CITY OF CITRUS HEIGHTS CITY COUNCIL HANDBOOK

Administrative Updates Adopted 5/13/2026

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Chapter 1

Introduction and Overview

As a City Council Member, you not only establish important and often critical policies for the community, but you are also a board member of a municipal corporation with an annual budget of more than $50 million. The scope of services and issues addressed by the City organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

Overview of Basic City Documents

This informational handbook provides a summary of important aspects of City Council activities. It is intended to orient new Council Members and serve as a point of reference in the event questions arise. The handbook is not all inclusive, nor is it intended to supersede any local, state or federal laws. Where conflicts arise, local, state and federal law prevail.

Some of the most notable documents that contain information necessary for undertaking the business of the City Council are listed below.

Citrus Heights Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The Municipal Code contains a variety of laws including, but not limited to, zoning and development standards, traffic/speed regulations, and administrative standards. An on-line version is available on the City's website under the City Clerk's services area.

California Government Code: The state Government Code contains many requirements for the operation of city government and administration of meetings of city councils throughout the state. Many of these requirements, such as open meeting laws, are also referenced within the Municipal Code to ensure there is broad awareness of such requirements. Citrus Heights is a "general law" city, which means it is organized in accordance with provisions of the State Law in the *Government Code.* Some cities within California are "charter cities" and have adopted local provisions to determine how the city is structured.

The *Government Code* describes the council-manager form of government, which is practiced in Citrus Heights. This form of government prescribes that a city council's role is to establish polices and priorities, while the role of the city manager is to administer the affairs of the city government.

Bi-Annual Budget: The City's bi-annual budget provides a description of City services and the resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization.

Capital Improvement Program: Each year, the City updates its five-year Capital Improvement Plan (CIP) as a planning tool to prioritize and implement its short and long-term program of transportation, drainage, facilities, and general purpose capital and maintenance projects. The CIP is updated during the spring of each calendar year as a precursor to the development of the City's bi-annual operating budget.

General Plan: The General Plan is a state mandated plan that addresses adopted future land development plans and policies. Elements of the City's General Plan are updated on a periodic basis. State law provides for the adoption of an annual report of the Plan implementation by the City Council.

Orientation of New Members

It is important that the members of the City Council gain an understanding of the full range of services and programs provided by the organization. As new members join the City Council, department heads are instructed to provide overviews of the programs and activities undertaken by the departments. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

Chapter 2

Citrus Heights City Council: General Powers and Responsibilities

City Council Generally

The powers of a city council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, *the Council shall have the power in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California (California Government Code).*

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Vice Mayor have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is implemented. Actions of staff to pursue the policy direction established by a majority of Council does not reflect any bias against Council Members who held a minority opinion on an issue.

At-Large Governance

On June 28, 2019, the City Council transitioned from at-large elections, to district based elections. As a result the Council adopted a strategic planning goal at its April 2019 retreat for staff to, "present to the City Council methods by which the Council can sustain effective governance given that future Councilmembers will be elected by district, rather than citywide." The Governance Principles designed to maintain at-large governance and discussed by the Council are outlined below:

As a team, the City Council will create, and judiciously execute, citywide strategic goals. The City Council will conduct, at least annually, a strategic planning retreat, which will include a discussion of citywide goals, rather than district-based goals. Councilmembers will create citywide policy priorities to allocate limited resources, while showing no favoritism to any given district. To orient prospective Council Members to the City's governance culture, Staff will conduct a Councilmember candidate orientation to educate candidates on governance principles and City operations in general.

The City practices data-driven resource allocation.
Resources (including staffing, services, and capital projects) will be allocated based on data-driven, prioritized needs of the entire City without giving preference to any district.

The City prioritizes customer service.
All Councilmembers will be informed of issues and interests within each district. The Mayor will respond to general citizen inquiries regardless of district. Councilmembers with issue-specific knowledge are free to respond to inquiries regardless of district. In all cases, Councilmembers and the City Manager will be informed of communication. Staff will maintain citywide messaging on communication platforms.

The City Council will honor the roles of the Council / City Manager form of government.
While community members may initially think the roles of Council Members have changed due to the shift to district-based elections, Council Members will continue to honor the roles of Council / City Manager in policy creation and program administration.

Role of Mayor and Vice Mayor

Mayor: The role of the Mayor is to preside at all meetings of the City Council and to perform such other duties consistent with the office as may be imposed by the Council or by a vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

The Mayor is appointed by and serves at the pleasure of the City Council. Currently the Mayor's seat is rotated on an annual basis, generally in the month of December.

The Mayor shall consult and coordinate with the City Manager in the development of agendas for City Council meetings. The scope of such review focuses on the timing of business items and the volume of business, which can be considered at any one meeting. Such review does not allow for a unilateral, unlimited delay of items to be considered by the Council. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by a majority of the City Council at a City Council meeting. The City Council is presented with a long-range agenda at every meeting that provides an estimation of matters to be considered at future meetings. In order to add items to the agenda for consideration, there must be support from at least two Council Members.

The Mayor is also responsible for making appointments to regional boards and commissions. Appointments occur in early January of each year.

Vice Mayor: The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice Mayor serves in this capacity at the pleasure of the City Council. This position is rotated on an annual basis, generally in the month of December.

Appointment of City Manager and City Attorney

The City Council appoints two positions within the City organization: the City Manager and the City Attorney. Both positions serve at the will of the City Council. Beginning in 1997, City Attorney services have been provided by contract. The City Manager is an employee of the City and has an employment agreement, which specifies some terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City.

Role in Disaster

The City Council has some special extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations, the Council may be directed to assemble in the City's emergency operations center located in the Citrus Heights Community Center, 6300 Fountain Square Drive, to provide policy guidance and to receive information in an extreme emergency.

The City developed an Emergency Operations Plan. This plan spells out the roles and responsibilities of the Council Members and staff during an emergency.

Appointment of Advisory Bodies

The City has three Commissions/Boards. In addition, special purpose committees and task forces are often appointed by the City Council to address issues of interest. Information on appointments to advisory bodies is included in the City's Municipal Code (Chapter 3). The following procedures reflect the **general guidelines** of the City Council regarding the appointment of volunteers to the various advisory bodies of the City. The appointment process for specific committees/task forces may vary depending on the purpose of the committee/task force.

The establishment of these procedures ensures that well-qualified, responsible and willing residents are given the opportunity to serve the City and to participate in the governing of their community. These procedures apply to all appointments and reappointments to standing advisory bodies.

Qualifications: A member must be knowledgeable of and experienced in the areas of interest of the board/commission on which he/she wishes to serve. Residency is a requirement for appointment to the City's boards and commissions.

Terms: The term of office on most board/commissions is outlined in the Municipal Code. To allow the greatest opportunity for participation, an appointee shall generally be limited to serving on only one City committee, commission or board at a time. This includes representing the City at the regional level.

Current City commissions and boards are as follows:

Name	Terms of Members	Appointment Method
Planning Commission	4 years for regular; 2 years for at-large	Each Council member nominates one commissioner; full Council ratifies. Two at-large commissioners are elected by majority vote of the Council.
Youth Advisory Commission	1 year	13 member commission appointed by City Council, with recommendations from Education 2x2 Committee.
Building Code Board of Appeals		Composed of three Chief Building Officials, with two alternates, serving in jurisdictions outside of the City, which may include employees of consultant companies serving as Chief Building Officials in a local jurisdiction. City Clerk maintains a list of accepted board members.

Current City regional appointed positions (of residents) are as follows:

Name	Terms of Members	Appointment Method
Sacramento Groundwater Authority	4 years	Selected by a majority vote of the Council from directors of Citrus Heights Water District.
Sacramento – Yolo Mosquito and Vector Control District	2 or 4 years	Selected by a majority vote of the Council.

For those appointments where a Council Member individually nominates an applicant to an available position, the appointment shall be effective only upon a majority vote of the Council ratifying the appointment.

The term length of the appointment shall be concurrent with the nominating Council Member's term of office. In the event a Council Member leaves office prior to the normal expiration of his or her term, the regular appointed Member nominated by the departing Council Member shall remain in office until replaced by the successor Council Member's nomination or until otherwise removed by the City Council. Additionally, all appointees serve at the pleasure of the Council; there is no vested right for an appointee to complete an entire term.

If a vacancy occurs, the replacement member shall be appointed by the Council Member making the initial appointment, or by the Council Member who replaced the Council Member making the initial appointment. An appointment to fill an unexpired term shall be for the remaining period of the unexpired term.

The term of any appointee may automatically be extended for not more than ninety (90) days pending the qualification of his/her successor.

Outreach/Posting: On or before December 31st of each year, the City Clerk shall prepare an appointment list of all regular and ongoing committees, commissions and boards which are appointed by the City Council. This listing shall contain the names of all appointees, their terms, the date of appointment and the date the term expires. This listing shall be posted at City Hall and on the City website.

Whenever an unscheduled vacancy for an at-large appointment occurs, a special notice shall be posted in the office of the City Clerk, and the City website as soon as practical but at least within 20 days after the vacancy occurs. Final appointment shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's Office. If the Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately on a temporary basis.

Recruitment: At least one month before regular terms expire, or immediately following receipt of a resignation, the City Clerk shall distribute the vacancy notice as follows, but is not limited to:

- City Council and City Manager
- City Hall posting board
- City website, E-Notifier list, social media, and E-Newsletter
- Media outlets (notice and press release)
- REACH and Neighborhood Association representatives
- Connect Citrus Heights
- Citrus Heights Chamber of Commerce
- Sunrise MarketPlace PBID
- Members of City commission, boards and committees
- Council Chambers (copies available at public meetings)
- Any interested parties

Applications

1. Application forms are available on the City website and in the City Clerk's Office.

2. Applications must be received by the City Clerk by the published deadline to be considered.

3. The application process includes a video interview. After the application deadline, timely applications and video interviews will be provided to the City Council and the public.

4. An ad hoc Council committee may be directed by the City Council to conduct interviews and provide recommendations to the full Council. Should the full Council wish to interview candidates, a special open meeting will be called for that purpose.

5. Appointments will be made following a vote of the Council at an open and public meeting. Open ballots may be distributed, or an oral vote may be taken. The City Clerk will announce the votes.

6. Appointees will be provided with a letter of appointment and will receive the Oath of Office. Appointees may also be required to complete Statement of Economic Interest forms.

Ethics Training & Sexual Harassment Prevention Training and Education: The City Clerk shall, at least biennially, provide information to local officials on training available to meet the Ethics Training and Sexual Harassment Prevention Training and Education requirements. If a member of a commission or board fails to complete the training requirements pursuant to Government Code 53235 and 53237.1, within the time period specified, the City Clerk shall, no later than 10 days after the statutory deadline, send a written notice to the member that his or her proof of completion is due within 10 days from the date of the written notice. If the member's proof of completion has not been received within 20 days from the date of the initial notification, that person shall automatically be removed from membership on the commission or board. The City Clerk shall provide final written notice to the member of their disqualification from the commission or board. The City Council shall solicit applications in accordance with City policy and appoint a new member within 45 days of the disqualification.

Chapter 3

Administrative Support Provided to City Council

Staff/Clerical Support

Administrative support to members of the City Council is provided through the City Manager's Office. Clerical services including scheduling of appointments and attendance at conferences, receipt of phone messages, and word processing are available as needed. Staff members who provide administrative support to the five City Council Members include the City Manager's Office staff. Sensitivity to the workload of staff in these departments, as well as all City departments is appreciated. Please note that individuals may have other work assigned with high priority. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested and must have support of three or more Council Members.

Council Office/Meeting Rooms

The City Hall council office and/or conference room can also be reserved for use of City Council Members by City Manager's office staff.

Mail and Deliveries

Members of the City Council receive a large volume of mail and other materials from the public, private interests, and staff. Mail boxes are maintained for each member by the City Manager's Department. Staff opens mail and reviews any time sensitive invitations, meeting notices or materials. Time sensitive materials are emailed to Council Members or a phone call is made regarding the materials. Mail is generally distributed to Council Members at the scheduled Council Meetings. In the case of urgent material the Council Member is contacted.

Other courier deliveries are scheduled as needed. Staff makes every attempt to telephone Council Members prior to unscheduled deliveries.

Chapter 4

Financial Matters

Council Compensation/Benefits

State law and the City Municipal Code provide for modest compensation to members of the City Council. Currently, pursuant to State statute, members receive a salary of $1,900.00 per month. In addition, members have access to similar benefits as management employees (i.e., health, dental, vision, and life insurance) with a few minor exceptions. The City will pay the premiums for Council Members only. Council Members that choose not to participate in the City's health care program may place $600/month into the City's deferred compensation program.

Cal Cards

Council Members are eligible to receive "Cal Card" credit cards to use for City-related business as outlined in the City's purchasing policy. Cal Cards have a $2,000 limit. All receipts are due to City Manager's Office staff by the 10th of each month. Council members must submit a special "lost receipt form" if they lose a Cal Card receipt.

The City has adopted a purchasing policy (Appendix A) and complies with AB 1234 in regards to travel and expense reimbursement (Appendix B).

Chapter 5

Communications

Overview

Perhaps the most fundamental role of a Council Member is communication – communication with the public to assess community opinions and needs and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council acts as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

Correspondence from Council Members

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor shall be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of the Council will often prepare letters for constituents in response to inquiries or to provide requested information. City Council letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to transmit correspondence on an issue which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should clearly indicate within letters that they are not speaking for the City Council as a whole but for themselves as one member of the Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, members should not use City letterhead, official Council title, and staff support for this purpose. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

Responding to Public Complaints

When Council Members receive a complaint or inquiry from the public that involves a significant amount of staff work, and/or large financial cost, the Council Member should acknowledge the requestor’s communication without making promises about what will happen on behalf of the City Council and forward the message to the City Manager.

Speaking for "the City"

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a

whole. Of course, a member may clarify his/her vote on a matter by stating, "While I voted against X, the City Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

State Legislation, Propositions

The City Council is frequently requested to take action on pending state legislation. The City Council has authorized the City Manager to submit a letter on behalf of the City in regard to proposed state legislation only under the following conditions:

1. In the City Manager's reasonable discretion, the City Manager determines that there is not sufficient time to obtain City Council direction as to the City's position on the proposed legislation;
2. The legislation is consistent with previously adopted policies and principles of the City and City Council, as determined by the City Manager; and
3. The League of California Cities deems the legislation "high-priority" and requests written letters supporting the League's position as to the proposed legislation.

The City Manager shall immediately inform the City Council when a letter of support is submitted under the authority granted.

Proclamations/Certificates

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the City can make special recognition of an event (e.g. Recycling Week). Certificates of commendation, recognition and appreciation are often presented to individuals for their accomplishments.

As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations and certificates on behalf of the City Council. Staff will work with the Mayor and City Manager to determine the appropriate delivery method of the proclamation or certificate. In some instances, a proclamation or certificate may be presented at an event by the Mayor. Individual Council Members do not issue proclamations or certificates. If a Council Member receives a request for recognition, the request should be forwarded to the City Clerk's Office for processing. Types of requests for recognition may include:

- Community Events, Community Organizations
- Athletic/Academic Accomplishments
- Acts of Heroism
- Non-profit Organizations, Yearly Commemorative Events
- Eagle Scouts and Golden Arrow Scouts
- City Commissioner Appointments and Resignations
- Regional Events and Recognition for Other Cities

Chapter 6

Conflicts & Liability

Conflict of Interest

State laws are in place that attempt to eliminate any action by a Council Member which may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

At any time a Council Member believes a potential for conflict of interest exists, he/she should consult with the City Attorney for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws which regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest. The FPPC can be reached at www.fppc.ca.gov or (1-866-275-3772).

There are a number of other restrictions placed on Council actions, such restrictions include prohibitions on secrecy and discrimination as well as assurance that all City funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council Members.

The Council has also approved a Conflict of Interest Code which is reviewed biennially and is attached as Appendix E.

City Attorney Conflict Advice

It is critical to note that while the City Attorney can render advice on the interpretation of state laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide binding interpretations on such matters, and legal protection for Council Members, is the state Fair Political Practices Commission (FPPC). Members or the full Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. Members of the Planning Commission may also wish to seek opinions and advice on potential conflicts of interest.

Conflict of Interest Forms

Council Members and Commissioners and designated staff must fill out annual disclosure statements identifying sources of income, ownership of property, and receipt of loans and gifts. The City Council has adopted its own Conflict of Interest Code. Council Members often serve on the governing board of other agencies as a result of the Council position (e.g. Air Quality Management District, SACOG). These agencies may also require submittal of disclosure forms.

Liability

The City is a large institution offering a variety of services and may often find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner which reduces risk to all involved; however, with such a wide variety of high profile services (e.g. police) risk cannot be eliminated. The City currently purchases its insurance services from a joint powers authority.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Harassment

The City is committed to providing an environment that is free from harassment and discrimination of any kind, including sexual harassment and harassment based on race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation or any other characteristic prohibited by state or federal law. Council Members should be familiar with the City's sexual harassment policies. Violations of such policies may find Council Members personally exposed through legal action. A copy of the City’s Non-Discrimination/Harassment Policy is included as Appendix C.

Chapter 7

Interaction with City Staff/Officials

Overview

City Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. The City of Citrus Heights has set a tone of positive relationships between members of the City Council and staff. To maintain these effective relationships, it is important that roles are clearly recognized.

Council-Manager Form of Government

Like most general law cities, Citrus Heights has adopted a council-manager form of government. This structure reflects the City Council's role to establish City policy and priorities. The Council appoints a city manager to implement this policy and undertake the administration of the organization. The City Council must work through the City Manager in dealing with City staff.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council rather than to individual Council Members, and directs and coordinates the various departments.

Council/Manager Relationship

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive officer of the City. The City Council should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the City Council. Regular communication between the City Council and City Manager is important in maintaining open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with, or support of, the City Manager.

The City Council is to evaluate the City Manager, at a minimum, on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various

ways. There are informal briefing meetings with individual Council Members as needed, informational memoranda and monthly department reports. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed.

Giving Direction to the City Manager [1]

From time-to-time, but at least annually, the City Council, the City Manager, and the City Attorney hold a strategic planning retreat to discuss protocols for working together well and with consistency. At the December 5, 2006 retreat, the Council discussed the method for giving direction to the City Manager. Below is a summary of the discussion points.

- If the City Manager believes that Council action is needed before doing staff work, the City Manager will inform the Council Member;
- City Council Members are not to direct staff to do work; for routine matters (e.g., pot holes, graffiti), communicate with a department head and copy the City Manager; and
- Three or more Council Members need to agree when giving direction to the City Manager unless it is an item of minor nature (e.g., fixing a pot hole or street light).

The latest retreat record is available on the City's website at www.citrusheights.net.

City Manager Code of Ethics

The City Manager is subject to a professional code of ethics from his/her professional association. It should be noted that this code binds the City Manager to certain practices designed to ensure actions are in support of the City's best interests. Violations of such standards can result in censure by the professional association.

City Council/City Attorney Relationship

The City Attorney is the legal advisor for the Council, City Manager, and City staff. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings; 3) prepare ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) to keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

The City Manager is to evaluate the City Attorney, at a minimum, on an annual basis to ensure that both the City Council and City Attorney are in agreement about performance and goals based on mutual trust and common objectives.

[1] **Also see *Giving Direction to the City Attorney* (page 19)**

Giving Direction to the City Attorney[2]

From time-to-time, but at least annually, the City Council, the City Manager and the City Attorney hold a strategic planning retreat to discuss protocols for working together well and with consistency. At the December 5, 2006 retreat, the Council discussed the method for giving direction to the City Attorney. Below is a summary of the discussion points.

- If a Council member has a simple (not requiring a lot of time) legal question or an individualized city-related legal issue, contact the City Attorney directly;
- Three or more Council Members need to agree when asking the City Attorney to do many hours of legal work; and
- The City Attorney will inform the Council member if the issue needs to get support from three or more members.

Roles and Information Flow

Objectives: It is the intent of staff to ensure Council Members free access to information from the City and to insure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council Members must avoid intrusion into those areas which are the responsibility of staff. Individual Council Members may not intervene in staff decision-making, development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and majority approval of the City Council. This is necessary to protect staff from undue influence and pressure from individual Council Members and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal.

Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, work loads and schedules, departmental priorities, and the performance of City business.

Individual members of the City Council should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Access to Information: Individual Council Members as well as the Council as a whole are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, administrative draft EIRs) are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City's ability to

[2] **Also see *Giving Direction to the City Manager* (page 18)**

release certain personnel information even to members of the City Council. Certain aspects of police department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council. Confidential personnel information also has restrictions on its ability to be released.

Staff roles: The Council recognizes the primary function of staff is to execute Council policy and actions taken by the Council and to keep the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

Dissemination of Information

In cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Council Members that cannot be fulfilled based on the above guidelines should be raised by the individual Council Member under the "communications" portion of a regularly scheduled City Council meeting. If so directed by action of the Council, staff will proceed to complete the work within a Council established timeline.

Staff Relationship with Advisory Bodies

Staff support and assistance may be provided to commissions and task forces; however, advisory bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the commission/board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with any Council policies.

Staff support may include preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person serves as secretary, taking minutes as needed.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through adopted or approved Council agenda procedures. In addition, when a commission wishes to correspond with an outside agency, correspondence should be reviewed and approved by the City Council. Individuals who would like a commission to review a particular issue must also gain approval for such a request from the full City Council. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Reflected within the council-manager form of government is a principal of professional staff which formulates recommendations in compliance with council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement.

The City Manager has approved a Political Activities Administrative Policy which is included as Appendix D. Employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities while in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can create an awkward situation.

Chapter 8

City Council Meetings

Meeting Schedule

Regular meetings are held in the Citrus Heights Council Chambers at 6360 Fountain Square Drive on the 2nd and 4th Wednesday of the month. Meeting times and dates are established by resolution of the City Council. The regular City Council meetings begin at 6:00 p.m. with closed sessions generally being convened earlier as needed. Occasionally, work sessions may be held as a special meeting outside of the regular meeting schedule on an as-needed basis. If a regular meeting of the City Council falls on a legal holiday, the meeting shall be held on the preceding day at the aforesaid hour and place or may be cancelled in advance. From time-to-time, regular City Council meetings may be cancelled. Written notice must be given to the City Council, the public and the media at least 72 hours prior to a regular meeting. (More details are contained in the Open Meeting Laws section.)

Special Meetings

Special meetings may be called from time-to-time. Written notice must be delivered to the City Council, provided to the public by posting, and to the media (if requested in writing) 24 hours prior to a special meeting *(Cal Govt Code Section **54956**)*. No business other than that announced may be discussed. Public comment is taken at Special Meetings.

Notice requirements of the Brown Act shall be complied with for all meetings; minutes of the meeting shall be taken by the City Clerk or designee and shall, upon Council approval, be available for public inspection.

Placing Items on Agenda

City Council: A Council Member may request an item be considered on a future agenda as long as he/she receives support from at least one or more City Council Members. Council Members may make this request during the "Items Requested by Council Members" portion of a meeting. Staff will conduct any necessary research and prepare any required staff report after receiving direction by a majority vote of three or more Council Members.

Members of the Public: A member of the public may request an item be placed on a future agenda during public comment or through other communication with Council Members. The item will be placed on a future agenda upon agreement of two or more Council Members or by City Manager direction.

Emergency and Non-Agendized Items: Emergency and non-agendized items may be added to an agenda for a regular meeting only, in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters, and other severe

emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, an item arises after the agenda is posted that the Council would like to act on. Non-agendized items may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda and (2) that there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a 4/5th vote; if less than four members of Council are present, the findings require a unanimous vote of those present.

Tips on the Dais

Televised meetings: As part of its franchise agreement with the Sacramento Cable Commission, Council meetings are telecast live on the local cable television system as a means for providing municipal information to the citizens of Citrus Heights. Meetings are also webcast live on the City's website from a link on the homepage.

The City Council Chamber is equipped with a public address system. The system provides microphones at the dais, staff table, and podium. There is also a hand-held microphone and a lapel microphone. There are several issues related to the sound system that are important to keep in mind:

- Turn the microphone on when you want to talk and **speak directly into the microphone;**
- **Turn the microphone off when you are through talking, during recesses, and after the meeting. The microphones are very sensitive and voices can be picked up from an adjacent microphone. Sound is broadcast in the City Hall Lobby and on TV;**
- Never say things near a microphone you do not want heard; and
- Have all speakers come forward to the podium. Do not allow people to speak from the audience.

Certain colors of clothing present difficulties to the television system, and thus can be distracting to viewers at home. White causes glare and makes the picture around it appear dark, causing loss of detail. Bright red and orange reproduce poorly on television and can also cause glare problems. Clothing with fine patterns, such as stripes and grids, can cause a rainbow effect in the picture. Larger shiny objects that reflect light should be avoided. Good colors for television include blues, greens, browns, grays, and most pastels.

Order of Business

The City Council establishes the general order of meetings through the adoption of an ordinance (2005-12). This section summarizes each meeting component.

*1. **Closed sessions (closed to the public)**:* The ability of a City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a City Council may meet without the public in attendance. Such circumstances include:

Real Property: the purchase, sale, exchange, or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session *(Cal Govt Code Section **54956.8**)*.

Litigation: pending or a significant exposure to litigation, or the decision to initiate litigation; the litigation or title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process. The purpose is to confer with, or receive advice from, legal counsel on such litigation *(Cal Govt Code Section **54956.9**)*.

Compensation: (salaries and benefits) of employees; to review its position and instruct designated representatives *(Cal Govt Code Section **54957.6**)*.

Personnel: the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear complaints against the employee unless the employee requests the discussion occur in public *(Cal Govt Code Section **54957**)*.

Members of the Council, employees of the City, or anyone else present shall not disclose to any person the content or substance of any discussion which takes place in a closed session unless authorized by the Council. All written materials distributed at a Closed Session shall be returned to staff at the end of the Closed Session.

Typically, closed sessions will be scheduled before the public portions of the meeting. This is done so that public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants.

At closed sessions, the public is invited to speak under Public Comment, but can only speak on the closed session agenda item(s).

2. ***Study Sessions:*** Study Sessions are meetings with staff to discuss current issues. These meetings are different from special meetings in that Council cannot take action on items discussed in the study session. These meetings are open to the public. Study Sessions (sometimes referred to as Work Sessions) can be held on a regular Council meeting day or as part of a special or a regular meeting.

3. ***Comments by Council Members and Regional Board Updates****:* The purpose of this section of the meeting is to provide members of the Council an opportunity to introduce discussion on matters not currently before the Council including brief announcements, questions of staff, and request for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from individuals or from the public, announcements of interest to the public, reports on regional board activities, and solicitations of Council's input on these efforts.

4. ***Public Comment****:* Individuals desiring to speak are to address the Council from the speaker podium after giving their name.

Comments should focus on a specific matter within the Council's jurisdiction with reasons for the position taken. Written comments are encouraged during the public comments section or during public hearings. When materials are presented during public hearings, they should be submitted before the public hearing is closed on the item. Comments may be limited so that all have an opportunity to address the Council. Normally, speakers are limited to three minutes each with 30 minutes being allowed for all comments. Any public comments beyond the initial 30 minutes may be heard at the conclusion of the agenda. The Mayor has the discretion to lengthen or shorten the allotted times. Alternatively, the public may submit written public comments by 4:00 p.m. on the meeting day by completion of an online Speaker Card. Written comments will not be read during the City Council meeting but will be forwarded to all Council Members and become part of the public record. Additionally, any materials submitted during public comments (or for public hearings) become part of the public record and may be subject to disclosure under the Public Records Act. This includes, but is not limited to PowerPoint presentations, videos, letters and photographs.

Letters sent to Council in advance of a meeting, yet after the preparation of the agenda will be placed at the Council Member's position on the dais; and will be made available to the public "without delay" at the public counter in City Hall and on the City's website.

Each person desiring to address the Council shall approach the microphone, state his or her name for the record, state the subject he or she wishes to discuss, state whom he or she represents if applicable, and unless further time is granted by majority vote of the Council, shall limit his or her remarks to the time specified by City Council. All remarks shall be addressed to the Council as a whole and not to one particular member of the Council or to the audience or staff members. No questions shall be asked of a Council Member or a member of the City staff without obtaining permission of the presiding Council Member. Members of the public are requested to fill out a speaker slip for record-keeping purposes. Speaker slips are public records.

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to inquire whether or not the group has a spokesperson and if so, that he/she be heard with the following speakers in the group to be limited to facts not already presented by the group spokesperson. It is the Council's practice not to allow speakers to transfer their time to another speaker.

5. ***Consent Calendar****:* Those items on the Council agenda which are considered to be of a routine and non-controversial nature by the City Manager are placed on the "Consent Calendar". These items shall be approved, adopted, accepted, etc., by one motion of the Council. For example, approval of minutes, final reading and adoption of ordinances, various resolutions approving agreements, minor budgetary items, status reports, and routine City operations.

Council Members may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and Council action taken separately on the item; however, a majority of the City Council must concur with such a

request. Items which are removed ("pulled") by members of the Council for discussion will typically be heard after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

Minor questions: A Council Member may ask questions on any item on the Consent Calendar. When a Council Member has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be pulled for clarification and the questions will be addressed along with the rest of the Consent Calendar. Council Members are encouraged to seek clarifications prior to the meeting, if possible.

Correction of Minutes: Minutes of the City Council meetings are submitted to the Council for approval and/or correction in draft form at a subsequent regular meeting. It is the policy of the City Council that only members of the Council and the City Clerk have the authority to make revisions to the minutes subject to a majority vote of the City Council. Council Members having only typographical corrections to minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting.

No or Abstain vote: When a Council Member wishes to pull an item simply to register a dissenting vote, the Council Member shall inform the City Council that he or she wishes to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Calendar, and the City Clerk will register a "no" or "abstain" vote in the minutes.

6. ***Public Hearings****:* Hearings on matters of importance or legal requirement. These items require the Council to review the written public record and to hear and weigh public testimony during the public hearing before taking action. Hearings are noticed according to law by publication in the local newspapers and/or by mailed notices to property owners; and can be continued to any subsequent meeting. Public hearings should be "opened" and "closed" and reopened if necessary.

After public hearings are closed, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding Council Member.

7. ***Regular Business Items****:* Regular items are shown on the agenda in the order that they will be considered. At times, the Council may decide to adjust the order of the agenda to better accommodate the public. Depending on the type of public hearing, public testimony may be limited. The City Attorney should be consulted if there are any questions.

8. ***Department Reports****:* This section of the meeting provides staff an opportunity to give the City Council brief informational updates on various projects.

9. ***City Manager Items****:* The purpose of this section of the agenda is to provide the Mayor and City Council with pertinent information as well as brief comments on City business, operations, projects, and other items of general interest.

10. ***Item(s) Requested by Council Members/Future Agenda Items:*** An item may be put on a future agenda by a Council Member if he/she gets support from at least one other Council

Member. Council-generated staff work needs a majority vote of three or more Council Members.

State law provides the Council can take action only on such matters which have been properly noticed and agendized, unless special circumstances are found to exist (as mentioned above). Subject to that exception, action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next regular meeting.

General Procedures

The Council has adopted general rules of procedure for Council Meetings. These procedures are contained in Chapter 2 (Sec. 2-61) of the Municipal Code (amended by Ordinance 2005-12). Over the past ten years, the Council has established certain practices including:

Presiding Officer: The Mayor is the presiding officer and acts as Chair at Council meetings. In the absence or incapacity of the Mayor, the Vice Mayor serves as presiding officer.

Seating Arrangement of the Council: The Vice Mayor is seated immediately next to the Mayor. The Mayor, with the approval of individual Council Members, shall establish other seating arrangements for regular Council meetings.

Signing of City Documents: The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts, and other documents which have been adopted by the City Council and require an official signature except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor's signature may be used.

Discussion Rules

To assist the City Council in the development of a structure for orderly discussion of items, the Council has generally followed the procedures below:

1 . Obtaining the Floor: A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.

2. Questions to Staff: A Council Member shall, after recognition by the Mayor, address questions to the designated staff member.

3. *Interruptions:* Once recognized, a Council Member should not be interrupted while speaking except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question order is determined. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

4. Discussion Limit: A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process.

5. Tabling Procedure: Immediately stops discussion and causes a vote to postpone the matter indefinitely or to a certain time and date.

6. Right of Protest: A Council Member is never required to state reasons for a dissenting vote.

Other Protocol

Other guidelines have been practiced to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council Members and staff shall:

a. Work to preserve appropriate order and decorum during all meetings.

b. Discourage side conversations, disruption, interruptions, or delaying efforts.

c. Inform the Mayor when departing from a meeting.

d. Limit disruptive behavior. Persons demonstrating rude, boisterous or profane behavior will be called to order by the Mayor. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by the Brown Act.

Enforcement of Order: The Police Chief or his/her designee acts as the Sergeant-at-Arms. Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Values of Respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect which places emphasis on the consideration of policy and avoids personalization of comments. Some general guidelines utilized by the City Council include:

Discussion should focus on policy matters;

Personal criticism of members is inappropriate; and

Proper decorum should be displayed as other members express their views.

Courtesy:

- **Council Members:** Council Members shall accord the utmost courtesy to each other, City staff 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 statements as to motives and personalities.

- **City Employees:** Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

- **Public Speakers:** Members of the public attending a City Council meeting shall be encouraged to observe the same rules of order and decorum applicable to the City Council. Any person who becomes boisterous while addressing the City Council or while attending the City Council meeting, or behaves in such a way as to be disruptive of the meeting, shall be removed from the room if the Sergeant-at-Arms is so directed by the Mayor and such person may be barred at that meeting from further audience before the City Council.

- **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.

Noise in the Chamber: Noise emanating from the area immediately outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

Crowd Control in Council Chambers: If the City Manager, or the City Manager's designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, he or she shall provide for overflow in an adjacent room or elsewhere if needed.

Smoking: It is unlawful for any person to smoke in the City Council Chambers (*Cal Govt Code Section 7597*).

Distribution of Literature and Other Materials in City Council Chambers: No person shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chambers. Such literature may be displayed or distributed outside the City Council Chambers area.

Voting Procedures

When present, all Council Members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote. No ordinance, resolution, or motion shall be passed or become effective without an affirmative vote.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member will step down from the dais, leave the Council Chambers and not participate in the discussion or vote on the item.

General consensus may be declared at the discretion of the presiding officer if there are no negative votes or objections by Council Members.

Upon the request of any Council Member, a roll call vote will be taken and recorded.

Tie vote: A tie vote is equivalent to a vote which has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

The City Attorney should be consulted during or before a Council meeting, if questions arise regarding voting procedures.

Notification and Advertising

The City attempts to publicize matters of significant neighborhood or community public interest which appear on a City Council or Planning Commission agenda, as well as all matters where advertising is required by law.

All advertising is to be accomplished in a legal and economical manner. All affidavits of publication shall be reviewed by the City Clerk and will be available to interested members of the public.

Open Meeting Laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act for former state legislator Ralph M. Brown). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below for your information and future reference. Additional reference is included as Appendix F.

Applicability and Penalties: The entire City organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section **54950 et seq.** The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act *(Cal Govt Code Section **54959).*** In addition, violations are subject to civil action *(Cal Govt Code Section **54960).*** A current copy of the Act will be provided to all Council Members when assuming office. The provisions that most directly affect the Council are summarized in this chapter.

A. Applicability: The Act applies to the Council and all commissions, boards, and task forces that advise the Council. Staff cannot promote actions which would violate the Act.

B. Meetings: All meetings shall be open and public. A meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g. receptions, dinners) do not fall under the Act unless City business is discussed.

C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions: 1) An emergency situation exists (determined by a majority of the Council); 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are present, by

unanimous vote); 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.

E. Public Input: The public has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council during regular meetings and on any agendized topic during special meetings. The City has the right to establish time limits on speakers and the total time allocated for a particular issue.

F. Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

G. Correspondence: All non-confidential writings distributed to the Council less than 72 hours prior to the meeting relating to any agenda item for discussion or consideration are public records; and will be made available to the public "without delay" at the public counter in City Hall and the City's website. This includes PowerPoint presentations, photos, handouts, videos and letters.

H. Special Meetings: Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements delivered to the media and Council 24-hours before the time of the meetings.

I. Emergency Meetings: Emergency meetings may be called due to the disruption or threatened disruption of public facilities without notification. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

J. Other Provisions: The Act provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information. The City Attorney provides periodic trainings on the Brown Act.

Minutes

The minutes serve as a source of information for the Council and for the public. Meeting minutes include the following information:

- Members present;
- Motions, proposals, resolutions, orders, ordinances, and other items of business and their disposition, and
- Results of all votes.

The minutes are generally a summary of the action that took place and do not include a verbatim transcript. The City Clerk is responsible for recording, preparing, and filing Council minutes. It is the City Clerk's goal to bring the minutes to the Council for approval within one month of a meeting. Once approved, Council meeting minutes are available for review in the City Clerk's office and on-line at www.citrusheights.net.

Recordings

All regular meetings (except closed sessions) of the City Council shall be recorded by Metro Cable. On occasion, due to circumstances beyond the City's control, meetings may not be recorded (e.g., due to equipment malfunction). On these rare occasions, staff will make every attempt to audio record the meeting. Video from the meetings are available for viewing on-line at www.citrusheights.net.

Chapter 9

Leaving Office

Filling Council Vacancies

Generally, if a vacancy occurs on the City Council during a member's term (e.g. resignation) the Council may appoint an individual to serve the remaining term within 60 days, choose not to fill the vacancy and wait until the vacancy is filled during the next regular election, or call for a special election.

Chapter 10

Additional Training & Resource Materials

League of California Cities

The League is an association of virtually all of the cities in California. It provides many levels of service including the production of educational conferences for local officials, publication of various newsletters, and a monthly magazine, *Western City.* The League also has lobbyists on staff that represents the interest of cities before the state legislature and federal government. Committees having local officials as members are also organized around the interests of City departments (e.g. City Council, City Manager, City Clerk, Fire, Police, Community Services, Community Development) to address issues as they arise. The League has established a 'Newly Elected Officials' Packet' that is available through their website at www.cacities.org/resources/newly-elected-officials-packet. The League's Web site is *www.cacities.org*. Their phone number is (916) 658-8236.

The League of California Cities has established the New Mayors and Council Members Academy held in January, and the Mayors and Council Members Executive Forum held in June. The Academy has developed a curriculum which addresses subjects and skills utilized by members of city councils.

International City Management Association (ICMA)

ICMA is a professional association of local government chief executives. The association has an extensive list of publications to assist local officials. The Association's *Elected Officials Handbook* series can be of great value to Council Members. Publications have also been developed on every basic city service.

Institute for Local Government (ILG)

The ILG promotes good government at the local level with practical, impartial and easy-to-use resources for California communities. The Institute also provides many levels of information by subject including ethics and transparency, budgeting and financial management, economic development and many other areas relating to state and local government. The Institute also provides resources for newly elected officials that can be downloaded at www.ca-ilg.org/local-government-basics-thos-new-public-service.

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City of Citrus Heights

Purchasing Policy

Adopted September 26, 2019

Updated April 25, 2024

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SCOPE OF POLICY

The provisions of this policy shall apply to:

(a) All contracts funded by the City of Citrus Heights for research and development, professional studies, design and engineering, construction and construction-related matters, to the extent allowed by applicable law. Professional services shall not include the services of physicians and attorneys.
(b) The purchase of goods and services.
(c) Transfers between funds.
(d) The disposition of surplus property.
(e) Federally funded projects and purchases.

OVERVIEW OF THE PURCHASING PROCESS

The purchasing process is centralized (the Purchasing Agent coordinates purchases) for the following goods and services: computer hardware and software, and phones. The purchasing process is decentralized (the Initiator, the person or department requesting the merchandise or service, seeks out potential vendors, obtains the bids, and interacts with the vendor) for all other goods and services. The Purchasing Agent/Initiator is responsible for assuring that adequate budgeted funds are available. A purchase order may be requested from the Administrative Services Department. The Purchasing Agent/Initiator checks receipt of the merchandise or service. Approved invoices are forwarded to Finance for payment. Staging of purchases, also known as bid splitting, in order to avoid bidding procedures or authorization limits is prohibited. For projects that are not federally funded, a 5% bid evaluation-pricing preference will be given to businesses based in Citrus Heights. For procurement, information regarding projects and purchases funded with Federal funds see the section titled Federal Procurement. Each department is responsible for establishing a system of checks and balances throughout the purchasing process to help deter possible fraudulent activity.

PURCHASING AGENT

The Purchasing Agent shall be the Administrative Services Director or designee and shall provide a quarterly summary report to the City Manager of purchases made. The Purchasing Agent is responsible for overseeing the procurement of centralized goods and services, the administration of the Purchasing Policy and the management of surplus City property.

GIFTS AND UNAUTHORIZED PURCHASES

City employees, officers or officials are not entitled to any special consideration from vendors and merchants in their personal affairs nor are such city employees, officers, or officials to attempt to procure materials for the personal use of any other person. City employees, officers or officials shall not solicit or accept gifts except for those items that can be shared by all staff such as food and flowers. Such persons shall comply with all state conflict of interest laws including Government Code Section 1090, the Political Reform Act, and FPPC regulations. Except for emergencies or other authorized exemption, no purchases shall be made without specific authorization as outlined in this policy. The person ordering the unauthorized purchase may be held personally liable for the costs of the purchase or contract.

PURCHASING AUTHORIZATIONS

The following authorization limits apply to all purchases except Public Works Projects, which are covered by the Public Contract Code Section 20161, et seq., and the provisions in this policy below. See "Special Types of Purchases" (below) for additional information. Public Works Projects purchasing authorizations and information are listed at the end of this document.

Formal Bid – purchases more than $100,000

Authority to award – City Council.
Formal bid or Request for Proposal process is required.
Award to the lowest cost, responsive, responsible bidder. In the event of a tie, award to the business located in Citrus Heights.
Staging of purchases (i.e., bid splitting) in order to avoid authorization limits is prohibited.

Formal Bid – purchases more than $25,000 and up to $100,000

Authority to award – City Manager or designee.
If possible, quotes must be received from three competitive sources.
Award to the lowest cost, responsive, responsible bidder. In the event of a tie, award to the business located in Citrus Heights.
Staging of purchases (i.e., bid splitting) in order to avoid authorization limits is prohibited.

Open Market (Informal Bid) – purchases more than $5,000 and up to $25,000

Authority to award – Department Directors or designee.
If practical, quotes must be received from three competitive sources.
Award to the lowest cost, responsive, responsible bidder**.** In the event of a tie, award to the business located in Citrus Heights.
Staging of purchases (i.e., bid splitting) in order to avoid authorization limits is prohibited.

Small Purchases – purchases of $5,000 or less

Authority to award – Department Director or authorized designee.
Seek competitive quotations when feasible or rotate awards to local vendors.
Award to the lowest cost, responsive, responsible bidder**.** In the event of a tie, award to the business located in Citrus Heights.

TYPES OF SOLICITATIONS

Requests for Bids (RFB)

An RFB is a request to vendors to submit an offer or quote for specific, defined goods or products. An RFB should be used when seeking fixed prices for goods with known specifications (e.g. Dell Computers). RBSs must be posted on the City's website.

Requests for Proposals (RFP)
An RFP is a request to vendors to submit a proposal for goods or services for which the exact specifications or methodology of providing the desired goods or services is not defined. An RFP is generally used for more complex goods or services purchases. RFPs allow for consideration of factors other than price, including the qualifications of the vendor and the vendor's ability to perform. RFPs must be posted on the City's website.

Requests for Qualifications (RFQ)
An RFQ is a request for a statement of qualifications for a certain class of vendors or consultants. RFQs are used to develop On-call or Master Agreements. RFQs must be posted on the City's website.

SPECIAL TYPES OF PURCHASES

Purchases requiring Competitive Sealed Bids
Purchases requiring Competitive Sealed Proposals
Contracting for Professional Services
Cooperative Purchasing
Sole Source Purchasing
Open (Blanket) Purchases
Petty Cash Reimbursement
Credit Card Purchases
Emergency Purchases
Other Purchases

Purchases requiring Competitive Sealed Bids

(a) All contracts greater than $50,000 shall follow the Formal Bid process and be awarded by competitive sealed bidding. The City Manager is authorized to award contracts up to $50,000. City Council approval is required for awards greater than $50,000. Contracts shall not be staged or separated into smaller units or segments solely for the purpose of evading competitive bidding requirements.

(b) Competitive Sealed Bidding Process.

(1) Invitation and Notice: An invitation for bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement. Adequate public notice of the invitation for bids shall be given not less than ten (10) calendar days prior to the date set forth therein for the opening of bids for contracts under $50,000 and (thirty) 30 days for contracts over $50,000. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening. The public notice and all invitations to bid shall state the place, date and time of bid opening and shall state that the bids should be submitted to the City Clerk or designee of the City Clerk. The notice will indicate whether a pre-bid walk through is required.

(2) Bid Opening: Bids shall be opened publicly in the presence of one or more witnesses at the place and not earlier than the time designated in the invitation for bids. The amount of each bid and such other relevant information as the City deems appropriate, together with the name of each bidder shall be open to public inspection in accordance with the policy.

(3) Bid Evaluation and Acceptance: Bids received at or prior to the time set for bid opening shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.

(4) Correction or Withdrawal of Bids: Subject to any provisions of federal or state granting authorities to the contrary, correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, shall be in accordance with this section. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, no corrections to bid or provisions shall be permitted but, in lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

(A) The mistake is clearly evident on the face of the bid document; or

(B) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made.

All decisions to permit the correction or withdrawal of bids shall be supported by a written determination made by the City.

(5) Award: The contract shall be awarded by appropriate written notice to the lowest cost, responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

(c) Multi-Step Sealed Bidding: When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

(d) Cancellation of Invitations: An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation. Each solicitation issued by the City shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part at the City's discretion with or without a showing of good cause.

(e) Determination of Non-responsibility: If a bidder or offeror who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility, setting forth the basis of the finding, shall be prepared by the City Manager or his or her delegate. The unreasonable failure of a bidder or offeror to supply promptly information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror. A copy of the determination shall be sent promptly to the non-responsible bidder or offeror. The final determination shall be made part of the contract file and be made a public record.

(f) Use of Subcontractors: All contracts between the City of Citrus Heights and its consultants, vendors, and contractors shall state that "should you (the consultant, vendor, or contractor) utilize subcontractors, vendors or consultants to fulfill this contract with the City, you agree to use all reasonable efforts to include Citrus Heights-based businesses in your bidding processes."

(g) Bid and Payment Bonds: Bid and payment bonds or other security may be requested for supply contracts or service contracts, as the City Attorney deems advisable to protect the City's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or payment bonds shall not be used as a substitute for a determination of a bidder's or an offeror's responsibility.

Purchases requiring Competitive Sealed Proposals

(a) When the City determines that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposals method.

(b) Competitive Sealed Proposals Process.

(1) Request for Proposals and Notice: Proposals shall be solicited through a request for proposals. Adequate public notice of the request for proposals shall be given in the same manner as provided for Competitive Sealed Bids; provided, the minimum time shall be fifteen (15) calendar days for contracts in the amount of $50,000 or less and thirty (30) calendar days for contracts in the amount of more than $50,000.

(2) Evaluation Factors: The request for proposals shall state the relative importance of price and other evaluation factors.

(3) Interviews with Responsible Offerors and Revisions to Proposals: As provided in the request for proposals, interviews may be conducted with responsible offerors whose proposals are responsive to the request for proposals for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.

(4) Award: Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation facts set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

(c) Cancellation of Invitations: See "Competitive Sealed Bids" (d) above.

(d) Determination of Non-responsibility: See "Competitive Sealed Bids" (e) above.(e)Bid and Payment Bonds: See "Competitive Sealed Bids" (g) above.

(f) Use of Subcontractors: See "Competitive Sealed Bids" (h) above.

Contracting for Professional Services

(a) For the purpose of procuring the services of accountants, architects, engineers and other professionals, the City department or agency using such a professional may award a

contract for service in accordance with the purchasing authorizations and limitations of this policy. Special consideration for design/architect services is noted in (b)(4) below.

(b) Selection Procedure.

(1) Request for Qualifications and Notice: Adequate notice of the need for the desired professional services shall be given by the City through a request for qualifications. The request for qualifications shall describe the services required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.

(2) Statement of Qualifications: Persons engaged in providing the designated types of professional services may submit statements of qualifications and expressions of interest in providing such professional services. The City may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

(3) Interviews: The Director of the City department or agency or his or her designee using the professional services may conduct interviews with any offeror who has submitted a statement of qualifications for the purpose of ranking the qualifications of the offerors, based on the evaluation factors set forth in the request for qualifications. Interviews shall not disclose any information derived from statements submitted by other offerors.

(4) Award: Award shall be made to the offeror determined to be the best qualified based on the evaluation factors set forth in the request for qualifications, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best-qualified offeror, then negotiations will be formally terminated with the selected offeror. If statements were submitted by one or more offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable. In the case of design/architect services, the city will pick the most qualified candidate and THEN open the price envelope and negotiate price.

(c) Cancellation of Invitations: See "Competitive Sealed Bids" (d) above.

(d) Determination of Non-responsibility: See "Competitive Sealed Bids" (e) above.

(e) Use of Subcontractors: See "Competitive Sealed Bids" (g) above.

(f) Bid and Performance Bonds: See "Competitive Sealed Bids" (H) above.

Cooperative Purchasing

The City Manager is authorized to enter into cooperative purchasing arrangements with other governmental entities without separate competitive bidding by the City if a governmental agency has solicited bids and awarded a contract for services or materials which the City desires to obtain, and participation in such a purchase is agreeable to the bidder awarded the contract and the City Manager finds that participation in such group purchasing agreement is for the benefit of the City.

Sole Source Purchasing

A contract may be awarded without competition when the City determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service or construction item. The City Manager or his or her designee shall conduct

negotiations, as appropriate, as to price, delivery and terms. A statement of the basis for the sole source determination shall be placed in the contract file.

Open (Blanket) Purchases

Open procurement can be used when very similar goods or services are purchased frequently during the year. Generally, the individual purchases are small in relation to the total amount authorized. Authority to determine whether open procurement is appropriate rests with the City Manager. Examples are dead animal removal and office supplies. Bids and approvals must be obtained annually using the same criteria as for a single item purchase order.

Petty Cash Reimbursement

The Petty Cash Fund is used to reimburse purchases which were originally paid out-of-pocket by a City official or employee. Mileage reimbursement is also paid from the Petty Cash Fund at the Internal Revenue Service's standard mileage rates. Petty Cash reimbursements will either be paid in cash or by check, depending on the amount. Reimbursement requests less than $50 will be paid in cash. Reimbursement requests greater than $50 will be paid by check on the next accounts payable check date.

Credit Card Purchases

Each Department Director will be responsible for the credit cards issued in their department. Only a Department Director can request a new CAL-Card, using the CAL-Card Request Form. The credit card can only be used for authorized transactions.

(a) Credit card purchases are limited to Small Purchases only. Guidelines and conditions for small purchases as set forth in this policy will be as follows:
The credit card shall ***not*** be used for:
    (1) Cash advances,
    (2) Alcoholic beverages,
    (3) Gambling or betting,
    (4) Securities or insurance,
    (5) Political or religious organizations,
    (6) Tax payments,
    (7) Court costs, fines, bail or bond payments,
    (8) Lease or rental items

(b) Credit cards are issued to individual employees and are to be used for official City business only. No personal transactions are allowed. Credit cards belong to the City and can be cancelled or revoked at any time at the discretion of the City Manager.

(c) Credit cards should only be used if a check request is not practical.

(d) The Cardholder's purchasing limit is determined according to specific needs and will be set by the Department Director and approved by the City Manager.

(e) Prior to receiving a credit card from the CAL-Card Administrator (Finance Manager), the employee must sign "Acknowledgement of Receipt of City Bank Card". By signing this form, the employee acknowledges:
    (1) receipt of card,
    (2) purchasing limits,
    (3) and understands the rules/guidelines of the credit card portion of the Purchase Policy.

(f) Each cardholder is to maintain and attach a CAL-Card Description Form to their monthly statement. Maintaining and submitting this form is mandatory.

(g) It is the responsibility of the employee to furnish receipts for all credit card purchases.

(h) CAL-Cards may be used for travel expenses such as meals not provided by the conference/seminar (meal expenses including gratuity must not exceed the Maximum Federal Rate), parking expenses, and fuel for a rental vehicle.

(i) If there is a missing receipt and/or missing detail it is required that the employee write a memorandum, addressed to the City Manager providing information of the missing receipt and/or detail. Payment for purchases without receipts may become the responsibility of the employee.

(j) The Approving Official (Department Director) shall be responsible for receiving statements from Cardholder whom they have authority each month. Approving Officials are responsible for reviewing the statements, assuring all purchases are authorized and comply with the Purchasing Policy, signing and forwarding the statements and backup by the 15th of the month to the Finance Division.

(k) Should an employee lose or have his/her credit card stolen, it is their responsibility to contact the credit card company immediately. Also, they must notify their supervisor in writing one (l) working day after discovery. The supervisor must also notify the Purchasing Agent as soon as possible.

(l) The cardholder is responsible for returning the CAL-Card to their Department Director upon termination.

Emergency Purchases

Notwithstanding any other provisions of this chapter, the City may make emergency purchases of supplies, services, or construction items when there exists a threat to public health, welfare, or safety; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. In the case of contracts less than $50,000, this determination shall be made by the City Manager and, in the case of contracts in the amount of $50,000 or more, this determination shall be made retroactively by the City Council.

Other Purchases

Certain purchases are not readily adaptable to the open market and formal bidding process. These purchases are generally for items where the competitive bid process or obtaining quotes is not applicable or where a check is required to accompany the order. Following is a list of allowable exceptions:

(1) Advertisement and Notices
(2) Courier/Deliverer/Messenger
(3) Emergency Fuel Purchases
(4) Insurance Claims and Premiums
(5) Medical Payments (Physicians, lab)
(6) Membership Dues
(7) Court Fee
(8) Payments to Other Governmental Units
(9) Petty Cash Replenishment

(10) Property Rentals
(11) Lease of Real Property
(12) Real Property/Easement Acquisition
(13) Subscriptions
(14) Trade Circulars or Books
(15) Travel Expense/Advances

OPPORTUNITIES FOR CITRUS HEIGHTS AND SMALL DISADVANTAGEDBUSINESS ENTERPRISES

(a) It is the policy of the City of Citrus Heights to ensure full and equitable opportunities for Citrus Heights and Small Disadvantaged Business Enterprises to participate as contractors in the provision of goods and services to the City. Policies and programs that enhance the opportunities and entrepreneurial skills of Citrus Heights and Small Disadvantaged Business Enterprises will best serve the public interest because the growth and development of such businesses will have a significant positive impact on the economic health of the City.

(b) On projects that are not Federally Funded, it is the City of Citrus Heights' policy that a 5% bid evaluation pricing preference be given to businesses located within its City limits. The public interest is also served by continuing to encourage businesses to locate and remain in Citrus Heights.

(c) Initiators will make it a priority to seek vendors that are members of the Citrus Heights Chamber of Commerce and other Chambers that encourage diversity in the private sector.

SURPLUS SUPPLIES AND EQUIPMENT

(a) Surplus property is used to generically describe any City property that is no longer needed or useable by the holding department. The Purchasing Agent or designee has the authority to declare item(s) with a market value of less than $10,000 surplus. Items with a market value greater than $10,000 will be formally declared surplus by the Council. Each department shall periodically review its equipment, material, and inventory, and shall promptly notify the Purchasing Agent of any surplus property.

(b) The Purchasing Agent or designee shall determine or approve one of the following methods of disposition that is most appropriate and in the best interest of the City:

(1) *Transfer to Another Department*: Surplus property may be transferred between City departments.

(2) *Trade-In*: Property declared as surplus may be offered as a trade-in credit toward the acquisition of new property. All trade-in offers will be submitted to the Purchasing Agent for review and approval.

(3) *Disposal*: The Purchasing Agent may offer surplus property for sale. All surplus property is for sale "as is", with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered for sale. Appropriate methods of disposal are as follows:

(1) *Public Auction*: Surplus property may be sold at public auction. City staff may conduct Public Auctions, use internet auction sites, or the City may contract with a professional auctioneer.

(2) *Sealed Bids*: Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.

(3) *Selling for Scrap*: Surplus property may be sold as scrap if the Purchasing Agent deems that the value of the raw material exceeds the value of the property as a whole.

(4) *Negotiated Sale*: Surplus property may be sold outright if the Purchasing Agent determines that only one known buyer is available or interested in acquiring the property.

(5) *No Value Item*: Where the Purchasing Agent determines that specific supplies or equipment are surplus and of minimal value to the City due to spoilage, obsolescence of other cause or where the Purchasing Agent determines that cost of disposal of such supplies or equipment would exceed the recovery value, the Purchasing Agent shall dispose of the same in such manner as he or she deems appropriate and in the best interest of the City.

(c) Proceeds from the sale or trade-in of surplus property shall be returned to the appropriate fund.

PUBLIC WORKS PROJECTS

(a) Public works projects over $5,000 are subject to bidding and other requirements set forth by statutes, including Public Contract Code Section 20161, et seq. "Public works contracts" include contracts for a project for the erection, improvement, painting, or repair of public buildings and works; work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow; street or sewer work, except maintenance or repair; and furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

(b) Public works projects over $1,000 are subject to prevailing wage law, consistent with Labor Code Section 1720, et seq. "Public works contracts" for the purpose of prevailing wage law are defined as the construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds. Public Works contractors are required to register with the Department of Industrial Relations pursuant to the Labor Code.

(c) Most of the public contracting statutes are contained in the California Public Contract Code. Other sources of public contracting statutes can be found in The Public Resources Code, Business and Professions Code, Civil Code, Government Code, Labor Code, and the Code of Regulations.

FEDERAL PROCUREMENT

(a) **Purpose and Applicability.** This section pertains to Federally funded projects and purchases. The purpose of this section is to ensure compliance with all applicable Federal requirements when Federal money is being expended by the City. To the extent that any provisions of this policy are inconsistent with any other City regulations, the provisions of this policy shall prevail with respect to Federally-funded procurements. If any provisions ofthis policy become inconsistent with Federal requirements, whether due to a change in Federal law or regulations, through judicial precedent, or for any other reason, the City shall not be required to comply with the inconsistent provision.

(b) **Solicitation Procedures**

(1) Acquisition of unnecessary or duplicative items must be avoided. Consideration

should be given to consolidating or dividing procurements to obtain a more economical purchase. When appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. (2 CFR §200.318(d)).

(2) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services, the City shall enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. (2 CFR §200.318(e)).

(3) Procuring Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs shall be utilized. (2 CFR §200.318(f)).

(4) Value engineering clauses may be used in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost. (2 CFR §200.318(g)).

(5) Contracts shall only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (2 CFR §200.318(h)).

(6) Records will be maintained sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. The City Clerk will be the repository for said records and shall be maintained in accordance the City's records retention schedule. (2 CFR §200.318(i)).

(7) Time and material type contracts as defined by may be used only after a determination that no other contract is suitable. Time and material type contract means a contract where the cost to the City is the sum of the actual cost of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expense, and profit. Each time and material contract will set a ceiling price that the contractor exceeds at its own risk. A higher degree of oversight is required in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls. (2 CFR §200.318(j)).

(8) The City alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the City unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction. (2 CFR §200.318(k)).

(c) **Competition**

In compliance with the policy stated in 2 CFR §200.319, all procurement transactions must be conducted in a manner providing full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;
(2) Requiring unnecessary experience and excessive bonding;
(3) Noncompetitive pricing practices between firms or between affiliated companies;
(4) Noncompetitive contracts to consultants that are on retainer contracts;
(5) Organizational conflicts of interest;
(6) Specifying only a "brand name" product instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement; and
(7) Any arbitrary action in the procurement process. (2 CFR §200.319(a)).

Procurements shall be conducted in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. (2 CFR §200.319(b)).

All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standard to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used as a means to define the performance or other relevant requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. (2 CFR §200.319(c)(1)).

Bids and proposals shall identify all the requirements which the offerors must fulfill and all other factors to be used in evaluation bids or proposals. (2 CFR §200.319(c)(2)).

(d) **Methods of Procurement**. In addition to the City's purchasing provisions, one of the following methods should be used for purchasing and procurement:

(1) **Micro-purchase**: Purchases where the aggregate dollar amount does not exceed $3,000, or the current limitation set by the Federal Acquisition Regulation at 48 CFR §2.101, where this threshold is periodically adjusted for inflation. (2 CFR §200.320(a); 2 CFR §200.67). To the extent practicable, the City will distribute micro-purchases equitably among qualified suppliers.

(2) **Small purchase:** Purchases up to the Simplified Acquisition threshold, which is currently $150,000. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources. (2 CFR §§200.320(b), 200.88; 2 CFR Part 200 Appendix II (A).)

(3) **Sealed bid**: Purchases over the Simplified Acquisition threshold, which is currently $150,000. (2 CFR Part 200 Appendix II (A).) Under this purchase method, formal solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. (2 CFR §200.320(c)).

(a) This method is the preferred procurement method for construction contracts, if the following conditions apply:

(1) A complete, adequate, and realistic specification or purchase description is available;

(2) Two or more responsible bidders are willing and able to compete effectively for the business, and,

(3) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

(b) If this method is used, the following requirements shall apply:

(1) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date for opening the bids; (2 CFR §200.320(c)(2)(i)).

(2) The invitation for bids, which will include any specifications and pertinent attachments, must define the terms or services in order for the bidder to properly respond; (2 CFR §200.320(c)(2)(ii)).

(3) All bids will be publicly opened at the time and place prescribed in the invitation for bids; (2 CFR §200.320(c)(2)(iii)).

(4) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. (2 CFR §200.320(c)(2)(iv)). Where specified in bidding documents, factors such as discounts will only be used in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(5) Any or all bids may be rejected if there is a sound documented reason. (2 CFR §200.320(c)(2)(v)).

(4) **Competitive proposals**: Purchases over the Simplified Acquisition threshold, which is currently $150,000. (2 CFR Part 200 Appendix II (A).) This procurement method requires formal solicitation, fixed-price or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The

contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors. (2 CFR §200.320(d)). If this method is used, the following requirements apply:

(a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practicable; (2 CFR §200.320(d)(1)).

(b) Proposals must be solicited from an adequate number of qualified sources; (2 CFR §200.320(d)(2)).

(c) The methods for conducting technical evaluations of the proposals received and for selecting recipients may include, but not limited to: oral interviews, references, past performance, availability to perform work, and certifications as determined by project scope. Any response that takes exception to any mandatory items in this proposal process may berejected and not considered; (2 CFR §200.320(d)(3));

(d) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; (2 CFR §200.320(d)(4)) and,

(e) Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort. (2 CFR §200.320(d)(5)).

(5) **Noncompetitive proposals:** Also known as sole-source procurement, this may be appropriate only when one or more of the following criteria are met:

(a) The item is available only from a single source;

(b) The public emergency for the requirement will not permit a delay resulting from competitive solicitation;

(c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or

(d) After solicitation of a number of sources, competition is determined inadequate. (2 CFR§200.320(f)).

(e) **Contract Cost and Price.** A cost or price analysis shall be performed in connection with every procurement action in excess of the Simplified Acquisition threshold (currently $150,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the procurement situation, but as a starting point, independent estimates shall be made prior to receiving bids and proposals.

(1) Profit shall be negotiated as a separate element of the price for each contract in which there is a no price competition and in all cases where cost analysis is

performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(2) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under Subpart E- Cost Principles of Part 200- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(3) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall be used. (2 CFR §200.323)

(f) **Federal Awarding Agency or Pass-Through Entity Review**.

(1) The City shall make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the City desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) The City will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(a) Procurement procedures or operations fails to comply with the procurement standards in this part;

(b) The procurement is expected to exceed the Simplified Acquisition Threshold ($150,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(c) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

(d) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(e) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(3) The City is exempt from the pre-procurement review in paragraph 2 of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(4) The City may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets

these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(5) The City may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the City that it is complying with these standards. The City must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review. (2 CFR § §200.324).

(g) **Bonding Requirements.** For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold ($150,000), the Federal awarding or pass-through entity may accept the bonding policy and requirements of the City provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(1) A bid guarantee from each bidder equivalent to five percent (5%) of the bid price. The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;

(2) A performance bond on the part of the contractor for 100 percent (100%) of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and,

(3) A payment bond on the part of the contractor for 100 percent (100%) of the contract price. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. (2 CFR§200.325).

(h) **Contracting with small and minority business, women's business enterprises, and labor surplus area firms.** All necessary affirmative steps will be taken to assure that minority business, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the

Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and,

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

(i) **Contract Provisions**. In accordance with 2 CFR §200.326, contracts with a Federal funding source must include the following compliance provisions, as applicable:

(1) **Equal Employment Opportunity**- All contracts, when funded in whole or partly by monies derived from the Federal government (either directly or indirectly), shall contain a provision requiring compliance with Executive Order No. 11246 (Equal Employment Opportunity), as amended by Executive Order No. 11375 (requires nondiscrimination in contracting) and as supplemented in U.S. Department of Labor regulations. (2 CFR pt. 200 Appendix II(C)).

(2) **Remedies** – Contracts in excess of $150,00 must contain provisions or conditions that will allow for administrative, contractual or legal remedies in instances when contractors violate or breach contract terms and provide for such sanctions and penalties as may be appropriate. (2 CFR pt. 200, Appendix II(A)).

(3) **Termination** – All contracts in excess of $10,000 must address termination for cause and convenience by the City, including the manner by which it will be effected and the basis for settlement. (2 CFR pt. 200, Appendix II(B)).

(4) **Record Retention** – Contractors must be required to maintain all requisite records for 3 years after the City makes a final payment, unless a specific exception applies. (2 CFR §200.333). Contracts must contain a provision that the City, the federal grantor agency, the U.S. Comptroller General or any of their duly authorized representatives must have access to any books, documents, papers, and records of the contractor that are directly pertinent to that specific contract, for purposes of making audits, examinations, excerpts and transcripts. (2 CFR §200.336).

(5) **"Anti-Kickback" -** Applies to construction or repair contracts in excess of $2,000. It prohibits kickbacks in construction contracts funded with Federal monies. Contractors and subcontractors or subrecipients shall be prohibited from inducing any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled and suspected or reported violations shall be immediately reported to the Federal awarding agency. (18 USC §874; 2 CFR pt. 200, Appendix II(D), 29 CFR pt. 3).

(6) **Davis-Bacon Act-** Applies to construction contracts in excess of $2,000. It requires contracts to pay laborers and mechanics wages not less than the prevailing wage as determined by the Secretary of Labor and must be required to pay wages not less than once a week. Each bid solicitation published by the City must contain the current prevailing wage determination. Any award of the contract must be conditioned on contractor's acceptance of that wage determination and suspected or reported violations of this act shall be immediately reported to the Federal awarding agency. (40 CFR §3141 et seq.,

2 CFR pt. 200, Appendix II(D), 29 CFR pt. 5.)

(7) **Contract Work Hours & Safety Standards –** When applicable, all contracts awarded by recipients in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with the Contract Work Hours and Safety Standards Act, 40 USC §§3702, 3704; 2 CFR pt. 200, Appendix II(E)).

(8) **Environmental Law Compliance -** Applies to contracts and sub grants in excess of $150,000. Contractor shall be required to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC §7606) and the Clean Water Act. (42 USC §1368). Suspected or reported violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). 2 CFR pt. 200, Appendix II(G)).

(9) **Debarment and Suspension**- Contracts funded with Federal grant monies may not be awarded to contractors that have been debarred or suspended from receiving Federal monies pursuant to the System for Award Management (SAM). (2 CFR §180).

(10) **Byrd Anti-Lobbying Amendment-** Contractors that apply or bid for an award of $100,000 must certify that they will not and have not used Federal funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award. (31 U.S.C. §1352).

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

(a) **STATEMENT OF POLICY**

It is the policy of the City of Citrus Heights (City) to:

(1) Institute practices that reduce waste by increasing product efficiency and effectiveness;

(2) Purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable; and,

(3) Purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, are lead-free and mercury- free, and use wood from sustainably harvested forests to the greatest extent practicable.

(b) **PURPOSE**

This Policy is adopted in order to:

(1) Conserve natural resources;

(2) Minimize environmental impacts such as pollution and use of water and energy;

(3) Eliminate or reduce toxics that create hazards to workers and our community;

(4) Support strong recycling markets;

(5) Reduce materials that are landfilled;

(6) Increase the use and availability of environmentally preferable products that protect the environment;

(7) Identify environmentally preferable products and distribution systems;

(8) Reward manufacturers and vendors that reduce environmental impacts in their production and distribution systems or services;

(9) Comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations (14 CCR § 18992 *et seq*.)) to procure a specified amount of Recovered Organic Waste Products, to purchase Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, and procure resources in a way that aligns with the City's goals; and,

(10) Create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals.

(c) **SPECIFICATIONS**

(1) **Source Reduction**

a. Citrus Heights shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality.

b. Citrus Heights shall purchase remanufactured products such as laser toner cartridges,tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.

c. Citrus Heights shall require all equipment bought after the adoption of this policy to be compatible with source reduction goals as referred to in this section, whenpracticable.

d. All purchasers shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes evaluation of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.

e. Products that are durable, long lasting, reusable or refillable are preferred whenever feasible.

f. Citrus Heights requests vendors to eliminate packaging or use the minimum amount necessary for product protection, to the greatest extent practicable.

g. Packaging that is reusable, recyclable or compostable is preferred, when suitable uses and programs exist.

h. Vendors shall be encouraged to take back and reuse pallets and packaging materials.

i. Suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, shall be required to take back equipment for reuse or environmentally safe recycling when Citrus Heights discards or replaces such equipment, whenever possible.

(2) **Recycled Content Products**

a. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest postconsumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.

b. Consistent with Public Contracting Code 22150, if fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the City shall purchase Recycled-Content Paper Products and Recycled-Content

Printing and Writing Paper (as defined) whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

c. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

d. Records must be maintained by the City of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by the General Services Departments and not less than annually (both recycled-content and non-recycled content, if any is purchased) for all purchases made by a division or department or employee of the City.

e. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City shall:

1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and the product is available at equal or lesser price.
2. Certify in writing the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products and/or Printing and Writing Paper can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
3. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013) [relating to correct labeling and marketing of products].
4. Provide records to the Purchaser for all Paper Products and Printing and Writing Paper on a schedule to be determined by the General Services Department.
5. All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and the product is available at equal or lesser price, or as amended by Public Contract Code Section 12209.

f. Copiers and printers bought shall be compatible with the use of recycled content products.

g. When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City shall use recycled, reusable, or reground materials when practicable.

h. The City shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades when practicable.

(3) **Gas and Oil Procurement**

a. For Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications), the City shall:

1. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the Jurisdiction.
2. Keep records in the same manner indicated in subsection c.10 (below) for the amount of Renewable Gas procured and used by the City, including the general procurement record information specified in subsection c.10., and ensure documentation is on file in the central filing location and on a schedule as determined by the General Services Department to and not less than annually. The City shall additionally obtain the documentation and submit records specified in subsection c.10. below, if applicable.

b. Per Public Contract Code Section 10409, the City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.

(4) **Energy and Water Savings**

a. Where applicable and practicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

b. When practicable, the City shall replace inefficient lighting with energy-efficient equipment.

c. All products purchased by the City and for which the U.S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable. When Energy Star labels are not available, purchasing agents shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program (FEMA).

d. The City shall purchase water-saving products whenever practicable.

(5) **Green Building - Construction and Renovations**

a. All building and renovations undertaken by the City shall follow Green Building Practices for design, construction, and operation, where appropriate, as described in the LEED™ Rating System and meet California Green Building Standards Code, Part 11, Title 24, California Code of Regulations (CalGreen) and California's Model Water Efficient Landscape Ordinance (MWELO) requirements. Building and landscaping products, purchases, and use by the City shall be consistent with CalGreen and MWELO requirements.

(6) **Landscaping**

a. All landscape renovations, construction and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction, and maintenance whenever possible, including, but not limited to, integrated pest management, grasscycling, drip irrigation, composting, and procurement and use of mulch and compost.

b. The City, including through its Direct Service Providers, will make every effort to meet its annual procurement target for Recovered Organic Waste Products as determined by the State. Periodically, the General Services and Administrative Services Departments shall distribute information to City Staff on the Procurement target and specific products that meet the SB 1383 procurement requirements. Divisions and departments responsible for

landscaping maintenance, compost giveaways or other types of compost distribution shall:

1. Use SB 1383 Eligible Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in the Definitions section of this Policy, for landscaping maintenance as practicable, whenever available, and capable of meeting quality standards and criteria specified.
2. Ensure that SB 1383 Eligible Mulch producers annually certify that the mulch meets the definition contained in the Definitions section of this Policy through the following:
    a. Copy of operation or facility permit or authorization; and
    b. Copy of laboratory results confirming the mulch meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Section 17852(a)(24.5)(A) 1 through 3.

    Failure to provide the applicable certification documents on an annual basis or at the request of the City will result in the mulch no longer being eligible as a recovered organic waste product under this procurement policy.
3. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the General Services Department either directly or via a centralized file location on a schedule to be determined by the General Services Department. General Procurement Records shall include:

    (i) General description of how and where the product was used and applied, if applicable;

    (ii) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

    (iii) Type of product;

    (iv) Quantity of each product; and,

    (v) Invoice or other record demonstrating purchase or procurement.
4. For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the General Services Department either directly or via a centralized file location in accordance with the requirements specified in subsection c.10.
5. When a Direct Service Provider for the City procures compost or mulch, enter into a written contract or agreement, or execute a purchase order between the City and Direct Service Provider with enforceable provisions that include:

    (i) Definitions and specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and,

(ii) An enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.

6. Ensure that projects subject to California's MWELO that will be used to meet the annual recovered organic waste product procurement target comply with CCR Title 23, Division 2, Chapter 2.7, Sections 492.6 (a)(3)(B), (C), (D), and (G).

c. Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color when practicable. Native and drought-tolerant plants that require no or minimal watering once established are preferred.

d. Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios, and driveways.

(7) **Toxics and Pollution**

a. To the extent practicable, no cleaning or disinfecting products (i.e., for janitorial or automotive use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. E.P.A. or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.

b. The use of chlorofluorocarbon-containing refrigerants, solvents and other products shall be phased out and new purchases shall not contain them.

c. All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.

d. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls where practicable. The City may implement pest management practices using the least toxic pest control as a last resort.

e. When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, adhesives, furniture and casework as practicable.

f. The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes, but is not limited to:

1. Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever possible.
2. Prohibiting purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, flooring, and medical supplies whenever practicable.

g. The City shall purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, the City shall give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.

h. When replacing vehicles, the City shall consider vehicles that use less-polluting alternative fuels such as compressed natural gas, renewable natural gas

(RNG), biobased fuels, hybrids, electric batteries, and fuel cells, as available.

(8) **Forest Conservation**

a. To the greatest extent practicable, the City shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system.

(9) **Agricultural Bio-Based Products**

a. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged whenever practicable.

b. Paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged whenever practicable.

(10) **Record Keeping**

a. Each purchasing agent is responsible to provide documentation required by SB 1383 directly to the General Services Department or to file required documentation of purchases subject to SB 1383 in the centralized file location as designated by the General Services Department. The General Services Department will be responsible for monitoring and reporting functions related to record-keeping pertaining to Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper. The General Services Department will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

1. Ensure the centralized file location designated by the General Services Department includes electronic copies of invoices or receipts (paper copies shall be scanned to the designated file location) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.3.
    (i) If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.
2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to develop evidence of the City meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1.
3. Collect, collate, and maintain documentation submitted by the City's

Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee.

4. Collect, collate, and maintain documentation submitted by the City's Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee

b. As required, compile data and report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the requirements for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement.

(d) **PRIORITIES**

(1) The health and safety of workers and citizens is of utmost importance and takes precedence over all other policies.

(2) Citrus Heights has made and continues to make significant investments in developing a successful recycling system and recognizes that recycled content products are essential to the continuing viability of that recycling system and for the foundation of an environmentally sound production system. Therefore, to the greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio-based.

(3) Nothing contained in this policy shall be construed as requiring a department, purchaser, or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

(4) Nothing contained in this policy shall be construed as requiring a department, purchaser, or contractor to take any action that conflicts with local, state, or federal requirements.

(e) **IMPLEMENTATION**

(1) The Finance Director shall implement this policy in coordination with other appropriate jurisdiction personnel.

(2) Successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.

(3) Upon request, buyers making the selection from competitive bids shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this policy.

(4) Purchasers shall include businesses certified by the Sacramento Sustainable Business Program in requests for products and services.

(5) Vendors, contractors, and grantees shall be encouraged to comply with applicable sections of this policy for products and services provided to the City, where practicable.

(f) **PROGRAM EVALUATION**

(1) The Finance Director shall periodically evaluate the success of this policy's implementation.

(g) **DEFINITIONS**

(1) "Agricultural Bio-Based Products" means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

(2) "Annual Recovered Organic Waste Product Procurement Target" means the

amount of Organic Waste in the form of a Recovered Organic Waste Product that the City is required to procure annually, based on population.

(3) "Buyer" means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions.

(4) "Chlorine free" means products processed without chlorine or chlorine derivatives.

(5) "City" means the City of Citrus Heights elected officials, staff, and agencies.

(6) "Compost (SB 1383 Eligible)" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR 17896.2(a)(4).

(7) "Compostable" means material that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds, and biomass at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

(8) "Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor, or other entity that has a contract with Citrus Heights or serves in a subcontracting capacity with an entity having a contract with Citrus Heights for the provision of goods or services.

(9) "Direct Service Provider" means a person, company, agency, contractor, or other entity that provides a service or services to the City through a contractual or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

(10) "Dioxins and furans" are a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the Environmental Protection Agency.

(11) "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as landscaping waste from the municipal stream, into electricity, and is therefore eligible to meet the City's Annual Recovered Organic Waste Product Procurement Target.

(12) "Energy Star" means the U.S. EPA's energy efficiency product labeling program.

(13) "Energy Efficient Product" means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets Federal standards.

(14) "Federal Energy Management Program" is a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.

(15) The "Forest Stewardship Council" is a global organization that certifies responsible, on- the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

(16) "Integrated Pest Management (IPM)" is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

(17) "LEED™ Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED) Rating System, approved by the U.S. Green Building Council, and designed for rating new and existing commercial, institutional, and residential buildings.

(18) “Organic Pest Management” prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of California Certified Organic Foods (CCOF).

(19) “Organic Waste” means solid waste containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.

(20) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

(21) "Postconsumer Material" means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.

(22) “Practical” and “Practicable” mean whenever possible and compatible with local, state, and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

(23) “Preconsumer Material” means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer material does not include mill and manufacturing trim, scrap, or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

(24) “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

(25) “Procurement of Recovered Organic Waste Products” shall mean purchase or acquisition of (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract) Organic Waste Products and end use by the City. The City’s Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the City or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the City’s behest.

(26) “Proposition 65” means a list of chemicals that are known to the State of California to cause cancer, birth defects or other reproductive harm.

(27) “Recordkeeping” means the system established by this policy and the General Services and Administrative Services departments used to track procurement and maintain records that includes Recovered Organic Waste Product procurement efforts by the City.

(28) “Recovered Material” means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value and includes preconsumer and postconsumer material but does

not include excess resources of the manufacturing process.

(29) "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%) recycled materials, by fiber weight, post-consumer fiber, or as-much as one hundred percent (100%) post-consumer fiber by fiber weight, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, as they may be amended from time to time.

(30) "Recycled Content" means the percentage of recovered material, including preconsumer and postconsumer materials, in a product.

(31) "Recycled Content Standard" means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as "recycled products."

(32) "Recycled Material" means material and byproducts that have been recovered or diverted from solid waste and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.

(33) "Recycled Product" means a product that meets the City's recycled content policy objectives for postconsumer and recovered material.

(34) "Remanufactured Product" means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.

(35) "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by the State, or as otherwise defined in 14 CCR 18982(a)(62).

(36) "Reused Product" means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.

(37) "Sacramento Sustainable Business Program" is a free service sponsored by local government agencies and utility providers. It certifies and promotes businesses and other organizations that pledge to adopt environmentally friendly practices and conserve resources.

(38) "SB 1383" means Senate Bill 1383 approved by the Governor on September 19, 2016, which establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced.

(39) "SB 1383 Eligible Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that is produced at an approved facility and in such a way that makes it eligible to meet the Annual Recovered Organic Waste Product Procurement Target, as defined by CalRecycle.

(40) "SB 1383 Eligible Mulch" means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4): Must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR 17852(a)(24.5)(A) 1 through 3 and must be

produced at one of the following facilities:

a. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR 17852(a)(10);
b. A transfer/processing facility or transfer/processing operation as defined in 14 CCR 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
c. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

(41) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
(42) "Source Reduction" refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable, and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced, packaging.
(43) The "Toxics Release Inventory" (TRI) is a publicly available U.S. EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities.
(44) "U.S. EPA Guidelines" means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.
(45) "Vendor" means a person or company who provides goods or services. A vendor can also be referred to as a supplier or direct service provider.
(46) "Water-Saving Products" are those that are in the upper 25% of water conservation for all similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.

EFFECTIVE DATE

This policy shall take effect on April 25, 2024.

City of Citrus Heights
Travel and Expense Reimbursement Policy
For City Councilmembers and Volunteers

I. DEFINITIONS

A. "City" means the City of Citrus Heights

B. The term "volunteer" solely for the purposes of this Policy shall also include any person who serves on a volunteer basis on any City Committee, Commission, Board or other such body established in accordance with a resolution or motion adopted by the City Council; however, by including such persons within the term "volunteer" herein, the City does not confer or recognize any other right, privilege, or benefit on such person.

C. "Councilmember" means any current member of the City Council

D. "Legislative body" shall have the same meaning as set forth in the Brown Act, and include the City Council and any commissions or advisory committees formed by the City Council when the meetings of such commission or advisory committee is subject to the Brown Act.

E. "City Manager" means the City Manager or his or her designee.

F. "Policy" means this Travel and Expense Reimbursement Policy.

II. EXPENSES ELIGIBLE FOR REIMBURSEMENT

The expenses of any Councilmember or volunteer may be reimbursed when reasonably and necessarily incurred while traveling or otherwise in the performance of official duties.

III. ADVANCE AUTHORIZATION FOR REIMBURSEMENT

A. The City Manager may authorize reimbursement for the City-related expenses of any volunteer. The City Manager shall have the discretion to refuse to authorize any expenses, or to authorize expenses subject to any limitations and/or restrictions.

B. Whenever possible, a volunteer shall seek authorization for expense reimbursement in advance. A volunteer shall seek reimbursement by submitting a completed Expense Authorization Form to the City Manager. The Expense

Authorization Form shall specify such information reasonably necessary for the City Manager to determine whether to authorize the proposed expenditure.

C. When a volunteer or member of a legislative body incurs expenses without prior approval, and the volunteer or member of a legislative body wishes the City to reimburse him/her, authorization shall be sought after the fact by submitting a completed Expense Claim Form and all related receipts to the City Manager, along with a written explanation of why prior approval was not obtained.

D. If the volunteer requests reimbursement for incurring the expenses, the City Manager shall have the discretion to limit the amount of reimbursement to the amount the City Manager determines to have been reasonably and necessarily incurred, or to refuse to authorize reimbursement altogether, if the City Manager determines that such expenses would not have been authorized had the approval been sought in advance.

E. Any request for the reimbursement of expenses shall be accompanied by an Expense Claim Form and receipts to document the expenditure. These documents are public records subject to disclosure.

IV. REIMBURSEMENT PROCEDURES

A. A volunteer seeking reimbursement shall submit a completed Expense Claim Form to the City Manager. All expenses for which reimbursement is sought shall be itemized on the Form. The Expense Claim Form shall be filed along with a copy of the approved Expense Authorization Form, when applicable, and receipts for all expenses to be reimbursed. As to any expense for which a receipt could not be obtained or is otherwise not attached, the volunteer shall attach a signed statement explaining the absence of the receipt. An expense for which there is no receipt will not necessarily be reimbursed by the City. Members of a legislative body shall submit an Expense Claim Form and all related receipts to document the expenditure. These documents are public records subject to disclosure.

B. With regard to volunteer expenses, if the City Manager determines that expenses incurred were not reasonably economical under the circumstances, the City Manager shall have the discretion to limit reimbursement to the amount the City Manager determines should reasonably have been incurred, unless the amount incurred is within any not-to-exceed amount authorized for that expense on the Expanse Authorization Form.

C. Councilmembers may authorize the reimbursement of their own expenses consistent with the terms of this Policy. Any reimbursement requested by a member of a legislative body that exceeds the limits of this Policy must be approved by a vote of the Council in a public meeting before the expense is incurred. However, only those expenses actually and necessarily incurred in the

performance of the official duties may be reimbursed, as provided in Government Code Section 36514.5.

D. At the next regular meeting of a legislative body, members of the legislative body must give a brief report or presentation on any outside conference or other official activity attended at the expense of the City as a condition for the reimbursement of their expenses.

V. CASH ADVANCES

A. The City Manager may authorize cash advances for the travel-related expenses of any volunteer. A volunteer seeking a cash advance shall request such advance by submitting an Expense Authorization Form to the City Manager.

B. No cash advance shall exceed the total or reimbursable expenses expected to be incurred. All cash advances must be for expenses authorized by the terms of this Policy.

C. As soon as practicable, but not later than two weeks after completion of the travel, any cash advanced shall be reconciled with actual expenses incurred on an Expense Claim Form. If the amount of cash advanced exceeds the total of reimbursable expense, the volunteer shall refund the difference to the City. The City shall have the right to withhold any amount not so refunded from the volunteer's paycheck.

VI. EXPENSES THAT MAY BE REIMBURSED

Subject to the limitations set forth herein, the following expenses shall be eligible for reimbursement:

A. Travel

a. The City shall reimburse the actual cost of reasonably economic travel expenses at the rates provided in Internal Revenue Service Publication 463, or any successor publication.

b. Generally, with regard to automobile travel versus air travel, the City preference shall be for the less expensive mode of travel. However, time of travel and convenience shall be taken into account.

c. In the event of automobile travel, City vehicles shall be used when feasible. Mileage for the use of privately-owned vehicles shall be reimbursed at the current IRS rate. Special conference or government rates for travel shall be used when available.

B. Meals

1. The City shall reimburse the actual cost of reasonably economical meals, including a reasonable tip at current IRS rates. Expenses for alcohol shall not be reimbursed.

C. Lodging

1. City shall reimburse the actual cost of reasonably economical lodging at current IRS rates.

2. The City shall not reimburse expenses incurred due to the presence of a spouse or any other guest of a Councilmember or volunteer.

3. Where special rates are available, such as convention, conference, or government rates, the amount to be reimbursed shall be the lowest available special rate at the time the room is reserved. If the special rate is not available at the time of booking, comparable lodging shall be reimbursed. The schedule of special rates shall be filed with the Expense Claim Form, along with a signature attesting that the rate was the lowest available.

D. Incidental Expenses

1. The City shall reimburse the actual cost of reasonably economical incidental expenses as provided in IRS Publication 463. Reimbursable incidental expenses may include such expenses as bridge tolls, registration fees, parking, work-related phone calls, faxes, and copying.

VII. ETHICS TRAINING REQUIREMENT

Each member of a Citrus Heights legislative body who receives compensation or is eligible for the reimbursement of expenses is required to fulfill an ethics training requirement. Each member shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. New members shall receive this training within their first year of service on a legislative body. The City may develop its own ethics training course or use an outside provider. If the City develops its own ethics training, the City must consult with the Fair Political Practices Commission and the State Attorney General. The City shall maintain all records relating to the ethics training of the legislative body for at least five years. These documents are public records subject to disclosure.

NON DISCRIMINATION / HARASSMENT POLICY



Henry Tingle, City Manager

The City is committed to providing an environment that is free from harassment and discrimination of any kind, including sexual harassment and harassment based on race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, or any other characteristic prohibited by state or federal law. Therefore, it is important that the City maintain an atmosphere characterized by mutual respect in order to assure fair, courteous treatment for employees and the public.

The City strongly disapproves of and will not tolerate harassment or discrimination against City employees or applicants by elected or appointed officials, managers, supervisors or coworkers. The City also strongly disapproves of unlawful harassment of City employees by persons with whom the City has a business, service or professional relationship.

Sexual harassment and illegal discrimination are considered serious acts of misconduct and will not be tolerated. Employees who violate this policy and engage in acts of sexual harassment or illegal discrimination of any type, for any duration, shall be subject to severe disciplinary action, up to and including termination.

Retaliation against individuals who complain of sexual harassment or any type of prohibited discrimination or who participate in an investigation into sexual harassment or discrimination shall not be tolerated. Employees who engage in such acts of retaliation shall be subject to serious disciplinary action, up to and including termination.

Affordable Care Act: An employer may not discharge or in any manner discriminate or retaliate against an employee who enrolls in a public health benefit program, including, but not limited to, the Medi-Cal program, or the California Health Benefit Exchange (i.e, Covered California).

PURPOSE

The purpose of this policy is to:

Reaffirm the City's commitment to prohibit and prevent unlawful discrimination (including harassment) in all workplaces of the City.

Define discrimination and harassment prohibited under this policy.

Set forth a procedure for resolving complaints of prohibited discrimination and harassment.

This policy shall not be construed to create a private or independent right of action. Although this policy is intended to prohibit discrimination consistently with Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the California Fair Employment and Housing Act and California Labor Code Section 1102.1, the City reserves the right to interpret and apply this policy to provide greater protection than what is afforded under those laws.

GUIDELINES
Prohibited discrimination and harassment for purposes of this policy, includes but is not limited to:

Speech: Such as epithets, derogatory comments or slurs, and lewd propositions on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This includes, without limitation, inappropriate sex-oriented comments regarding an individual's appearance, including dress or physical features, inappropriate comments of a sexual nature, or race or ethnicity-oriented stories and jokes.

Physical Acts: Such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied threats or promises in return for submission to physical acts.

Visual Insult: Such as derogatory pictures, posters, cartoons, or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This includes, without limitation, sending inappropriate emails of a sexual nature to employees, or viewing pornography either in magazines or on the internet in view of other employees, displaying pictures or objects depicting nude or scantily-clad or suggestively posed men or women; circulating derogatory or obscene notes, letters, emails or other literature.

Retaliation: Adverse employment actions carried out in retaliation for good faith submission of discrimination or harassment charges, or good faith participation in an investigation made pursuant to this policy.

Adverse employment actions carried out on account of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. Harassment on the basis of race, religion, creed, political affiliation, color, national origin, ancestry, sex, sexual orientation, age, familial status, or mental or physical disability is prohibited. Verbal or physical conduct relating to these categories constitutes harassment when it:

> Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
>
> Has the purpose or effect of unreasonably interfering with an individual's work performance; or Otherwise adversely affects an individual's employment opportunities.

Sexual Harassment: Sexual harassment is a form of unlawful sex discrimination and will not be tolerated by the City. Federal and State guidelines provide that unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitute unlawful harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

Reporting Unlawful Harassment or Discrimination
Any employee who believes he or she has been unlawfully harassed or discriminated against should promptly report it orally or in writing to the employee's supervisor, Department Head, the Human Resources Officer or the City Manager. Whenever possible. the employee is encouraged to use his/her departmental chain of command. An employee is not required to complain first to a supervisor if that person is the individual who is harassing and/or engaging in discriminatory actions against the employee. Instead, the employee may report the harassment/discrimination to any member of management.

Employee Protection Line - Any employee may file an anonymous and/or confidential (on a "need to know basis") complaint at any time, 24 hours/day, 7 days/week through the Employee Protection Line at (800) 576-5262 (Organization Code 10074). All complaints will be forwarded directly to the Administrative Services Director for prompt investigation.

Any supervisor or manager who receives a complaint of unlawful harassment/ discrimination, or who observes or otherwise learns about unlawfully harassing conduct is required to notify the Human Resources Officer. The Human Resources Officer will notify the City Manager. Failure to do so may result in disciplinary action.

Remedial Action
Upon receiving complaints of discrimination or harassment, the City will undertake an investigation of the complaints. Human Resources Officer is charged with conducting the investigation as appropriate. Any investigation and investigation report prepared relating to the complaint shall be kept confidential except as required by law. If harassment or discrimination is found to have occurred in violation of this policy, the City shall take action to ensure or confirm that the harassment or discrimination at issue is stopped. The City may take whatever measures are appropriate to ensure its workplaces remain free from unlawful discrimination or harassment. Employees found to have engaged in discrimination or harassment covered by this policy may be

subject to disciplinary action up to and including termination of employment. First-time violations of this policy, depending on the severity of the conduct, may lead to termination. Employees found to have been dishonest or uncooperative during an investigation into allegations of unlawful harassment may be subject to disciplinary action up to and including termination of employment.

No Retaliation
Employees should feel free to report valid claims of unlawful harassment without fear of retaliation of any kind. The City will not retaliate against or tolerate retaliation against employees for making any complaint of unlawful harassment in good faith, or against any employee for cooperating in an investigation.

Dissemination of Policy
Copies of the City's Non-Discrimination and Harassment Policy, and of these complaint procedures, shall be provided to all employees of the City, and to all new employees at the time of hiring. From time to time, the City may also conduct training for its employees to assist them in learning how to recognize, avoid and correct discriminatory behavior.

DFEH and EEOC
In addition to notifying the City about unlawful harassment or retaliation, an affected employee may also direct his or her complaint to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. An employee may contact the nearest DFEH office or the FEHC at the locations listed in the City's DFEH poster or by checking with the statement government listings in the local telephone directory.

An employee also has the right to direct his or her complaint to the federal Equal Employment Opportunity Commission (EEOC).

Obligations of Employees
Employees are responsible for knowing the City's policy on nondiscrimination; refraining from discriminatory behavior, including harassment; reporting incidents of discrimination in a timely fashion; cooperating in any investigation concerning allegations of discrimination; *and* maintaining confidentiality concerning any investigation that is conducted.

All employees are also encouraged to communicate with one another to assist co-employees to avoid harassing, discriminatory, or otherwise offensive behavior.

Policy Tracking Information

2002	Approved by the City Manager
05/12/2006	Updated policy to include non-discrimination language, changed title
1/2015	Updated policy to include ACA non-discrimination language

CITY OF CITRUS HEIGHTS

Non-Discrimination and Harassment Policy Acknowledgement Form

Name (Print) _____

Title _____

Policy Acknowledgement

I have received and read the City's Non-Discrimination and Harassment Policy and understand that as a manager or supervisor with the City of Citrus Heights, I have a responsibility to comply with the policy and enforce it appropriately. This responsibility includes but is not limited to, avoiding harassing conduct and promptly responding to harassing conduct by others.

Signature _____ Date _____

Training Acknowledgement

I acknowledge that on _____ at _____
(DATE) *(LOCATION)*

I was trained on the City of Citrus Heights' harassment policy and procedures.

This training occurred *(Circle One):* In Person Via Video

Signature _____ Date _____

POLITICAL ACTIVITIES

Ashley J. Feeney, City Manager

PURPOSE

To provide City staff with clear guidance about the prohibitions on political activities while on duty, while in City uniform, or on City-owned or controlled property.

The following is intended to give guidance on the types of activities City officials and staff members may and may not engage in and, to keep City staff members' jobs free from political influence, and to limit work time to work.

GUIDELINES

1. Candidates for City office, City officers, and employees may not use, or threaten to use, political authority or influence over staff.

2. The City is a blended workforce with City employees, full-time and part-time contract staff, volunteers and a number of ongoing consultant relationships that provide direct or specialized staff support. Consultants with ongoing specialized relationships with the City may be requested to observe this Policy as determined by the City Manager.

3. City officers, staff and volunteers are prohibited from participation in political campaigning, including the distribution of campaign literature, while on duty, while in a City uniform, and/or on City-owned or controlled property. This prohibition includes the following:

   A. Pursuant to Government Code Section 8314, political activities are prohibited on all City premises except when a City facility has been rented for such purpose and at times when the facility would not otherwise operate or function for normal City business. For purposes of this restriction, public property does not include public facilities that are routinely available for private functions, or on public property made available to the general public for political purposes (such as sidewalks and public plazas). Moreover, consistent with Elections Code Section 18370, on election day or at any time that a voter may be casting a ballot, political activities are prohibited within 100 feet of a polling place.

   B. No campaign materials shall be posted on City premises, including walls, bulletin boards, doors and City owned vehicles.

C. No City officer, staff member, or volunteer shall participate in political activities while in a City uniform, which includes any other form of clothing which bears the City's logo, either on or off the job. This includes, for example, taking photographs in uniform with candidates for publication in a campaign mailer, and walking precincts in uniform on behalf of a candidate or ballot measure.

D. No City officer, staff member, or volunteer shall engage in political activity during working hours or while on City premises, and shall not use any public resources for campaign activities (i.e., use of copiers, paper, phones, or letterhead).

E. No City officer, staff member, or volunteer shall take part in soliciting or contributing money toward the nomination or election of any candidate for municipal office during working hours.

4. Prohibitions do not include private vehicles used in the course and scope of employment nor the wearing of campaign buttons on personal clothing during working hours.

5. Candidates for a City elective office shall not solicit a political contribution from an officer or staff member of the City, or from a person on an employment list of the City, unless it is a solicitation made to a significant segment of the public which may include officers or staff of the City.

6. City staff has the right to endorse local municipal candidates, contribute funds, and work on campaigns after work hours and off-site.

PROCEDURES

1. At least 60 days prior to a regular municipal election at which City measures and/or City officers are to be voted upon, the City Manager will make a determination of contractors/consultants whom shall be required to fully observe this Policy. A memorandum/letter constituted of the City Manager's determination, a listing of all those required to comply, and an attached copy of this Policy, will be provided to:

    - City Council Members
    - Candidates for City elective office
    - All City employees and volunteers
    - Contract management firms
    - Contract firms and staff providing daily service
    - Ongoing consultant and staff relationships

2. Procedure 1 above shall apply to special municipal elections with the timing of the City Manager's memorandum to be as soon as practicable after the call of the election.

Policy Tracking Information

July 1998	*Formally Presented to Council*
July 2006	*Updated Policy Attachment (city attorney – Sacramento County Sheriff – Pacific Municipal Consultants)*

July 2008	*Change to item #7 – deleted "at the discretion and designation of the City Manager" and updated policy attachment (LP2A)*
August 2010	*Added 4.A. to the Policy. Removed attachment. Edits to 4.C.*
February 2012	*Changed item 7 and Deleted item #8 removing endorsement prohibition from management staff*
June 2014	*Added volunteers to the policy.*
July 2020	*Various revision to the policy*

RESOLUTION NO. 2024-091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, ADOPTING AN AMENDED CONFLICT OF INTEREST CODE AND A LIST OF DESIGNATED POSITIONS

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a conflict of interest code;

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard model conflict of interest code, which can be incorporated by reference, and which will be amended by the Fair Political Practices Commission to conform to any amendments in the Political Reform Act after public notice and hearing pursuant to the Administrative Procedures Act, Government Code Sections 11370, et seq.;

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it as the conflict of interest code of the City of Citrus Heights (the "City") will save the City time and money by minimizing the actions required of the City to keep its conflict of interest code in conformity with the Political Reform Act; and

WHEREAS, the Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or needs to be amended.

NOW THEREFORE BE IT RESOLVED AND ORDERED that the City Council of the City of Citrus Heights does hereby as follows:

1. The terms of 2 Cal. Code of Regulations Section 18730, and any amendments to that section which may be duly adopted by the Fair Political Practices Commission, is hereby adopted by reference as the body of the Conflict of Interest Code of the City of Citrus Heights.

2. The list of designated positions and disclosure categories attached hereto as Appendix "A" is hereby adopted as the Appendix of Designated Positions and Disclosure Categories referred to in 2 Cal. Code of Regulations Section 18730.

3. All persons holding designated positions shall file statements of economic interests with the City Clerk of the City of Citrus Heights, who shall be the filing officer with respect to these statements. The statements will be made available for public inspection and reproduction. Statements for all designated positions will be retained by the City of Citrus Heights.

4. This amended conflict of interest code is effective immediately and newly added designees are required to file within 30 days of the effective date of the Code.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 25th day of September 2024 by the following vote, to wit:

AYES: **Council Members: Middleton, Schaefer, Lopez-Taff, Karpinski-Costa**
NOES: **Council Members: None**
ABSTAIN: **Council Members: None**
ABSENT: **Council Members: None**

Dr. Jayna Karpinski-Costa

Dr. Jayna Karpinski-Costa, Mayor

ATTEST:

Amy Van

Amy Van, City Clerk

Exhibit

A. List of Designated Positions

APPENDIX "A"

APPENDIX OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

I. Designated Positions.

Position	Disclosure Category
Accountant	1
Administrative Services Director	1
Assistant City Attorney	1
Assistant Engineer	3, 4
Associate Civil Engineer	1
Associate Engineer	1
Associate Planner	1
Building Inspector I/II	3
Chief Building Official	1
Chief of Police	1
City Clerk	1
City Engineer	1
Communications Officer	1
Community Development Director	1
Construction/Maintenance Inspector I/II	3
Construction/Maintenance Inspector Supervisor	1
Database and Applications Analyst	2
Economic Development & Community Engagement Director	1
Event and Community Center Supervisor	2
Facilities and Fleet Supervisor	2
Finance Manager	1
General Services Director	1
Housing & Human Services Program Coordinator	1
Human Resources Manager	1
Information Technology Analyst II	2
Information Technology Manager	1
Management Analyst I/II	1
Operations Manager	1
Police Commander	1
Police Communications Supervisor	4
Police Lieutenant	2, 4
Police Services Manager	1
Police Services Supervisor	4
Principal Civil Engineer	1
Senior Accountant	1
Senior Building Inspector	3
Senior Civil Engineer	3, 4
Senior Database and Applications Analyst	2
Senior Management Analyst	1
Senior Planner	1
Consultants	*

* Disclosure by Consultants shall be subject to the following limitation:

The City Manager may determine in writing that a particular Consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

	Boards and Commissions	Disclosure Category
	Construction Board of Appeals	1

II. Public Officials Specified in Government Code Section 87200: The following positions shall file a statement of economic interests pursuant to Government Code section 87200:

Members of the Citrus Heights City Council
City Manager
City Attorney
Finance Director
Members of the Citrus Heights Planning Commission

III. Disclosure Categories.

CATEGORY/ DESCRIPTION	DISCLOSURE	GIFTS/LOANS AND TRAVEL PAYMENTS
1 - "Full Disclosure" For officials and employees whose duties are broad and indefinable.	All investments, business positions in, and income from sources located in or doing business in the City. Interest in real property located in the City, including property located within a two-mile radius of the City or of any property owned or used by the City of Citrus Heights.	Gifts, loans and travel payments from sources that: ▪ manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services; ▪ provide leased facilities to the agency; ▪ are subject to the regulatory, permit or licensing authority of or have an application for a license or permit pending before the City; and ▪ or engage in land development, construction or the acquisition or sale of real property.
2 - "Limited Disclosure - Purchasing" For officials and employees with limited decision making authority mainly related to purchasing goods and services.	All investments, business positions in, and income sources of the type which provides services, supplies, materials, machinery or equipment of the type utilized by the City of Citrus Heights.	Gifts, loans and travel payments from sources that: ▪ manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services; ▪ provide leased facilities to the agency; ▪ are subject to the regulatory, permit or licensing authority of or have an application for a license or permit pending before the City; and ▪ engage in land development, construction or the acquisition or sale of real property.
3 – "Limited Disclosure – Real Property" For officials and employees with limited decision making authority mainly related to land development, construction or the acquisition or sale of real property.	All investments, business positions in, and income sources of the type which provides services, supplies, materials, machinery or equipment of the type utilized by the City of Citrus Heights. Interest in real property located in the City, including property located within a two-mile	Gifts, loans and travel payments from sources that: ▪ manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services; ▪ provide leased facilities to the agency; ▪ are subject to the regulatory, permit or licensing authority of or have an application for a license or permit pending before the City; and

	radius of the City or of any property owned or used by the City of Citrus Heights.	▪ engage in land development, construction or the acquisition or sale of real property.
4 - "Limited Disclosure - Regulatory" For officials and employees with limited decision making authority mainly related to regulatory permitting or licensing.	All investments, business positions in, and sources of income which are subject to the regulatory, permit or licensing authority of the City of Citrus Heights.	Gifts, loans and travel payments from sources that: ▪ manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services; ▪ provide leased facilities to the agency; ▪ are subject to the regulatory, permit or licensing authority of or have an application for a license or permit pending before the City; and ▪ engage in land development, construction or the acquisition or sale of real property.