULARE	BLK ACRYLIC PLAQUE-DURKE	177.64
ULINE	TYVEK COVERALL-SPRAY PPE	427.97
UNIFIRST CORPORATION	2/2/24 UNIFORM CLEANING	275.25
UNITED RENTALS	2 BLADE DI ASPLT OR GREE	260.98
VALLEY EXPETEC	MAR MONTHLY BILLING	9,577.68
VALLEY UNIFORM CENTER	UNIFORM ALTERATIONS-ROCH	722.53
VERIZON WIRELESS	12/29-1/28/24 DETEC IPAD	190.05
WEST COAST ARBORISTS, INC	CITY PARK-5 TREE REMOVAL	5,250.00
**	Final Totals...	217,027.69

AVENU FINANCIAL SYSTEM CITY OF EXETER
2/23/2024 13:20:08 Payments for Publication GL335R-V08.21 PAGE

TOTAL NUMBER OF RECORDS PRINTED 250

AVENU FINANCIAL SYSTEM
02/23/2024 13:20:08

Payments for Publication

CITY OF EXETER
GL060S-V08.21 RECAPPAGE
GL335R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
104	GENERAL FUND	59,502.36
105	WATER FUND	21,732.59
106	SANITATION FUND	1,208.36
107	SEWER FUND	17,484.87
109	GAS TAX FUND	31,133.99
113	TRANSPORTATION FUND	2,598.00
116	LOW/MODERATE HOUSING FUND	1,184.75
121	INSURANCE FUND	59,230.47
131	MEASURE R	3,318.00
141	MEASURE P	19,634.30
TOTAL ALL FUNDS		217,027.69

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BANK	BANK OF THE SIERRA	217,027.69
TOTAL ALL BANKS		217,027.69

PAYROLL.....S BI-WEEKLY RUN-02/29/2024 11.23.42 PAGE 1
CHECK FORM..CHEK CHECK REGISTER PR311R-V14.23 Paymate

PERIOD 1 DATING 2/12/2024- 2/25/2024 CHECK DATE 3/01/2024
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ	
1485	63.69	CA STATE DISBURSEMENT UN	2	1	VENDOR CHECK
1486	319.54	COLEMAN/DEWAYNE	728	1	
1487	310.30	HOWELL/MATTHEW	740	1	
1488	73.88	HUGHES/CADON	729	1	
1489	312.13	HUTCHESON/AVRIE	720	1	
1490	162.54	MCFALL/BLAINE	722	1	
1491	177.32	PLYMAN/ADEN ALAN MOSES	741	1	
1492	177.32	TAYLOR/ANDREW	721	1	

TOTALS FOR CHECK FORM: CHEK

NEGOTIABLE CHECKS		COUNTS
1,533.03	*EMPLOYEE CHECKS	7
63.69	*VENDOR CHECKS	1
0.00	*BANK CHECKS	0
1,596.72	**TOTAL NEGOTIABLE CHECKS	8

OTHER CHECKS		
0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
1,596.72	**TOTAL FOR CHECK FORM	

NON-NEGOTIABLE CHECKS		
0.00	*DIRECT DEPOSIT STUBS	0
0.00	*VENDOR DIR DEP STUBS	0

PAYROLL.....S BI-WEEKLY RUN-02/29/2024 11.23.42 PAGE 2
CHECK FORM..STUB CHECK REGISTER PR311R-V14.23 Paymate

PERIOD 1 DATING 2/12/2024- 2/25/2024 CHECK DATE 3/01/2024
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ	
52268	195.00	CLOCEA	4	1	VENDOR STUB ONLY
52269	600.00	EXETER POLICE OFFICER AS	3	1	VENDOR STUB ONLY
52270	199.32	EXETER POLICE OFFICER AS	3A	1	VENDOR STUB ONLY
52271	2,156.79	ARIAS/CHRISTINA	730	1	STUB ONLY
52272	4,834.67	ENNIS/ADAM	206	1	STUB ONLY
52273	1,378.94	CARTER/AMY JO	502	1	STUB ONLY
52274	1,417.94	CORREA/BIANCA	630	1	STUB ONLY
52275	3,305.95	FRANCO/EEKHONG	304	1	STUB ONLY
52276	2,480.93	HERNANDEZ/XOCHITL	306	1	STUB ONLY
52277	465.01	SANCHEZ/CESILIA	307	1	STUB ONLY
52278	1,568.36	SANTOYO/AIDE G	710	1	STUB ONLY
52279	1,466.50	CARRETERO/VANESSA	402	1	STUB ONLY
52280	1,661.50	FELIX/ESTEVAN	704	1	STUB ONLY
52281	2,626.01	GIEFER/MICHAEL DAVID	438	1	STUB ONLY
52282	2,405.29	GRANT/AIMEE	738	1	STUB ONLY
52283	1,081.52	GRAY/DAIZY	717	1	STUB ONLY
52284	3,850.60	HALL/JOHN T	406	1	STUB ONLY
52285	2,250.83	HAYES/CURTIS W	437	1	STUB ONLY
52286	2,309.46	HIFNER/CHRISTOPHER	736	1	STUB ONLY
52287	2,793.35	INGLEHART/BRETT A	411	1	STUB ONLY
52288	2,340.56	LUJAN/JOSHUA	715	1	STUB ONLY
52289	1,979.86	MARX/CHRIS	706	1	STUB ONLY
52290	532.24	MORENO/MATTHEW	724	1	STUB ONLY
52291	1,795.10	PHILLIPS/ZACHARY	705	1	STUB ONLY
52292	1,532.06	ROCHA/CRISTINA	731	1	STUB ONLY
52293	2,298.72	SAKAGUCHI/CLAUDIA D	726	1	STUB ONLY
52294	1,987.84	SHIELDS/ZION	708	1	STUB ONLY
52295	1,941.97	VILLARREAL/ISIDRO	707	1	STUB ONLY
52296	2,014.94	WINTER/JARED	735	1	STUB ONLY
52297	3,366.74	YARBER/ISABEL	422	1	STUB ONLY
52298	1,273.80	ALDRIDGE/GARY	618	1	STUB ONLY
52299	1,463.37	ARROYO/MARIE	623	1	STUB ONLY
52300	1,830.81	ESPINOLA/DANIEL M	602	1	STUB ONLY
52301	290.63	GOLDSTROM/NORMAN	629	1	STUB ONLY
52302	1,659.06	HUGGINS/KYLE AARON	621	1	STUB ONLY
52303	3,073.11	QUALLS/DAYMON	607	1	STUB ONLY
52304	1,848.67	RAMIREZ/JUAN	608	1	STUB ONLY
52305	1,562.64	RIVERA/RYAN	733	1	STUB ONLY
52306	990.73	WENDT/EDDIE	626	1	STUB ONLY
52307	1,482.78	GARVER/ELIJAH	712	1	STUB ONLY
52308	1,586.21	MILLAN/MARCUS	622	1	STUB ONLY
52309	1,181.98	MILLER/JAMES	624	1	STUB ONLY
52310	26.20	MIRWALD/PHILIP	625	1	STUB ONLY
52311	1,261.44	QUIROZ/PATRICK P	512	1	STUB ONLY
52312	2,031.05	PRIDEAUX/TRACI	448	1	STUB ONLY

PAYROLL.....S BI-WEEKLY RUN-02/29/2024 11.23.42 PAGE 3
CHECK FORM..STUB CHECK REGISTER PR311R-V14.23 Paymate

PERIOD 1 DATING 2/12/2024- 2/25/2024 CHECK DATE 3/01/2024
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ

TOTALS FOR CHECK FORM: STUB

NEGOTIABLE CHECKS		COUNTS
0.00	*EMPLOYEE CHECKS	0
0.00	*VENDOR CHECKS	0
0.00	*BANK CHECKS	0
0.00	**TOTAL NEGOTIABLE CHECKS	0
OTHER CHECKS		
0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
0.00	**TOTAL FOR CHECK FORM	
NON-NEGOTIABLE CHECKS		
79,406.16	*DIRECT DEPOSIT STUBS	42
994.32	*VENDOR DIR DEP STUBS	3

PAYROLL.....S BI-WEEKLY RUN-02/29/2024 11.23.42 PAGE 4
RECAP BY FUND CHECKS/STUBS/MANUAL/CANC'D PR311R-V14.23 Paymate

PERIOD 1 DATING 2/12/2024- 2/25/2024 CHECK DATE 3/01/2024

EMPLOYER CODE	FUND CODE	HOME TOTALS	WORKED TOTALS	WORKED DIR DEP
1	104	74,852.31	54,537.70	53,004.67
1	105	4,055.83	12,434.03	12,434.03
1	106	.00	1,563.19	1,563.19
1	107	.00	8,885.74	8,885.74
1	121	.00	1,565.43	1,565.43
1	141	2,031.05	1,953.10	1,953.10

NOTE--"HOME TOTALS" CHECK AMOUNT CAN BE RECONCILED TO THE FIGURES OF THE FOLLOWING REPORTS:

#1 CALCULATION TOTALS BY HOME FUND (NET PAY + REIMB. EXP.)
#2 PAYROLL REGISTER (CHECK AMOUNT)

NOTE--"WORKED TOTALS" CHECK AMOUNT CAN BE RECONCILED TO THE FIGURES OF THE FOLLOWING REPORTS:

#1 CALCULATION TOTALS BY FUND WORKED (NET PAY + REIMB. EXP.)
#2 LABOR DISTRIBUTION (NET PAY + REIMB. EXP.)

PAYROLL.....S BI-WEEKLY RUN-02/29/2024 11.23.42 PAGE 5
RECAP BY DEPT CHECKS/STUBS/MANUAL/CANC'D PR311R-V14.23 Paymate

PERIOD 1 DATING 2/12/2024- 2/25/2024 CHECK DATE 3/01/2024

EMR CODE	FUND CODE	DEPT CODE		HOME TOTALS	FULL EMPLOYEE	PART COUNTS	TEMP	FEMALE
1	104	402	ADMINISTRATION	6,991.46	2			1
1	104	403	FINANCE	10,617.13	5	1		6
1	104	421	POLICE	40,235.09	17	2		6
1	104	431	STREET	13,992.82	7	2		1
1	104	471	RECREATION	3,015.81	1	7		1
1	105	461	WATER	4,055.83	3	1		
1	141	421	POLICE	2,031.05	1			1
	TOTAL			80,939.19	36	13		16

PAYROLL.....S BI-WEEKLY RUN-02/29/2024 11.23.42 PAGE 6
RECAP BY DEPT CHECKS/STUBS/MANUAL/CANC'D PR311R-V14.23 Paymate

PERIOD 1 DATING 2/12/2024- 2/25/2024 CHECK DATE 3/01/2024

EMPLOYER CODE	FUND CODE	HOME TOTALS	WORKED TOTALS	WORKED DIR DEP

GRAND TOTALS

NEGOTIABLE CHECKS		COUNTS
1,533.03	*EMPLOYEE CHECKS	7
63.69	*VENDOR CHECKS	1
0.00	*BANK CHECKS	0
1,596.72	**TOTAL NEGOTIABLE CHECKS	8

OTHER CHECKS		
0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
1,596.72	***GRAND TOTAL	

NON-NEGOTIABLE CHECKS		
79,406.16	*DIRECT DEPOSIT STUBS	42
994.32	*VENDOR DIR DEP STUBS	3
80,400.48	**TOTAL NON-NEGOTIABLE CHECKS	45

NEGOTIABLE CHECKS/NON-NEGOTIABLE CHECKS		
1,533.03	*EMPLOYEE CHECKS	7
63.69	*VENDOR CHECKS	1
0.00	*BANK CHECKS	0
79,406.16	*DIRECT DEPOSIT STUBS	42
994.32	*VENDOR DIR DEP STUBS	3
81,997.20	***TOTAL NEGOTIABLE & NON-NEGOT	53
0.00	*OTHER CHECKS	0
81,997.20	***TOTAL NEG, NON-NEG, OTHER CHECKS	
	TOTAL SEQ 1 FEMALES	16

City of Exeter
Agenda Item Transmittal

Meeting Date: March 12, 2024

Agenda Item Number: I4

Wording for Agenda: Authorize the City Administrator to execute an Extra Work Authorization with the City's contract City Engineer firm – QK, in an amount not to exceed $257,400 for professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue.

Submitting Department: Public Works
Contact Name: Daymon Qualls, Public Works Director
Phone Number: (559) 592-3318
Email: dqualls@exetercityhall.com

For action by:
_X_ City Council

Regular Session:
_X_ Consent Calendar
___ Regular Item
___ Public Hearing

Review:

City Administrator (Initials Required)

Department Recommendation:
Staff recommends that Council authorize the City Administrator to execute an Extra Work Authorization with the City's contract City Engineer firm – QK, in an amount not to exceed $257,400 for professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue.

Summary/Background:
Identified in the City's Capital Improvement Plan is the rehabilitation of Firebaugh Avenue between Belmont Road and SR 65 which, in coordination with the Exeter – Tooleville Emergency Intertie and Water System Improvement Project, includes replacement of portions of the existing water main, water services, fire hydrants, road reclamation, replacement of curb and gutter, and installation of ADA compliant curb ramps. In addition to the degraded asphalt conditions and need for rehabilitation, the Firebaugh Avenue corridor was identified in the City's Complete Streets with ADA Compliance and Active Transportation Safety Enhancement Plan as a High Priority corridor for safety, active transportation, and ADA needs. As a designated truck route and one of the City's most heavily traveled arterial roadways, these long overdue improvements are much needed.

In order to get this project ready for construction, design and land surveying services must be completed. Staff requested a proposal from the City's contract City Engineer firm – QK for such services. QK submitted a comprehensive proposal that includes all of the necessary tasks to prepare the project for construction. During the twelve (12) month design engineering phase, staff will be working to secure funding for the construction phase of the project. It is anticipated that construction will take approximately eight (8) months to complete.

Fiscal Impact: This project has been programmed in the City's CIP budget using a combination of Transportation, Measure R, and RMRA funds.

Prior Council/Board Actions: The approved FY 23/24 CIP budget included an allocation of $425,000 for this project.

Attachments: QK's proposal

Environmental Clearance: QK's proposal includes coordination with the various agencies involved in the review, approval, permitting, and general execution of the project. Such agencies include, but are not limited to Caltrans, San Joaquin Valley Air Pollution Control District (SJVAPCD), San Joaquin Valley Railroad, and the State Water Board.

Recommended motion to be made by Council/Board: I move to authorize the City Administrator to execute an Extra Work Authorization with the City's contract City Engineer firm – QK, in an amount not to exceed $257,400 for professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue.

2816 Park Avenue | Merced, CA 95348 | (209) 723-2066

February 28, 2024

Mr. Daymon Qualls
Director of Public Works
City of Exeter
PO Box 237
Exeter, CA 93221

Subject: City of Exeter – Proposal for Firebaugh Avenue Rehabilitation Project

Dear Mr. Qualls:

Thank you for the opportunity to provide this proposal for professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue in Exeter, California.

PROJECT UNDERSTANDING

It is our understanding that the City of Exeter (City) has applied for SB-1 funding and will be using a combination of Measure P, SB-1, and Local Transportation funds for the rehabilitation of Firebaugh Avenue which includes replacement of portions of the existing water main, services, and fire hydrants, road reclamation, replacement of curb and gutter, and installation of ADA compliant curb ramps. An exhibit of the proposed project extents and components is attached to this proposal.

QK's scope of work will include a topographic survey of the project area, preparation of civil improvement plans and specifications, an engineer's estimate of probable costs of construction, and bidding support, as further described below.

APPROACH/SCOPE OF SERVICES

Based on the Project Understanding above, QK has prepared the following scope of work for the project.

TASK 1.0 PROJECT MANAGEMENT

QK will provide project management services including:

- Managing engineering tasks and tracking time and budget, work elements accomplished, work items planned for the next period, and staffing needs.
- Coordination with subconsultants, including necessary meetings regarding project design requirements and progress, personnel and roles/responsibilities, action items, and deliverables.
- Communicating, interacting, and coordinating with the City, as needed, to deliver efficient and effective completion of activities related to the project.
- Assistance with quarterly reports, pay applications, and invoicing.
- The project will be launched at a kickoff meeting between City staff and the project team members. This meeting will be attended by QK's project manager and the lead engineer. The following objectives will be accomplished at this meeting:
    - Confirm project objectives
    - Scope of work
    - Grant requirements
    - Schedule project milestones
    - Determine progress billing process and timelines

Deliverables:

- Kickoff meeting agenda and minutes in PDF format

TASK 2.0 SURVEYING SERVICES

This task will include the topographic field survey of the proposed project area shown on the exhibit. Based on the nature of the project, QK will also establish the lines of public right-of-way so that improvements do not encroach onto private property. The field data will then be imported into AutoCAD for drafting of a base topographic map to be used for design. The scope of surveying services is further described in the following subtasks:

Subtask 2.1 Topographic Survey

Field crews will collect horizontal and vertical measurements of the following features:

- 50-foot stationing, plus grade breaks, beginnings and ends of curves for the following:
    a. Back of Walk
    b. Front of detached walks
    c. Landscape grades
    d. Top back of curb
    e. Flow line
    f. Lip of gutter
    g. Edge of pavement
    h. Pavement quarter crown
    i. Pavement crown
- Survey to extend 25-feet from curb return on intersecting streets.
- Adjacent ground (OG) extending 10 feet beyond the right-of-way footprint when access is not restricted.
- Visible above ground utility features, including traffic signals and all related pull boxes and appurtenant features within the right-of-way footprint
- Subsurface utilities as evidenced by above ground features
- Manholes, drop inlets, and catch basins, including inverts
- Visible water valve, water meter and irrigation boxes,
- Field data collection will include automated line-stringing techniques
- Field data to be reviewed and processed into AutoCAD import format by a professional land surveyor.

The topo collection will not extend out of the right-of-way footprint except as described above.

Subtask 2.2 Topographic Survey – Office Reduction/Drafting

A QK office survey technician will use AutoCAD Civil 3D to perform the reduction of field data in AutoCAD, at a scale determined by the design team:

- Surface modeling
- Break line generation
- Point labeling manipulations for readability
- Point feature code review
- Planimetric linework generation
    - To be at elevation equal to zero
- Labeling key features
- Plotting utility information
    - Record maps and information to be provided by utility companies
- Control point labeling
- Benchmark identification

Subtask 2.3 Base Mapping

QK will perform records research and evaluate records obtained through public sources to draft a base map in AutoCAD Civil 3D containing the following:

- Section lines
- Street Centerlines
- Right-of-way lines
- Easement lines
- Adjacent property lines if available from City or County GIS data

The base map will not constitute a resolved boundary survey for every adjacent parcel. The right-of-way lines and easement lines will be related to the topographic survey to a degree of accuracy necessary for engineering design.

Research is limited to the following:

- QK to retrieve Tract Maps, Parcel Maps, Records of Survey and Corner Records on file with the County Recorder or County Surveyor.
- QK will contain and evaluate and plot easement deeds, grant deeds, and title reports.

Exceptions:

- Map checking/filing fees: the map fees for map review through the County Surveyor and map filing through the County Recorder total about $600

Subtask 2.4 Deliverable Preparation

QK will provide the following deliverables to the Client/design team upon task completion:

- Control plot, with basis of coordinates and bearings
    - Control accuracy statement
    - Signed and stamped by professional land surveyor
- PDF of reduced topographic survey with base map referenced
    - Scaled as determined by design team
    - Signed and stamped by professional land surveyor
- Topographic survey in AutoCAD Civil 3D 2020 format
- Base map in AutoCAD Civil 3D 2020 format

TASK 3.0 IMPROVEMENT PLANS, SPECIFICATIONS, AND COST ESTIMATE

This task includes a Basis of Design memorandum that summarizes design assumptions and overall design intent. Using the Basis of Design, QK will prepare 60%, 90%, and 100% plans, specifications, and estimates (PS&E) for review and approval by the City. Plans will include topographic survey, demolition, grading, civil design, and details for the proposed improvements.

QK will meet with the City after review of each submittal to discuss the comments received and determine the approach with the project design. Our design team will obtain direction and/or approval in writing on each submittal before proceeding to the subsequent design. Once final written approval for the final submittal is received from the City, QK will provide one reproducible set and the electronic files of the final, signed PS&E documents that will be used for bidding purposes.

Subtask 3.1 60% Plans, Specifications and Estimates (PS&E)

QK will prepare 60% plans showing the proposed improvements, existing topo information, property lines, roads, right-of-way lines, and utilities. The plans will include layout of improvements, design, and details.

The existing topographic information shall be faded as background and remain plan readable. Plans will be set up so that they can be reduced to 50% of their original size. Plans will be completed using AutoCAD Civil 3D 2020; however, should the City desire files in a previous AutoCAD version, plans can be back-saved as requested.

Plans will include the following:

- Cover sheet
- Topographic Survey
- Demolition Plan
- Grading Plans
- Lift Station Plan, Profile and Details
- Pipeline Plan, Profile and Details
- Applicable City Standard Details
- Electrical Plans

Subtask 3.2 60% PS&E Submittal

The 60% PS&E for the project will be submitted to the City for review and comment. As an important step to the quality of the overall plan set, QK will conduct an internal QA/QC review of the PS&E package prior to submittal. The submittal will be incorporated into a single set of plans to include the improvement plans or the complete 60% PS&E submittal.

Subtask 3.3 90% PS&E

QK will review the 60% plans with City staff to discuss any conflicts or issues that need discussion and resolution. Once QK receives approval from the City, we will move forward with preparing the 90% PS&E for review and approval by the City and other project stakeholders. All comments to the 60% PS&E will be addressed as appropriate.

Project Specifications

QK will prepare the technical specifications for the project improvements for the City's review at the 90% and final submittals. Technical specifications shall also include work hours, traffic control information, and other miscellaneous restrictions as may be needed. QK will format the specifications in accordance with the City's Standard Specifications, including:

- Front end (boiler plate) documents
- Special provisions and technical specifications for this project
- Bid item descriptions for each bid item for this project
- Bid item schedule in Excel format for this project

Opinion of Probable Improvement Costs

QK will prepare an engineer's estimate of probable construction costs for the project and a bid item schedule for this project. Both items shall be prepared in an Excel spreadsheet format and include in the overall project estimate prepared by QK. The estimates and bid item schedule will be submitted along with the 90% and final submittals. They will be revised based on applicable comments received from the City's review and resubmitted.

The final cost estimate and bid item schedule will be included with the final, signed contract documents. The bid item schedule will be prepared for inclusion into the project's specifications and will include a numbered detail sheet clearly defining each bid item and describing the work covered. Plans and Specifications will be submitted to the City for review and comment. After final approval QK will produce the contract documents required for bidding.

Subtask 3.4 90% PS&E Submittal

90% PS&E will be submitted to the City for review and comment. Prior to the submittal of the 90% PS&E to the City, QK will conduct another internal QA/QC review of the PS&E package. QK will meet with the City after review of the 90% submittal to discuss the comments received. Our team will obtain direction and/or approval in writing on the 90% submittal package providing final, signed contract documents. The City red-lined comments to the 60% submittal will also be returned.

Subtask 3.5 Furnish 100% Contract Documents

Once final written approval for the project is received from the City, QK will provide one (1) reproducible set and the electronic files of the complete final signed PS&E documents to the City for bidding purposes. The City red-lined comments to the 90% submittal will also be returned.

Subtask 3.6 Utility and Geotechnical Coordination

QK will perform the following services required for project utility coordination and geotechnical coordination:

- Coordination with utilities that will be affected by the construction, including collection of plat maps of existing facilities.
- Information collected from the utility companies will be used to include the approximate location of said utilities in the base map.
- QK will also coordinate the geotechnical services, to be provided by others, required for the project. Geotechnical scope to include geotechnical report for proposed improvements.

Deliverables (Task 3.0):

- Project Plans – Two (2) 24" x 36" hardcopy sets at 60%, 90%, and final submittals
- Project Specifications – hardcopy set at 90% and final submittals
- Project Estimate of probable costs – hardcopy print at 90% and final submittals
- Electronic PDF of the plans, specifications, and cost estimate at 60%, 90%, and final submittals
- City Redline Comments – One set each at 90% and final submittals

TASK 4.0 AGENCY COORDINATION & PERMITTING

This task will include coordination with the various agencies involved in the review, approval, permitting, and general execution of the project. Such agencies include, but are not limited to Caltrans, San Joaquin Valley Air Pollution Control District (SJVAPCD), and the State Water Board.

Subtask 4.1 Storm Water Pollution Prevention Plan (SWPPP)

QK will provide SWPPP services and coordination with the State Water Resources Control Board (SWRCB) to obtain coverage under the NPDES General Permit, Water Quality Order #2009-0009-DWQ as amended by Order #2010-0014-DWQ and #2012-006-DWQ for the proposed construction of this Risk Level 1 project. The SWPPP services include the following:

- Prepare Notice of Intent (NOI) and required Permit Registration Documents (PRDs) including, but not limited to, the Risk Assessment and Post-Construction Water Balance as required to the State, for owner/Legally Responsible Person (LRP);
- Assist the LRP in electronically filing the NOI and PRDs online using the State's Storm Water Multi-Application & Reporting System (SMARTS);
- Prepare a SWPPP outlining Best Management Practice (BMP) site recommendations; and
- Provide one SWPPP Manual to be referenced and maintained onsite by the contractor during construction.

Deliverable:

- One hard copy of completed SWPPP Manual

Subtask 4.2 Dust Control Plan (DCP)

QK will prepare a DCP and coordinate as necessary with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to provide the required documentation in compliance with the Regulation VIII of the SJVAPCD. Construction activities that generate fugitive dust subject to this rule include, but are not limited to, construction, demolition, excavation, extraction, other earthmoving activities, carryout, and track-out activities. QK will work with the City and the construction contractor to complete the required information for the DCP.

The DCP identifies the fugitive dust sources at a construction site and describes all fugitive dust control measures that will be implemented. Acceptable control measures will be outlined within the plan to comply with the SJVAPCD regulations.

Deliverable:

- One hardcopy of DCP as submitted to SJVAPCD

This fee excludes any filing fees associated with the DCP required by the SJVAPCD.

TASK 5.0 BIDDING PHASE SUPPORT

QK will provide and conduct the pre-bid meeting and bid-phase services, including soliciting bids from contractors for the project, reviewing and evaluating the bid results of all bidders, including verifying that the three lowest bidders are qualified. The bid result evaluation includes verifying licensing and qualifications of the three lowest bidders and preparing a recommendation of award to the lowest responsible bidder for the project.

The bid-phase services include:

- Bid-Phase preparation and coordination with City
- Conduct Pre-Bid Meeting
- Respond to bidder's questions and prepare addendums, as required.
- Prepare Bid-Phase RFIs and Addenda
- Revise/Update PS&E documents per Addenda
- Receive all submitted bids from the City and verify the three low bidder's qualifications.
- Prepare a bid summary and recommendation of award of contract.
- Prepare and issue a Notice of Award to the successful bidder.

Following the award of the project, QK will prepare and transmit the contract documents to the contractor. After the contractor executes the documents, QK will review the contracts, bonds and insurance and forward these documents to the City for review and execution.

Deliverables:

- Bid-phase RFI responses and Addenda
- Prepare Revised Plans, Specification and Estimate per Addenda

SCHEDULE

Task	Description	Duration
1.0	Project Management	12 months
2.0	Topographic Survey	2 months
3.0	Improvement Plans, Specifications, and Cost Estimate	6 months
4.0	Agency Coordination & Permitting	2 months
5.0	Bidding Phase Support	2 months
	Total Duration	**12 months**

FEE ESTIMATE

Task	Description	Fee Type	Fee Amount
1.0	Project Management	T&M	$12,600
2.0	Topographic Survey	T&M	$57,900
3.0	Improvement Plans, Specifications, and Cost Estimate	T&M	$127,800
4.0	Agency Coordination & Permitting	T&M	$39,600
5.0	Bidding Phase Support	T&M	$19,500
		Total Estimated Fee	**$257,400**

Notes:

1. Expenses for reproduction, mailing, mileage, etc. are billed per our attached Charge Rate Schedule.
2. All time-and-materials fees will be invoiced monthly based on the level of effort in terms of hours relative to our Charge Rate Schedule.
3. When a Task is set on a time-and-materials fee basis, it signifies that it is not possible to accurately predict the amount of work effort required typical of on-call type services. QK will work with the client to set expectations where applicable.
4. The Fee Estimate and Schedule are good for a period of 90 days from the date of the proposal. After 90 days, the Fee Estimate and Schedule may be subject to change.
5. Fees for field surveying activities are subject to the payment of Prevailing Wages for Tulare County.

EXCLUSIONS AND ASSUMPTIONS

- It is anticipated that local newspaper advertisement costs for bidding will be paid for by the City.
- It is assumed that QK can move funding between tasks while remaining within the total estimated fee.
- Any agency filing fees are excluded.
- We have removed all the fees out of our proposal for engineering support during construction. Any support during construction would be out of scope. If requested to perform those services in the future, we can perform under City Engineering contract or by a City-approved amendment.

AUTHORIZATION OF SERVICES

In order to authorize services described herein, please sign the attached Task Order and return to us. Typically, we can begin our services within 10 business days of the time authorization is received depending on client need and schedule constraints.

Thank you for the opportunity to propose on this project. If you have any questions, or would like to discuss this proposal further, please contact Martin Querin at (559)733-0440. We look forward to working with you on this important project.

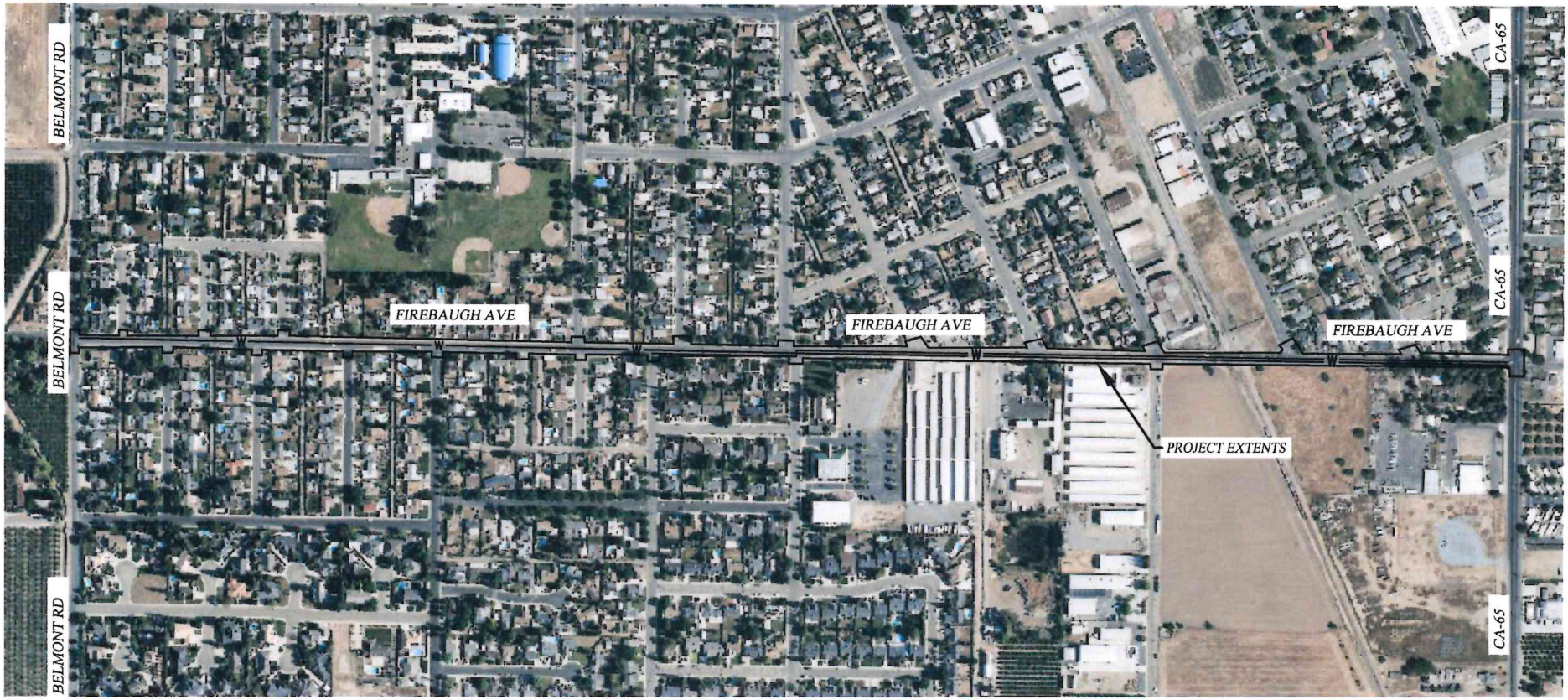
Sincerely,

Martin Querin, PE
Director Water Practice Engineering

Amber Aguayo
CFO/COO

Enclosures: Exhibit – City of Firebaugh Road Rehabilitation
Task Order
2023 Charge Rate Schedule

P230338
CL/SS/GAP/MQ/AA/MAM



1–ASPHALT PAVEMENT	213,312	FT2
2–SIDEWALK	5,186	LF
3–CURB AND GUTTER	5,186	LF
4–ADA RAMP	42	EACH
5–12" WATER MAIN PIPE	1,874	LF
6–10" WATER MAIN PIPE	1,340	LF
7–8" WATER MAIN PIPE	2,790	LF
8–6" WATER MAIN PIPE	2,972	LF
9–FIRE HYDRANT	12	EACH

N

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PROJECT NO.:	
DRAWN BY:	IN
QA/QC BY:	SAS
SCALE:	NTS
SHEET NO.:	1 OF 1

CITY OF EXETER
FIREBAUGH ROAD REHABILITATION

QK
2816 PARK AVENUE
MERCED, CA 95348
TEL: (209) 723-2066
WWW.QKINC.COM
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CITY OF EXETER
WORK AUTHORIZATION AND TASK ORDER
ON-CALL ENGINEERING SERVICES
QK Job No. _____

Project #:	**Phase #:**	**Task #:**

Project Title: Firebaugh Avenue Rehabilitation Project

Project Description: Provide professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue in Exeter, California.

Scope of Work: Provide professional civil engineering design and land surveying services related to the rehabilitation of Firebaugh Avenue in the City of Exeter, which includes replacement of portions of the existing water main, services, and fire hydrants, road reclamation, replacement of curb and gutter, and installation of ADA compliant curb ramps as described in the attached proposal dated February 28, 2024.

Period of Performance: See attached proposal dated February 28, 2024.

Budget: Services described in the attached proposal dated February 28, 2024 will be provided for an estimated fee of $257,400.00, to be billed on and time and materials (T&M) basis per the attached charge rate schedule.

Special Terms and Conditions:
All of the terms and conditions of the Agreement for City Engineering Services between the City of Exeter and Quad Knopf, Inc. dated January 13, 2015, Amendment No. 1 dated February 28, 2017, Amendment No. 2 dated January 11, 2022, and Amendment No. 3 dated January 10, 2024, are incorporated by reference as if fully set forth herein.

Invoicing Requirements:
- Payment Terms: Net 30 Days
- Contract Type: ☒ Time & Materials $257,400.00 ☐ Fixed Fee $_____
- Invoice Frequency: Monthly

Quad Knopf, Inc.	***City of Exeter***
By: _____ Signature	By: _____ Signature
Name: Amber Aguayo	Name: Daymon Qualls
Title: CFO/COO	Title: Director of Public Works
Date: _____	Date: _____

Charge Rate Schedule

2023 CHARGE RATE SCHEDULE

	Current
TECHNICAL SERVICES	
Project Administrator	$100 hour
Assistant CADD Technician / Assistant CADD Designer / GIS Technician	$96 hour
Associate CADD Technician / Associate CADD Designer / Associate GIS Analyst	$112 hour
Senior Associate CADD Technician/ Senior Associate CADD Designer / Senior Associate GIS Analyst	$122 hour
Senior CADD Technician / Senior CADD Designer / Senior GIS Analyst	$145 hour
Landscape Architect Technician	$112 hour
PROFESSIONAL SERVICES	
Engineering	
Assistant Engineer	$118 hour
Associate Engineer	$150 hour
Senior Associate Engineer	$175 hour
Project Engineer	$195 hour
Senior Engineer / City Engineer / District Engineer	$230 hour
Principal Engineer	$275 hour
Planning / Environmental / Landscape Architecture	
Assistant Environmental Scientist	$88 hour
Assistant Planner	$100 hour
Associate Planner / Associate Environmental Scientist	$121 hour
Senior Associate Environmental Scientist	$140 hour
Senior Associate Planner	$145 hour
Senior Environmental Scientist	$173 hour
Senior Planner / Senior Landscape Architect	$173 hour
Principal Planner / Principal Environmental Scientist	$195 hour
Senior Principal Planner / Senior Principal Environmental Scientist	$215 hour
Construction and Project Management	
Field Construction Observer	$130 hour
Senior Field Construction Observer	$152 hour
Assistant Construction Manager / Assistant Project Manager	$121 hour
Associate Project Manager	$139 hour
Associate Construction Manager / Associate Field Construction Observer	$142 hour
Project Manager	$146 hour
Senior Associate Construction Manager / Senior Associate Project Manager	$163 hour
Senior Project Manager	$187 hour
Senior Construction Manager	$190 hour
Principal Construction Manager / Principal Project Manager	$210 hour
Surveying	
Assistant Surveyor	$113 hour
Associate Surveyor	$130 hour
Senior Associate Surveyor	$160 hour
Project Surveyor	$178 hour
Senior Surveyor	$190 hour
One-Person Survey Crew	$155 hour
Two-Person Survey Crew	$250 hour
Three-Person Survey Crew	$350 hour
UAV Pilot	$178 hour
UAV Flight Observer	$130 hour

Fees are based on the median hourly pay rate for employees in each classification, plus indirect costs, overhead, and profit.

EXPENSES	
Plotting, Printing and Reproduction, Equipment Rental, Postage and Shipping	1.15 x Cost
Transportation and per diem (QK will provide documented evidence of business travel, travel outside of work areas shall be pre-approved by Client)	1.15 x Cost
Mileage	$0.77 mile
Other Expenses – Including Subconsultants & Purchased Services through Subcontracts	1.15 x Cost

Rates are effective through December 31, 2023. If contract assignment extends beyond that date, a new rate schedule may be added to the contract.
Expert Witness/ Litigation support will be billed as quoted.

Rates based on "Prevailing Wage" (PW) for Construction Surveying will be determined by project and County per California law.

12/20/2022

City of Exeter
Agenda Item Transmittal

Meeting Date: March 12, 2024

Agenda Item Number: I5

Wording for Agenda: Approval of Letter of Support for Senate Bill No. 1011, as requested by the City Council to support California Senate Bill (SB) No. 1011, an act to add section 647.10 to the Penal Code relating to public safety.

Submitting Department: Administration
Contact Name: Francesca Quintana, City Clerk/HR Manager
Phone Number: (559) 592-9244
Email: fquintana@exetercityhall.com

For action by:
_X_ City Council

Regular Session:
_X_ Consent Calendar
___ Regular Item
___ Public Hearing

Review:

City Administrator (Initials Required)
OBK

Department Recommendation:
Staff recommends that the Council consider whether or not to direct staff to provide a letter of support for SB No. 1011.

Summary/Background:
SB No. 1011 was introduced by Senator Jones on February 05, 2024. Per Senate Bill No. 1011, "Under existing law, a person who lodges in a public or private place without permission is guilty of disorderly conduct, a misdemeanor. Existing law also provides that a person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place is guilty of a misdemeanor. Under existing law, a nuisance is anything that is injurious to health or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Existing law also provides that a nuisance is anything that obstructs the free passage or use of any public park, square, street, or highway, among other things. Under existing law, a public nuisance is a nuisance that affects the entire community, neighborhood, or a considerable number of persons. Existing law provides various remedies against a public nuisance, including abatement by any public body or officer authorized by law.

SB No. 1011 would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street or sidewalk if a homeless shelter, as defined, is available to the person. The bill would also prohibit sitting, lying, sleeping, or storing, using, maintaining, or placing personal property within 500 feet of a public or private school, open space, or major transit stop, as specified. The bill would specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as specified. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. The bill would prohibit a person from being found in violation of the bill's provisions unless provided notice, at least 72 hours before commencement of any enforcement action, as specified. By imposing criminal penalties for a violation of these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason."

Formal placement on a future agenda of a letter of support for this bill was requested at the February 27, 2024, regular City Council meeting by motion made by Mayor Alves and seconded by Council Member Riddle, the motion carried (4-0), Mills absent. Letters of support to California Senators are being requested in an effort to address homeless encampments across the state of California in the Senate version of the legislation prior to final passage.

Fiscal Impact: None

Prior Council/Board Actions: On February 27, 2024 Council directed staff to bring back this Letter of Support

Attachments: Senate Bill No. 1011
Draft Letter of Support

Recommended motion to be made by Council/Board: I move to either: 1) direct staff to provide the discussed letter of support, OR 2) direct staff not to provide the discussed letter of support.

SENATE BILL No. 1011

Introduced by Senator Jones
(Principal coauthor: Senator Blakespear)
(Coauthors: Senators Alvarado-Gil, Dahle, Dodd, Grove, Nguyen, Niello, Ochoa Bogh, Seyarto, and Wilk)
(Coauthors: Assembly Members Alanis, Megan Dahle, Davies, Essayli, Flora, Gallagher, Joe Patterson, and Sanchez)

February 5, 2024

An act to add Section 647.10 to the Penal Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1011, as introduced, Jones. Encampments: penalties.

Under existing law, a person who lodges in a public or private place without permission is guilty of disorderly conduct, a misdemeanor. Existing law also provides that a person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place is guilty of a misdemeanor.

Under existing law, a nuisance is anything that is injurious to health or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Existing law also provides that a nuisance is anything that obstructs the free passage or use of any public park, square, street, or highway, among other things. Under existing law, a public nuisance is a nuisance that affects the entire community, neighborhood, or a considerable number of persons. Existing law provides various remedies against a public nuisance, including abatement by any public body or officer authorized by law.

This bill would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street

or sidewalk if a homeless shelter, as defined, is available to the person. The bill would also prohibit sitting, lying, sleeping, or storing, using, maintaining, or placing personal property within 500 feet of a public or private school, open space, or major transit stop, as specified. The bill would specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as specified. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. The bill would prohibit a person from being found in violation of the bill's provisions unless provided notice, at least 72 hours before commencement of any enforcement action, as specified. By imposing criminal penalties for a violation of these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 647.10 is added to the Penal Code, to read:

647.10. (a) For the purposes of this section, the following definitions apply:

(1) "Homeless shelter" means any of the following:

(A) An emergency shelter, as defined in Section 576.2 of Title 24 of the Code of Federal Regulations.

(B) An emergency shelter, as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(C) A navigation center, as defined in Section 50216 of the Health and Safety Code.

(2) "Major transit stop" has the same meaning as defined in Section 21064.3 of the Public Resources Code.

(3) "Open space" means a parcel or area of land or water that is substantially unimproved and devoted to an open-space use, as defined in Section 65560 of the Government Code.

(4) "Peace officer" means a person described in Section 830.

(b) A person shall not sit, lie, sleep, or store, use, maintain, or place personal property upon a street or sidewalk if a homeless shelter is available to the person.

(c) A person shall not sit, lie, sleep, or store, use, maintain, or place personal property upon a street, sidewalk, or other public property within the following locations:

(1) Five hundred feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.

(2) An open space.

(3) A major transit stop.

(d) Subject to subdivision (e), this section may be enforced as follows:

(1) A violation of this section is a public nuisance that may be enjoined, abated, and prevented. The district attorney, county counsel of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may maintain an action to abate and prevent the nuisance. Before pursuing abatement authorized by this paragraph, the district attorney, county counsel, or city attorney, as applicable, shall ensure that the person found to be in violation of this section has received verbal or written information regarding alternative locations to sleep, homeless and mental health services, or homeless shelters in the area.

(2) A violation of this section may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor.

(e) A person shall not be found to be in violation of this section unless a peace officer employed by the county or city, as applicable, with jurisdiction over the location has provided that person written notice, at least 72 hours before commencement of any enforcement action described in subdivision (d), that the person is prohibited from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street, sidewalk, or other public property pursuant to this section. A written notice shall only be deemed to have been provided for the purposes of this subdivision if the notice is given in a language understood by the person receiving the notice.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or

infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

Office of the Mayor

100 North C Street – PO Box 237 Exeter, CA 93221
Ph. #559-592-9244 Fax # 559-592-3556

March 12, 2024

California State Senate
Attn: Senate Human Services Committee
1020 N Street, Room 521
Sacramento, CA 95814

RE: Letter of Support for Senate Bill No. 1011

Dear California State Senate;

This letter serves as formal written support from the Exeter City Council for the passage of Senate Bill (SB) No. 1011, an act to add section 647.10 to the Penal Code relating to public safety.

Most notably, SB No. 1011 would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street or sidewalk if a homeless shelter, as defined, is available to the person. The bill would also prohibit sitting, lying, sleeping, or storing, using, maintaining, or placing personal property within 500 feet of a public or private school, open space, or major transit stop, as specified. The bill would specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as specified. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. By imposing criminal penalties for a violation of these provisions, this bill would impose a state-mandated local program.

Today, the state of California is facing significant safety issues related to homeless encampments. SB No. 1011 is a bipartisan bill aimed at tackling safety issues caused by said homeless encampments. The city of Exeter has a population of approximately 10,324 and is situated at the base of the foothills of the Sierra Nevada Mountain Range. The area has scenic beauty, a thriving business community and a population who take great pride in the town's heritage, quality housing, good schools, and a very low incidence of crime. Passage of SB No. 1011 would improve the quality of life of those who live, work, and play in the City of Exeter. Thus, gaining full support from the Exeter City Council.

Sincerely,

Frankie Alves, *City of Exeter Mayor*

City of Exeter
Agenda Item Transmittal

Meeting Date: March 12, 2024

Agenda Item Number: J1

Wording for Agenda: Consideration of Appointment of Francesca Quintana as City Clerk retroactively effective February 26, 2024.

Submitting Department: Administration
Contact Name: Adam Ennis, City Administrator
Phone Number: (559)592-4539
Email: adam@exetercityhall.com

For action by:
_X_ City Council

Regular Session:
___ Consent Calendar
_X_ Regular Item
___ Public Hearing

Review:

City Administrator (Initials Required)

Department Recommendation:
Staff recommends that the City Council appoint Francesca Quintana as Exeter's City Clerk.

Summary/Background:
Over the last few months, the City of Exeter has conducted extensive recruitment for a new City Clerk/Human Resources Manager. The position of City Clerk is one of the positions requiring formal City Council appointment. The City of Exeter duly conducted recruitment outreach to acquire qualified candidates for the position. After interviews and a closed session held on January 23, 2024, the City Council provided direction to hire and appoint Ms. Quintana as Exeter's next City Clerk/Human Resources Manager.

Ms. Quintana served the City of Lindsay for several years as their City Clerk and has extensive knowledge of municipal City Clerk functions and activities such as but not limited to, the conduct of elections, custody and access of public records, legal notifications, and the preparation of agenda materials and minutes for public meetings. Ms. Quintana also has experience in human resources and personnel functions and shall serve as the City's Human Resources and Risk Manager. She also holds a Bachelor of Science Degree in Business Administration.

Fiscal Impact: No immediate financial impact because the pay amount is already included in the budget.

Attachments: None

Recommended motion to be made by Council/Board: I move to appoint Francesca Quintana to the position of City Clerk retroactively effective February 26, 2024.

City of Exeter
Agenda Item Transmittal

Meeting Date: March 12, 2024

Agenda Item Number: J2

Wording for Agenda: Adoption of Resolution 2024-04, approving amendments to the Exeter City Council Handbook of Rules and Procedures to include a council communication policy regarding inquiries received by council members from community members outside their district.

For action by:
_X_ City Council

Regular Session:
___ Consent Calendar
_X_ Regular Item
___ Public Hearing

Review:

City Administrator (Initials Required)

Submitting Department: Administration
Contact Name: Adam Ennis, City Administrator
Julia Lew, City Attorney
Phone Number: (559) 592-4539
Email: adam@exetercityhall.com, jmlew@mkjw.com

Department Recommendation:
Staff recommends that the Council consider approval of amendments to the Exeter City Council Handbook of Rules and Procedures to include policies concerning council member communications regarding inquiries received by council members from community members outside their district.

Summary/Background:
At the February 27, 2024, City Council meeting, by motion made by Mayor Alves, seconded by Council Member Riddle, and carrying (4-0, Mayor Pro Tem Mills absent), the Council authorized consideration of an amendment to the City Council Handbook of Rules and Procedures to incorporate the above referenced matter.

Several years ago, the City changed their council elections process from an "elections at large" system to an "elections by district" system. This means that instead of the council members fielding questions or complaints/concerns from constituents throughout the City, there is generally an expectation that each council member is the point of contact for constituents in their respective districts. The Council may wish to consider adopting clarifications to its policies to better coordinate communications with members of the public. Note that there is no legal requirement for a member of the public to only contact the Council Member representing their district, nor is there any legal requirement that the Council Member who was contacted refer the matter to the appropriate District Council Member; however, the Council may set guidelines or policies for coordinating those contacts and making sure the District representative is notified.

At the February 27, 2024, meeting, the City Council authorized including the following language, in substantially similar form:

Contacts addressed to Council Members but received by City Hall or Departments:

"Citizens attempting to communicate with the City Council often call or email offices at City Hall or various City Departments. Such calls are referred to the City Administrator's Office. The City Administrator's staff will take a message and/or refer it to the appropriate Council Member, or give the caller the telephone number or email address of the City Council Member so they may call them directly, according to instructions given by the Council Member."

Out-of-District Requests:

"Council Members will at times be contacted by citizens residing outside of their respective districts. When this occurs, City Council Members agree to advise the appropriate Council Member of the contact and matter of concern."

Based on the direction provided by the City Council at the February 27, 2024, meeting, the above language was incorporated into Chapter's 1 and 5 of the Exeter City Council Handbook of Rules and Procedures. Proposed amendments to said handbook are noted in the redline copy of the handbook attached to this report.

Please note that the handbook also underwent minor formatting cleanup for enhanced clarity and accessibility.

Fiscal Impact: None

Prior Council/Board Actions: Previous approvals of the Exeter City Council Handbook of Rules and Procedures

Attachments: Amended City Council Handbook of Rules and Procedures – Redline Copy

Recommended motion to be made by Council/Board: I move to adopt the proposed Resolution approving amendments to the Exeter City Council Handbook of Rules and Procedures to include a Council communication policy regarding inquiries received by council members from community members outside their district.

EXETER CITY COUNCIL

HANDBOOK OF RULES AND PROCEDURES

PREFACE

As provided by California Government Code Section 36813, the City Council of the City of Exeter established the Handbook of Rules and Procedures contained herein. The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended, or new rules are adopted in the manner provided herein.

In addition to the Handbook of Rules and Procedures, the City Council has included in this document other information which may be useful to the City Council, administrative staff, and the general public. This document is to be known as "The Handbook of Rules and Procedures of the City Council of the City of Exeter."

Adopted October 25, 2022
Resolution 2022-42, dated October 25, 2022

Amended March 12, 2024
Resolution 2024-04, dated March 12, 2024

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CHAPTER 1
GENERAL INFORMATION, POWERS AND DUTIES

A. THE CITY OF EXETER

The City of Exeter has a City Council/City Administrator form of government.

Under this form of government, the elected City Council sets the policies for the operation of the Exeter City Government.

The administrative responsibility of the city rests with the City Administrator, who is appointed by the City Council.

B. COUNCIL ELECTIONS

The City Council consists of five members, elected by-district in five single-member districts. One member of the City Council shall be elected from each district by the voters of that district alone. Each Council Member serves four-year staggered terms, without limit. Elected Officials serve until his/her successor has been elected and qualified. Elections are held in November of even numbered years.

The City contracts with the County of Tulare to handle municipal elections.

C. VACANCIES

Pursuant to the Exeter City Charter the process for filling a vacancy in any elective office, from whatever cause arising, shall be set by Ordinance. The City has not designated a process for backfilling a vacancy created mid-term so the process requirements are dictated by general law. Government Code 36512 specifies how general law cities fill vacancies. Within 60 days of the creation of the vacancy, the City Council must either fill by appointment or call for a special election. If the Council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy by special election would hold office for the remainder of the unexpired term of the former incumbent.

The other option to fill the Council vacancy is by appointment within 60 days of the vacancy. If the vacancy occurs in the first half of the term, the person appointed to fill the vacancy shall hold office until the next general election. If the vacancy occurs in the second half of the term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office for the unexpired balance of the term of office.

Any individual appointed to a vacancy must be a registered voter and reside within the district in which the appointment is to be made.

If any officer of the City shall remove from the City or absent himself/herself therefrom for more than thirty (30) days consecutively without the permission of the Council, or shall fail to qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his/her office shall thereupon become vacant.

D. MAYOR/MAYOR PRO TEM SELECTION

The Mayor and Mayor Pro Tem are members of the City Council and selected by said Council and not elected by the voters. These positions typically serve a period of two years, without limit.

E. COMPENSATION

The City of Exeter Municipal Code Section 2.04.030 provides that Council Members, including the Mayor, are entitled to receive the sum of ten dollars for each meeting of the council the individual attends, whether such meeting be a regular meeting, a special meeting, or adjourned or a continued meeting no more than four meetings in any calendar month. The Council Members and their immediate family members have the option of participating in the City's wellness clinic at their cost. Expenses for city related business (i.e. meetings, conference attendance, League Division dinners, etc.) are covered by the City. No other compensation is provided.

F. CITY CLERK

The City Clerk is appointed by the City Council by a majority vote. The City Clerk is the local official for elections, local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). Before and after the City Council takes action, the City Clerk, in consultation with the City Attorney, ensures that actions are in compliance with all federal, state and local statutes and regulations and that all actions are properly executed, recorded, and archived.

The statutes of the State of California prescribe the basic functions and duties of the City Clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow.

The Office of the City Clerk is a service department within the municipal government upon which the City Council, all City departments, and the general public rely for information regarding the operations and legislative history of the City. The City Clerk serves as the liaison between the public and City Council and provides related municipal services. In the City of Exeter, the City Clerk also serves as the Human Resources Manager and Risk Manager.

G. CITY ATTORNEY

The Exeter City Council appoints the City Attorney, who shall be an attorney-at-law, duly admitted to practice in the courts of this state.

H. TRIANGLE OF POLICY, PROCESS & PRODUCT

The City Council establishes the Policy—establishing vision and direction for the community's future.

The City Clerk, in consultation with the City Attorney, oversees the Process—ensuring that the decision-making process complies with federal, state, and local regulation and that it is properly recorded.

The City Administrator provides the Product—which is the primary reason for the existence of local government: to provide services to the taxpayer that the taxpayers cannot (or will not) provide for themselves.

I. MAYOR AS PRESIDING OFFICER AND DUTIES THERETO

The Mayor shall be recognized as the official head of the City of Exeter for all ceremonial purposes. In the time of public danger or emergency, the Mayor may, with the consent of the City Council, cause order to be maintained and enforce laws. The Mayor shall act as the Presiding Officer at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council. The Mayor may move, second, and debate from the Chair, subject to such limitations of debate as are imposed on all Council Members by these rules and shall not be deprived of any of the rights and privileges of a Council Member as such Presiding Officer. The Mayor shall possess no veto power.

The Mayor shall preserve strict order and decorum at all times. The Mayor may announce special rules for the consideration of a particular item on the agenda, such as, but not limited to: The length of time persons may speak, require that, if desirable, a spokesperson address the Council on behalf of a group of persons and, in the event of a hearing, provide time for arguments and rebuttals from proponents and opponents. The Mayor shall state each item coming before the City Council, and shall upon conclusion of said presentation related thereto call for the vote. Following the vote, the Mayor shall announce the results of the vote. The Mayor is eligible to vote on all motions, and shall direct the order of participation of Council Members. The Mayor shall, in all instances, have the last chance to speak. The Mayor shall sign all ordinances and resolutions adopted by the City Council during the Mayor's presence. The Mayor shall sign all agreements and/or contracts, except where otherwise instructed or set forth by policy, or by approval by Council.

J. MAYOR PRO TEM

In the absence of the Mayor, the Mayor Pro Tem shall possess and perform the power and duties of the Mayor. In that capacity, the Mayor Pro Tem shall sign ordinances and resolutions adopted in his/her presence. The Mayor Pro Tem may also sign agreements and/or contracts, except where otherwise instructed or set forth by policy, or approval of the Council.

K. RULES OF PROCEDURES

The City Council shall determine its own rules of procedures and amend them from time to time or adopt new rules as it deems necessary.

Simple Parliamentary Decorum shall govern meetings. The Mayor shall ask for a motion and a second prior to calling for a voice vote (i.e. ayes, nays, abstentions) absent an electronic voting device. In the instance of a vote on an ordinance or resolution the Mayor, absent an electronic voting device, may ask the Clerk to poll the Council, beginning with the member who motioned, then the member who seconded and alphabetically thereafter, with the Mayor being polled last unless required to do so for teleconference meetings.

The Mayor reserves the right to direct the Clerk to poll the Council on any vote .

Amendment to or adoption of new City Council Rules shall be accomplished by majority vote.

Any Council Member may move the Mayor to enforce the rules and a majority vote of the City Council shall require the Mayor to so act.

L. INTERFERENCE IN STAFF FUNCTIONS

The City Council shall deal with the administrative services of the City through the City Administrator, except for the purpose of inquiry, and neither the City Council nor any member thereof, shall give orders to subordinates of the City Administrator. No member of the City Council shall publicly criticize or censure any staff member of the City, and shall instead relay any criticism of a staff member privately through the City Administrator.

The City Council shall deal with the Office of the City Attorney only through the City Attorney, except for the purpose of inquiry, and neither the City Council nor any member thereof, should give orders to subordinates of the City Attorney.

M. COUNCIL VOTING

A majority, also known as a simple majority, is a subset of a group that is more than half of the entire group (ex. 50% plus 1 of the members present.)
A two-thirds majority or "super majority" means that two-thirds of the entire

membership of a body or more must agree to the proposition. It is much stronger than a simple majority requirement (ex. 50% plus 2 of the members). In the event of an absence the vote would have to be unanimous.

Resolutions, orders for payment of money, and all ordinances required a recorded majority vote of the total membership of the city council. Some actions, such as the passage of an urgency ordinance or adoption of a resolution of necessity, require a super majority of the entire membership, or a unanimous vote of those present. Also See Chapter 2, Section G below.

N. COUNCIL MEMBER COMMUNICATION WITH PUBLIC

Out-of-District Requests: Council Members will at times be contacted by citizens residing outside of their respective districts. When this occurs, City Council Members agree to advise the appropriate Council Member of the contact and matter of concern.""

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CHAPTER 2
CITY COUNCIL MEETINGS

A. REGULAR MEETINGS

The times of City Council meetings are set by Resolution. Regular meetings of the City Council shall be open to the public and held on the second and fourth Tuesdays of every month, at the hour of 7:00 p.m. Closed Session, when necessary, shall be held at 6:30 p.m. and may be adjourned and/or continued after the regular meeting as noted by the Mayor.

Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting may be held at the same hour on the next succeeding day, not a holiday, as if it were a regular meeting.

B. SPECIAL MEETINGS

A special meeting may be ordered at any time by the Mayor or by his/her designee whenever the public business may require it or upon the request from three members of the City Council. Whenever a special meeting shall be called, notice of such meeting shall be provided pursuant to State law.

C. STUDY SESSIONS

The City Council may meet in a "study session" called as a Special Meeting for the purpose of acquiring information on a particular subject(s). Study sessions shall be open to the public. Study sessions are not public hearings; however, public input will be received. The City Council may not vote or otherwise express consensus, intent, or direction and will not take any final action at a study

session, unless the agenda specifically notes such action of a vote, consensus, intent or direction.

D. CLOSED SESSIONS

Consistent with Government Code Section 54954.2 the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.
The general subject matter for consideration shall be expressed in an open meeting before such session is held. After closed session the legislative body must reconvene to open session and may be required to disclose action taken, if any.

The legislative body in a closed session can consider only matters covered in its agenda descriptions. City Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under law in complete confidence to ensure that the City's position is not compromised. No mention of information in these materials should be made to anyone other than Council Members, City Attorney, or City Administrator, unless one of the aforementioned is precluded or a subject thereof.

If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claims or litigation, and/or employee negotiations, all contact with the other party should be by the designated representative handling the negotiations or litigation. A Council Member should not have any contact or discussions with the other party or its representative(s) involved concerning the negotiation during this time and not communicate any discussion conducted in closed sessions. All public statements, information, press releases, should be handled by the designated representative or spokesperson.

Government Code Section 54963 (a) – (f) outlines the injunctive relief and disciplinary actions that may be imposed on those who divulge confidential closed session discussions, without first receiving authorization from the legislative body.

E. AGENDA

In order to facilitate the orderly conduct of the business of the citizens of Exeter, the City Administrator, with input from Department Heads and the City Attorney shall set the agenda, reviewing same with the Mayor. The City Clerk shall arrange such matters as may have been timely provided, for inclusion in the agenda. Each member of the Council shall be provided with a copy of the City Council agenda in accordance with the provisions as outlined in the Brown Act. In order for this to occur the City Clerk shall provide deadlines for the submittal of

staff reports to be used in the preparation of the City Council agenda.

F. CALL TO ORDER

The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro Tem. In the absence of the Mayor and Mayor Pro Tem, the meeting shall be called to order by the most senior Council Member present. This person shall serve as the Council's presiding officer until the arrival of the Mayor or Mayor Pro Tem, or until adjournment of the meeting.

G. QUORUM

Three members of the City Council shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters, which, by law, require a greater majority. All ordinances, resolutions, and orders for the payment of money require at least three affirmative votes.

H. LACK OF QUORUM

If a majority of the City Council are absent from any meeting, the remaining members of the City Council may declare the meeting adjourned or if no member of the City Council is present, the City Clerk may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced. A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

I. RECOGNITION TO SPEAK, COUNCIL MEMBER

Every Council Member desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine his or her remarks to the item coming before the City Council.

1. **Interruptions:**
   A Council Member, once recognized, may voice concerns, comments or ask staff to provide explanation or clarification of the item before the City Council, without interruption, unless out of order with the rules and procedures established herein.

2. **Public Hearings:**
   Council Members should not speak to the merits of an issue, other than to ask questions, until the public hearing has been closed.

J. COUNCIL MEMBERS' OBLIGATION AFTER ABSENCE

When a Council Member is absent from an earlier meeting at which a matter was

discussed, it shall be the duty of that Council Member to become acquainted with the issues discussed by reading the documents presented, reviewing the minutes from the meeting in which that item was discussed, listening to or viewing the taped recording of the meeting missed in order to further participate in future discussions and/or vote on the item.

K. ADJOURNMENT OF MEETING

The Mayor shall adjourn the meeting. In the instance of the lateness of the hour the Mayor may also adjourn the meeting to a date and time specific to continue discussions on either the remainder of the agenda or on a specific item for discussion.

L. AGENDA ITEMS OUT OF ORDER

The Mayor, may, with the consent of the City Council, modify the order of the agenda at the meeting, if such modifications would promote fluidity in the process and discussions.

M. AUDIO RECORDINGS

All regular meetings (except closed sessions) of the City Council are audio recorded. All special meetings, inclusive of, but not limited to study sessions, budget sessions are recorded. Audio recordings are in digital format and are to be archived in accordance with the City's Records Retention Policy.

N. VIDEO RECORDINGS

The City may video record meetings. In the event a meeting is video recorded, the record will be archived in accordance with the City's Records Retention Policy.

O. AGENDA FORMAT FOR REGULAR MEETINGS

The agenda format for the Exeter City Council regular meetings may be prepared to include, but not limited to the following categories and/or sub-categories, not necessarily in the order herein reflected:

CALL TO ORDER REGULAR SESSION
~~PLEDGE OF ALLEGIANCE AND~~ INVOCATION
PLEDGE OF ALLEGIANCE
PUBLIC COMMENTS
SPECIAL PRESENTATIONS
CONSENT CALENDAR

INDIVIDUAL BUSINESS ITEMS
COUNCIL ITEMS OF INTEREST
CITY ADMINISTRATION/DEPARTMENT COMMENTS
ADJOURN REGULAR MEETING

P. COMPONENTS OF REGULAR MEETING

The following sections of a regular meeting agenda shall set forth the guidelines of decorum for each respective section of the agenda:

1. **Public Comments**
   This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Exeter City Council. In compliance with public meeting laws, Council cannot discuss topics that are not included on the published agenda. This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Public comments related to all pulled Consent Calendar Items and all Individual Business or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at a time the Public Hearing is opened for comment.

   In fairness to all who wish to speak, comments shall be limited to five (5) minutes for each individual, ten (10) minutes for an individual representing a group, and thirty (30) minutes overall for the entire public comment period, unless otherwise indicated by the Mayor. Although not required, speakers are asked to begin their comments by stating their name and city of residence.

2. **Special Presentation**
   Items in this category are informational or ceremonial in nature only. No action is required or taken on these items. Issuance of Proclamations, Resolutions of Commendation, Introduction of Employees, presentation from citizen groups, etc., may be scheduled by the City Administrator or City Clerk in consultation with the Mayor.

3. **Consent Calendar**
   All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

4. **Individual Business Items**
   Comments related to Individual Business and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item. The Mayor may reasonably limit or extend the public comment period to preserve the Council's interest in conducting efficient, orderly meetings.

5. City Council Items of Interest

In this section of the agenda, City Council may provide information or updates on meetings/conferences attended, complaints/concerns/praises received from constituents, announce upcoming events, present information of Council/City interest, etc. Items presented under this section cannot be acted upon at the meeting in which it is discussed; however, it may be agenized for a future meeting upon the majority approval of the City Council.

6. City Administrator/Department Comments

City Administrator/Department Comments may include updates on City projects and events. Items presented under this section cannot be acted upon at the meeting or discussed. Informational in nature only.

Q. MINUTES

The City Council utilizes hybrid minutes, a blending of action and/or verbatim minutes and shall be known as "summary minutes" which include the motions made, action taken, and a brief summary of council, staff and/or public comments. The digital audio recordings shall serve as the verbatim record and are kept in accordance with the City's Records Retention Policy. Minutes may be approved under the Consent Calendar without reading. If, however, a Council Member raises a point of correction to the minutes of a City Council meeting, that correction may be made verbally for the record and approved at that meeting in which it is addressed.

R. LEGISLATIVE PROCEDURES

Generally, legislative proceedings shall be conducted in the following order:

Introduction of the item by the Mayor
Staff presentation
If applicable, Public Hearing opened by Mayor
Public Comments
If applicable, Public Hearing closed by Mayor
Questions by Council Members
Discussion by Council Members
Action by City Council

Appeal proceedings shall be conducted in the following order:

Introduction of the item by the Mayor
Staff presentation
Hearing opened by Mayor
Appellant's comments

Public comments
Rebuttal-Appellant comments
Hearing closed by Mayor
Questions by Council Members
Discussion by Council Members
Action by City Council

S. APPEALS

The filing of an appeal shall have the effect of staying the issuance of any permit or procedure until such time as the matter on appeal is resolved. If there are subsequent items to come before the Council that are subject to the outcome of the appeal, those items shall be listed following the item for appeal on the agenda; the decision of which shall be factored upon the Council's decision on appeal.

T. CITY COUNCIL AGENDA ITEM REFERRALS

Any Council Member may, at a regularly scheduled meeting under "City Council Items of Interest", request a matter which is not otherwise scheduled on a City Council agenda to be placed on a future agenda. The Council Member referring the item shall provide a brief description of the subject to be printed on the agenda, sufficient to inform the City Council and public of the nature of the item.

The City Council, after considering the referral, may either refer the matter to staff to schedule as a future City Council agenda item or they may, by concurrence of the majority, advise to not place on a future agenda.

U. APPOINTMENTS

Appointment to the City Boards, Committees and Commissions (Planning Commission and Downtown Design Review Committee) shall be made as set forth in Ordinances adopted by the Exeter City Council and may be amended from time to time. Appointment to outside Agency Boards and Committees shall be made and reviewed consistent with the applicable Board's or Committee's regulations, and shall otherwise be reviewed every two (2) years in December in even years and as needed thereafter.

V. ADDRESSING THE CITY COUNCIL

1. Speaker Form and Speaker Time

A person desiring to address the City Council may be *encouraged* to complete a Speaker Form. Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit the time for individual comments. When deemed necessary, the Mayor may allocate a longer speaker time, other

than what is noted on the agenda, without objection from the City Council.

Each person shall stand at the podium, if one is available, and is requested to state & spell his/her name and provide city of residence for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the City Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the Mayor. No question shall be asked of a Council Member or a member of City staff except through the Mayor.

2. **One Speaker at a Time**
No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the Mayor. All discussions shall be through the Mayor, and no question shall be asked of a Council Member or City Staff except through the Mayor.

3. **Questions and Comments from the Public**
Questions and comments from the public shall be limited to the subject under consideration, except for those items introduced under Citizen Comments.

4. **Addressing the City Council after a Public Comment and/or a Motion is made**
No person in the audience may address the City Council after the public comment portion is concluded, or after a motion is made, without first securing permission from the Mayor to do so, and the Mayor is permitted but not required to recognized the interruption. Upon recognition by the Mayor and permission being granted by the City Council, the person so recognized shall confine him/herself to the question under discussion.

W. CONTINUED AGENDA ITEMS

It is City Council practice and policy that matters scheduled on an agenda will be heard at the meeting scheduled. When unforeseen circumstances mandate a request for continuance of an agenda item by an applicant, appellant, or other interested parties, the request must be made to the City Council at the outset of the consideration of the item. In addition, any person intending to make a request for a continuance shall inform the City Clerk, orally or in writing, as soon as possible prior to the meeting that such a request for continuance will be made. The City Clerk shall inform the Mayor. The City Council will consider the request for continuance prior to discussing the substance or merits of the agenda item. The interested parties may speak to the issue of a continuance without forfeiting the right to speak later to the merits of the issue if a majority of the Council agrees. Comments may be presented by persons not able to attend the meeting for which the item is finally scheduled if the City Council agrees to continue the item.

X. PUBLIC HEARING CLOSED

Once a public hearing is closed it is inappropriate for the public to speak except to answer an inquiry of a Council Member addressed through the Mayor. However, a public hearing may be re-opened by a majority approval by the Council to hear new information.

Y. CANCELLATION OF MEETING

The City Administrator in consultation with the Mayor, may cancel City Council meetings if there is no business to conduct, or a meeting date conflicts with City holidays. All noticing of the canceled meeting will be done by the City Clerk, or designee, in accordance with the law.

CHAPTER 3
DECORUM

A. ENFORCEMENT OF DECORUM

The Mayor shall designate the Chief of Police, or his/her designated representative as a sergeant-at-arms when necessary to attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chambers, lobby, or other designated meeting location. Upon instructions from the Mayor, the sergeant-at-arms shall eject any person from the City Council Chambers, in conformance with State law.

B. CONDUCT IN THE CITY COUNCIL CHAMBERS

1. **Council Chambers Defined**
   Council Chambers shall be, in addition to the usual and customary meeting location, any location or facility wherein a majority of the legislative body may meet for an open and public meeting as defined by the Brown Act, whether it be a regular meeting, special meeting, joint meeting, closed session or study session.

2. **Rules of Decorum for the Public**
   Members of the audience shall not engage in any meeting disruption, which is defined as engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes or renders infeasible the orderly conduct of the meeting and includes, but is not limited to one of the following: a) a failure to comply with reasonable and lawful city council policies/regulations or other applicable laws, or b) engaging in behavior that constitutes use of force or a true threat of force as defined by law. Examples include disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling,

and stamping of feet or other acts which actually disturbs, disrupts, impedes or otherwise renders the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the Mayor (or presiding member of the City Council), be subject to ejection from the meeting per Government Code Section , 54957.9 and 54957.95, if the audience member continues the behavior after having been warned of the consequences the presiding council member or his/her designee. Any person who violates these rules may be guilty of a misdemeanor. This section shall not be construed to prohibit public criticism of the policies, procedures, programs, or services of the agency, or the acts or omissions of the city council.

3. **Rules of Conduct and Safety**
When the City Council is in session, all persons present must preserve safety and order. Members of the public should sit in the seats provided, subject to ADA compliance, unless addressing the Council or entering or leaving the Council Chambers. Members of the public shall not block the aisles or exits in any manner. Members of the public should not bring audible equipment into the Council Chambers, including cellular phones or pagers, without first either turning said equipment off or to a silent mode.

4. **Clearing of the Council Chambers**
In addition to the remedies set forth above, in accordance with California Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting not feasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue the session. Representatives of the press or other media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this provision. The City Council may establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

5. **Cell Phones**
In order to minimize interference to audio recording equipment during a City Council cell phones shall be turned off or at minimum placed on silent during all meetings.

6. **Media Equipment – Broadcast, News, Photograph, Print, Published, Recording, Video**
The use of media equipment that enables recording of information of an open and public meeting is permissible, absent a reasonable finding by the legislative body that the use of said equipment presents a persistent disruption (noise, illumination, obstruction of view or pathway) to the proceedings.

In the event that use of media equipment is disruptive, the Mayor may first seek to remedy of the equipment operator, asking that the device, whether it is noise, illumination, obstruction of view or pathway, be silenced, turned off, moved or removed from the area in question.

If the equipment operator refuses to make such accommodations the Mayor, by a reasonable finding of the legislative body, may determine that such use is a persistent disruption and bar the use of said equipment, illumination device and/or restrict the equipment operator from setting up at a particular location within the Council Chambers/meeting location.

C. COURTESY

1. Council Members
Council Members shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statement as to motives and personalities.

2. City Employees
Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

3. Public Speakers
Members of the public have the right to attend City Council meetings and to address the City Council on specific agenda items and under the Citizen's Comments section of the agenda. As noted above, the right of members of the public to address the City Council includes their right to criticize the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council and members of the City Council.

While the City Council meeting is in session, all persons must preserve order and decorum. A person who addresses the City Council under a specific agenda item or under Citizen's Comments section of the agenda is subject to the rules of decorum and removal procedures set forth in Section B above.

4. Appointed members of Boards, Commissions and Committees
Appointed members of Boards, Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

D. NOISE IN THE LOBBY

Noise emanating from the lobby outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

E. CROWD CONTROL IN COUNCIL CHAMBERS

If the City Administrator, or the City Administrator's designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, he/she shall provide for appropriate crowd control. Alternatively, the City Administrator may in consultation with the Mayor, determine a different location to accommodate the crowd.

F. SMOKING

It is unlawful for any person to smoke in the City Council Chambers.

G. FOOD & DRINK

No food or drinks, other than bottled water, may be brought in by the public into the audience seating area of the City Council Chambers.

H. DISTRIBUTION OF LITERATURE AND OTHER MATERIALS IN CITY COUNCIL CHAMBERS

No person, other than City staff, shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chambers.

Flyers, leaflets, placards or literature may only be distributed to the Council by a member of the public under Citizen's Comments, or by a project applicant/appellant pertaining to City business as may be referenced on the agenda, by approaching the City Clerk and requesting such material be distributed on their behalf.

Such other literature may only be displayed or distributed outside the City Council Chambers area.

CHAPTER 4
PROCEDURAL RULES

A. RULES OF ORDER

The City Council shall determine its own rules of order and amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council procedures shall be accomplished by a majority vote.

B. RULES OF DISCUSSION

1. Withdrawal of Motion

A motion may not be withdrawn by the maker of the motion without the consent of the Council Member who seconded the motion.

2. **Voting**
The City Council, in the absence of an electronic voting device, votes by "voice vote" on all matters before it, unless a roll call vote is required by law or is requested by the Mayor. Silence shall be recorded as an affirmative vote, unless abstention is required by law, in which case silence shall be recorded as an abstention. The Presiding Officer shall announce the results of the vote. The City Clerk shall show on ordinances and resolutions, the names of Council Members and their respective votes.

3. **Failure to Vote**
Absent a disqualification under State law, including conflict of interest provisions and prohibitions on participating when personal bias would prohibit a fair decision, it is the responsibility of every Council Member to vote. Failure to vote that is not compelled by a legal disqualification shall constitute an affirmative vote. A Council Member who fails to vote shall nonetheless be counted toward making up a quorum, unless otherwise required by State law.

4. **Abstaining from Vote for Reasons Other than an Identified Legal Disqualification**
A Member of the City Council who abstains determines not to vote "yes" or "no". A vote to "abstain" except for an identified legal disqualification shall be counted as an affirmative vote. A Council Member shall state a reason for abstaining prior to doing so; failure to do so will constitute the same action as silence or failure to vote. A Council Member who abstains from voting for other than an identified legal disqualification shall nonetheless be counted toward making up a quorum.

5. **Abstention/Recuse: Conflict of Interest**
Prior to consideration of any matter or item, Council Members may consult with the City Attorney concerning potential conflicts of interest. Council Members shall disqualify themselves and abstain from voting if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Council Members shall state the specific reason for such disqualification. Unless the matter is on the consent calendar, the abstaining Council Member shall leave the Council dais until the conclusion of the agenda item. The matter will then proceed as though the member is not present, and the member shall not be counted toward making up a quorum. Further requirement on abstention and absence from the Chambers may be imposed by State law.

It should be noted; however, a Council Member may speak, on his/her own behalf – as opposed to on behalf of someone else – on certain matters that directly affect his/her financial interest even when conflicted out. Thus, while a Council Member would have to disqualify him/herself on a matter affecting a piece of property in which the Council Member has a financial interest, he/she may be able to address the Council, speaking to what the impact would be to his/her property or business. Any Council Member who chooses to speak on an item as an individual resident, that he/she are otherwise legally disqualified from participating as a Council Member, shall do so at their own risk and subject to any consequences from FPPC.

6. **Tie Votes**
When one Council Member is absent and a matter under discussion has a tie vote, the item will be considered denied and to have not passed. The City Council exercises "appellate jurisdiction" when it considers certain prior determinations in which it is conferred such specific authority . In these instances a tie vote constitutes a non-action, which is a denial of the appeal.

7. **Motion for Reconsideration**
Upon final vote by the Council of any agenda item, a motion for reconsideration may be made, but only during the Council meeting wherein the agenda item was approved or denied. Any motion made after the close of the Council meeting is untimely. The motion for reconsideration is allowed by a member of Council that voted as part of the majority of the original motion. The motion may be seconded by any member of Council. If the motion to reconsider passes, then a member of Council may make a new motion related to the same item.

C. COUNCIL DAIS

The City Council seating area, most commonly referred to as the Council Dais is restricted to Council and City Staff at all times. Loitering or the dissemination of materials are not permitted in the area directly in front of the City Council seating area, commonly referred to as the well. Written or photographic materials are to be handed to the City Clerk for dissemination to the Council, and made part of the record.

CHAPTER 5
ADMINISTRATIVE RULES

A. PURCHASE BY CONTRACT OR IN THE OPEN MARKET

When the expenditure required for the purchase of any supplies exceeds the sum established by a policy through a resolution adopted by the City Council, the

Purchasing Agent shall advertise for sealed proposals in the manner hereinafter prescribed for proposals for public work and the contract shall be awarded by the Council to the lowest responsible bidder, provided that the Council may reject all bids and order the Purchasing Agent to buy in the open market at a price less than the lowest bid received from a responsible bidder, and provided that if no bids are received, the Council may order the Purchasing Agent to buy in the open market. Until the Council shall otherwise provide by Ordinance, the Finance Director shall act as Purchasing Agent.

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B. PUBLIC WORKS TO BE DONE BY CONTRACT

All public buildings and work, when the expenditure therefore shall exceed the sum established by a policy through a resolution adopted by the City Council, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising one (1) time in a daily newspaper of general circulation, for sealed proposals for the work contemplated. Provided, that the Council may reject any and all bids, if deemed excessive, and re-advertise for bids to provide for the work to be done by the Department of Public Works.

C. EXECUTION OF DOCUMENTS

1. **Ordinances, Resolutions and Ceremonial Certificates**
   The Mayor as Presiding Officer or in the Mayor's absence the Mayor Pro Tem shall execute all Ordinances and Resolutions. Ceremonial Resolutions, Proclamations and Certificates will also be executed by the Mayor or in the Mayor's absence the Mayor Pro Tem.

2. **Contracts for Supplies, Public Buildings and Work**
   All contracts for supplies, public buildings and work shall be approved as to form by the City Attorney, and shall be signed by the Mayor or in his absence the Mayor Pro Tem, and attested to by the City Clerk, unless authorized to be signed by the City Administrator or Purchasing Officer per Exeter Code of Ordinances Section 2.10.

3. **Agreements, Contracts, Addendums, Change Orders, Memorandums of Understanding for Administrative, Managerial or Professional Services or Programs over $15,000**
   All agreements, contracts, or memorandums of understanding for administrative, managerial or professional services or programs over
   $15,000 shall be, upon approval of Council, approved as to form by the City Attorney, and shall be signed by the City Administrator, or the City Administrator's designee, and attested to by the City Clerk.

4. **Acting City Administrator Designation**
   In that the City Administrator is required to be away from the City from

time to time, due to conferences, training, business trips, etc., and it is necessary that the City be represented within the authority of the City Administrator, the City Administrator has the ability to use discretion in selecting and designating an Acting City Administrator to carry out the ministerial duties for the duration of the City Administrator's absence as set forth in writing when the Acting City Administrator is designated. Such designee shall be an Employee of the City.

D. COUNCIL ADMINISTRATIVE SUPPORT

1. **Mail** – All general mail is opened, date stamped and routed to the addressee.

2. **Letters Addressed to Mayor and/or City Council Members** – All letters addressed to the Mayor and/or City Council Members requiring a response from staff are copied to the City Administrator. A copy of the responses mailed, along with the original letters will be provided to each Council Member.

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Letters addressed to the Mayor and/or City Council members that do not require a response, but provide information on Council agenda items or like matters will be copied to the full Council.

Mail pertaining to specific meetings where an individual Council Member is the appointed representative of the Council is opened, said mail will be distributed to that Council Member and not copied to the full Council.

3. **Council Correspondence** – All Council Members correspondence written with City resources (letterhead, typing, staff report, postage, etc.) will reflect the position of the full Council, not individual Council Member's positions. All Council Member correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence.

4. **Clerical Support** – The City Administrator/City Clerk's Office will coordinate the typing of correspondence requested by individual Council Members for communications reflecting the position of the full Council. All correspondence typed for Council Member will be on City letterhead and will reflect the position of the full Council, not individual Council Member and will be copied to the full Council.

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5. **Council Notification of Significant Incidents** – In conjunction with the City public safety departments, the City Administrator's Office will report on significant incidents immediately once known via phone call or email.

~~5.~~6. Council Member Notification of Constituent Request for Communication – With regard to ~~C~~contacts addressed to Council Members but received by City Hall or Departments, ~~:~~ ~~C~~citizens attempting to communicate with the City Council often call or email offices at City Hall or various City Departments. Such calls are referred to the City Administrator's Office. The City Administrator's staff will take a message and/or refer it to the appropriate Council Member (electoral district) or give the caller the telephone number or email address of the City Council Member so they may call them directly, according to instructions given by the Council Member.

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E. RULES AND PROCEDURES ADMINISTRATION

1. **Review of City Council Rules and Procedures** – The Council will review and revise the Handbook of Rules and Procedures as needed.

2. **Adherence to Rules and Procedures** – During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's adopted protocol.

3. **City Attorney as Rules and Procedures Advisor** – At the behest of the full Council, the City Administrator may be directed to confer with the City Attorney in interpreting the City Council's adopted Rules and Procedures and proposed changes.

4. **Adherences to Administrative Procedure and Process of Rules and Procedures** – The Council has delegated the City Administrator responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council Member. The City Administrator will discuss with the Council Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Administrator will report the concern to the full Council.

5. **Applicability of Rules and Procedures** – The City of Exeter City Council Handbook of Rules and Procedures shall also apply to all Board, Commissions and/or Committees as established by the City Council.

F. CONFLICT WITH CITY CHARTER, CITY MUNICIPAL CODE, CITY PROCUREMENT POLICIES, ADMINISTRATION POLICIES, STATE OR FEDERAL LAW

If there is any conflict contained hereinabove with the City Charter, City Municipal Code, City Procurement Policies, Administration Policies, State

or Federal Law, such laws shall prevail over the provisions contained within this Handbook.

DRAFT

RESOLUTION 2024-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER APPROVING AN AMENDMENT TO THE EXETER CITY COUNCIL HANDBOOK OF RULES AND PROCEDURES

WHEREAS, California Government Code §36813 provides that the Council may establish rules for the conduct of its proceedings; and,

WHEREAS, the City Council of the City of Exeter adopted it's City Council Handbook of Rules and Procedures on October 25, 2022 via Resolution No. 2022-42; and,

WHEREAS, the adopted City Council Handbook of Rules and Procedures sets forth the rules and procedures of the general powers and duties of Council, meetings, decorum as well as procedural and administrative rules, that may be useful to the City Council, administrative staff, and the general public; and,

WHEREAS, the City Council of the City of Exeter has identified, reviewed, and considered proposed amendments to said handbook to include a council communication policy regarding inquiries received by council members from community members outside their district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EXETER, does hereby resolve as follows:

SECTION 1. The Amended Exeter City Council Handbook of Rules and Procedures as presented in Exhibit A is hereby adopted.

Passed, approved, and adopted this 12th day of March 2024, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A

Exeter City Council
Handbook of Rules and Procedures

See Attached.