

8/09/18

Downtown Merchants Advisory
Committee

Handouts received after
agenda posted

Roles and Duties Brown Act Training Parliamentary Procedure

**Lemoore Downtown
Merchant Advisory Committee**

August 9, 2018

Presented by:

Lee Burdick, Senior Counsel

Meera Bhatt, Associate

LS

LS **Lozano Smith**
ATTORNEYS AT LAW

LEE BURDICK

SENIOR COUNSEL

lburdick@lozanosmith.com

7404 N Spalding Avenue
Fresno, CA 93720
T 559.431.5600 | F
559.261.9366



EDUCATION

J.D., Columbus Law
School, Catholic
University of
America

B.A., University of
Missouri - Kansas
City

PRACTICE AREAS

Local

Government/Special
Districts
Public Safety
Technology and
Innovations
Litigation

BAR ADMISSION

California, 1992

OVERVIEW

Lee Burdick is Senior Counsel in Lozano Smith's Fresno office. Her practice is focused on the Local Government aspects of public agency law. She has more than 25 years of counseling clients regarding their relationships with federal, state and local government agencies. She has, over time, developed a wide range of clients, including government, corporate and nonprofit entities. Her expertise includes research, analysis and advocacy before a variety of federal, state and local agencies and courts.

EXPERIENCE

While building her administrative law expertise, Lee has represented clients in administrative proceedings before agencies and boards such as the Federal Communications Commission, the California Public Utilities Commission, the California Energy Commission, the California Department of Labor and others. She also served on the Board of Port Commissioners for the San Diego Unified Port District, where she became intimately familiar with the Brown Act, the Public Trust Doctrine and agency administrative procedure in a variety of land use contexts. Prior to moving to Fresno, Ms. Burdick served as senior legal adviser and chief of staff to a former San Diego mayor, where she worked on city council resolutions, ordinances and various legal issues facing California cities.

EDUCATION

Ms. Burdick received a Bachelor of Arts degree in Communications Studies from University of Missouri - Kansas City. She received her Juris Doctor degree from Columbus Law School, Catholic

Maryland, 1989
District of
Columbia, 1989

University of America with a certificate in
Administrative Law.

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Court of Appeals for the Ninth Circuit
- > U.S. Court of Appeals for the Federal Circuit
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California

MEERA H. BHATT

ASSOCIATE

mbhatt@lozanosmith.com

7404 N Spalding Avenue

Fresno, CA 93720

T 559.431.5600 | F 559.261.9366



EDUCATION

J.D., University of California,
Davis

B.A., University of California,
Los Angeles

PRACTICE AREAS

Labor & Employment

BAR ADMISSION

California, 2008

OVERVIEW

Meera H. Bhatt is an Associate in Lozano Smith's Fresno office. Ms. Bhatt is a member of the firm's Labor and Employment Practice Group. Ms. Bhatt advises clients regarding a wide-range of issues affecting public agencies related to labor and employment.

EXPERIENCE

Ms. Bhatt has represented employers in state and federal courts, arbitrations, mediations, and in wide spectrum of administrative proceedings, including before agencies such as the DFEH, EEOC, DIR, Cal OSHA, Workers Compensation Appeals Board, Agricultural Labor Relations Board, and National Labor Relations Board. She has also represented clients at trial and successfully defended employers against alleged violations of FEHA, ADA, ADEA, FLSA, wrongful termination, wage and hour, discrimination, harassment, and retaliation claims. She has experience advising employers regarding collective bargaining obligations, strike activity, investigations, disciplinary hearings, use of performance evaluations, and termination. Ms. Bhatt prides herself on her responsiveness and accessibility to clients.

PRESENTER EXPERIENCE

Ms. Bhatt has regularly provided presentations and training to employers in a variety of labor and employment matters, including investigation into discrimination, harassment, and retaliation claims, sexual harassment, sick leave, and wage and hour issues. Ms. Bhatt is a long term member of Toastmasters, an international public speaking and leadership organization and has served two terms on the Executive Board.

EDUCATION

Ms. Bhatt obtained her Juris Doctor degree from the University of California, Davis School of Law where she earned the King Hall Pro Bono Award and the U.C. Davis Public Interest Law Certificate. She graduated magna cum laude from the University of California, Los Angeles with a Bachelor of Arts degree in Psychology.

WHO WE ARE & WHAT WE DO

Lozano Smith is a full-service education and public agency law firm serving hundreds of California's K-12 and community college districts, and numerous cities, counties, and special districts. Established in 1988, the firm prides itself on fostering longstanding relationships with our clients, while advising and counseling on complex and ever-changing laws. Ultimately, this allows clients to stay focused on what matters most – the success of their district, students and communities they serve. Lozano Smith has offices in eight California locations: Bakersfield, Fresno, Los Angeles, Mission Viejo, Monterey, Sacramento, San Diego and Walnut Creek.



AREAS OF EXPERTISE

- Charter Schools
- Community Colleges
- Facilities and Business
- Labor and Employment
- Litigation
- Local Government / Municipal Law
- Public Finance
- Public Safety
- Special Education
- Students
- Technology and Innovation

COST CONTROL is always a huge issue in education and an area we have mastered. We recognize and understand the financial restraints placed on those in education and work tirelessly to provide the very best legal representation with those limitations in mind. One of the best ways we keep legal costs to a minimum is through strategic, preventive legal services. These include Client News Briefs to keep you up-to-date on changing laws affecting education. In addition, we offer extensive workshops and legal seminars which provide the tools needed to minimize liability, thus reducing the need for legal assistance down the road.

CLIENT SERVICE is our top priority and we take it very seriously. With premier service as the benchmark, we have established protocols and specific standards of practice for each of our offices statewide. Client calls are systematically returned within 24 hours and often sooner when required.

DIVERSITY IS KEY and we consciously practice it in all that we do. It is one of our core beliefs that there is a measurable level of strength and sensitivity fostered by bringing together individuals from a wide variety of different backgrounds, cultures and life experiences. Both the firm and the clients benefit from this practice, with a higher level of creative thinking, deeper understanding of issues, more compassion, and the powerful solutions that emerge as a result.



Roles and Duties Brown Act Training Parliamentary Procedure

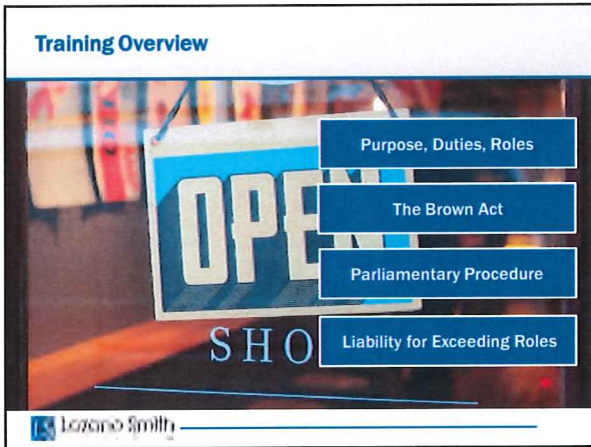
Lemoore Downtown
Merchant Advisory Committee

August 9, 2018

Presented by:
Lee Burdick, *Senior Counsel*
Meera Bhatt, *Associate*

LS Lozano Smith
ATTORNEYS AT LAW

Training Overview



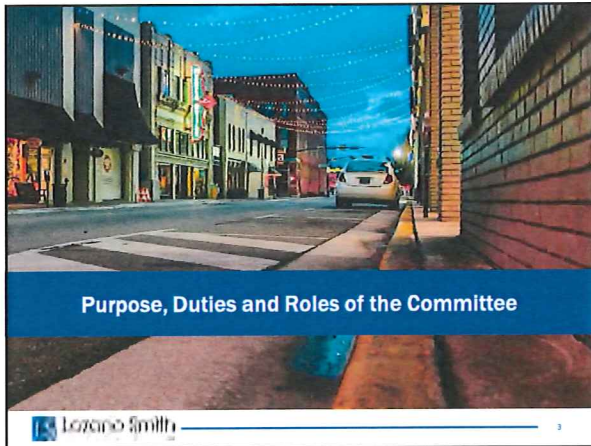
Purpose, Duties, Roles

The Brown Act

Parliamentary Procedure

Liability for Exceeding Roles

LS Lozano Smith



Purpose, Duties and Roles of the Committee

LS Lozano Smith

Downtown Merchant Advisory Committee

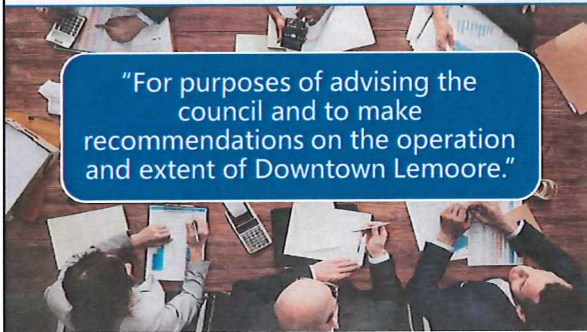


Created pursuant to Ordinance

Lozano Smith

4

Purpose and Duties of the Committee



"For purposes of advising the council and to make recommendations on the operation and extent of Downtown Lemoore."

Lozano Smith

5

Purpose and Duties of the Committee

What are some examples of recommendations you have given to the City Council?

Lozano Smith

6

Committee Make-Up

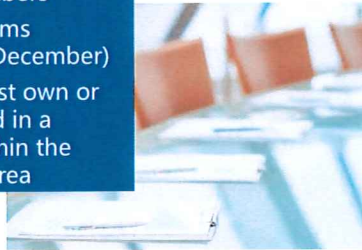


Lozano Smith

7

Downtown Merchant Advisory Committee

- Comprised of five regular members
- Two-year terms (January to December)
- Member must own or be employed in a business within the downtown area



Lozano Smith

8

The Brown Act




Lozano Smith

9

Brown Act



- Who is subject to the Brown Act?
 - “Legislative bodies”
 - Includes someone who has been elected or appointed but has not yet assumed office
 - Committees, Commissions and subordinate bodies

 Lezano Smith

Committees and Subcommittees

Subject to the Brown Act if they are created by resolution or other formal governing board action




Gov't. Code § 54952(b)

 Lezano Smith

Brown Act: A Quick Refresher

- What does the Brown Act require?
 - Actions and deliberations must be taken openly and in public
 - Meetings must be in public unless a closed session is specifically permitted by law
 - Agenda must be posted on agency website
 - Consideration and action can only be taken on items specifically identified on the agenda

 Lezano Smith

What is a "Meeting"?

- Any congregation of a majority of the members of the legislative body when discussing agency business
- Even if no action is taken and no concurrence reached



Lozano Smith

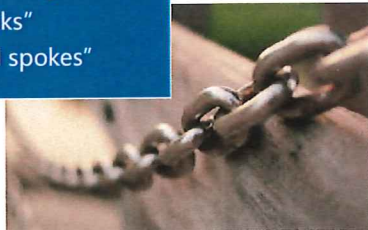
What Isn't a "Meeting"?

- The following scenarios are not "meetings" under the Brown Act:
 - Individual Contact
 - Public Conferences
 - Community Meetings
 - Other Local Agency Meetings
 - Social Gatherings
 - Attendance at Standing Committees as Observer Only
 - Staff Meetings

Lozano Smith

Brown Act


- Serial Meetings
 - "chain links"
 - "hub and spokes"



Lozano Smith

Serial Meetings

"[A] serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members."

 Lozano Smith

Serial Meetings

The "Chain" of Communications

"For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting of a five-person body."

 Lozano Smith

Serial Meetings

The "Hub" and "Spokes"

"Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred."

 Lozano Smith

Serial Meetings Through Technology

- Telephone
- Email
- Text message
- Chat room
- Social media



Lozano Smith

Social Media



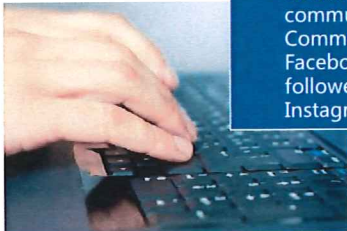
Lozano Smith

20

Brown Act

Agency Communications

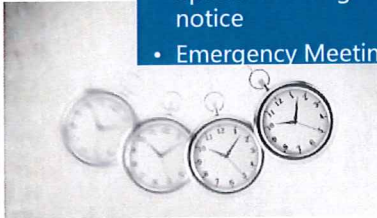
- Beware of communications to Committee members on Facebook feeds, Twitter followers, chatrooms & Instagram



Lozano Smith

When Can the Committee Meet?

- Regular Meetings – 72 hour notice
- Special Meetings – 24 hour notice
- Emergency Meetings



Lozano Smith

Where Can the Committee Meet?

- Usually within boundaries of the local agency



Lozano Smith

The Agenda

- Public requests for packet
- Committee requests for agenda items



Lozano Smith

The Agenda

Public requests to be on the agenda:

- 15-minute "public presentation"
- One per meeting
- Must be within Committee's jurisdiction, cannot be a marketing presentation, etc.

Lozano Smith

The Agenda

- Only matters that are on the agenda may be addressed during the meeting
- Exceptions:
 1. Emergency Situation
 2. "Subsequent Need" Items
 3. Held-over Items
 4. Announcements/ Responding to Public Comments and Questions

Lozano Smith

Public Participation



A committee meeting is a meeting of the committee held in public, not a meeting of the public held in front of the Committee.

Lozano Smith

Public Participation

- Public comment
- Recording / photography
- Disruptions



Lozano Smith

Closed Sessions



All business must be conducted in open session unless specific exceptions apply

Lozano Smith

29

Closed Sessions

- Real Property Negotiations
- Litigation
- Appointment, Employment, Evaluation of Performance, Discipline or Dismissal of an Employee
- Labor Negotiations

Lozano Smith

Closed Sessions

- Announce in open session the basis for closed session
- Report action and vote taken in closed session, if any



Lozano Smith

Closed Session Confidentiality

- As a general rule, only Committee members and necessary staff or consultants may attend a closed session.
- Committee members are legally prohibited from speaking publicly about matters discussed in closed session

Lozano Smith

Warning:
Violation of the
Brown Act
can be a crime!

POLICE LINE DO NOT CROSS

Lozano Smith


Parliamentary Procedure




Lozano Smith

Duties of Chair and Vice Chair

- Chair = preside at meetings and perform other duties ordinarily performed by that officer
- Vice Chair = If chair absent, performs duties of the chair
- Assistant City Manager = responsible for preparing the agenda for regular and special meetings

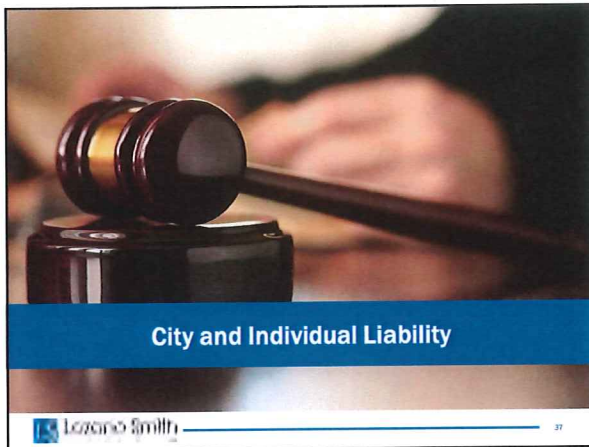

Lozano Smith

Parliamentary Procedure

Robert's Rules v. Rosenberg's Rules



Lozano Smith



City and Individual Liability

Lozano Smith

37

Exceeding Your Role...

Government Code Section 36900 provides:

"Violation of a city ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a city ordinance may be prosecuted by city authorities in the name of the people of the State of California, or redressed by civil action."

Lozano Smith

Liability For Exceeding Role

CITY
LIABILITY



V.

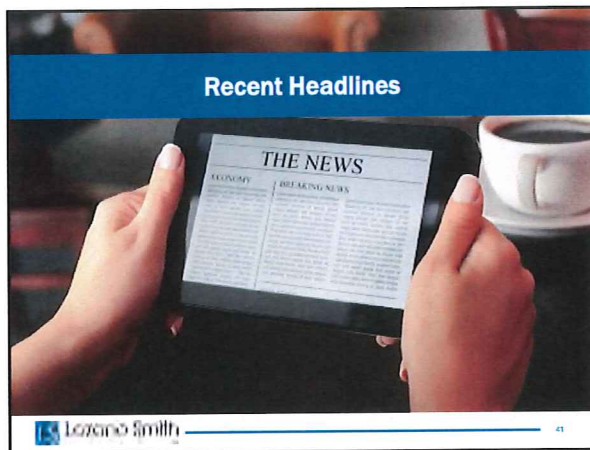
PERSONAL
LIABILITY

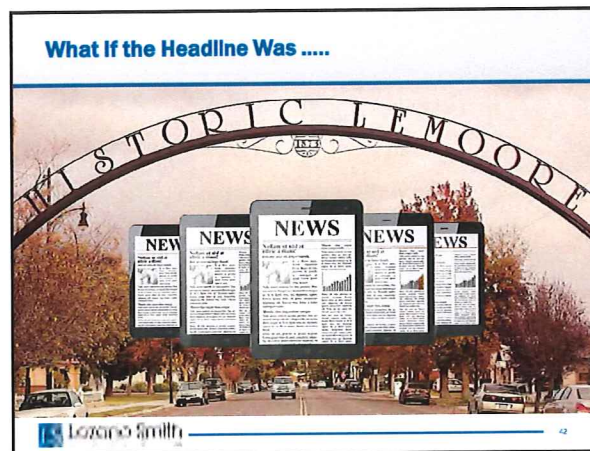


Lozano Smith

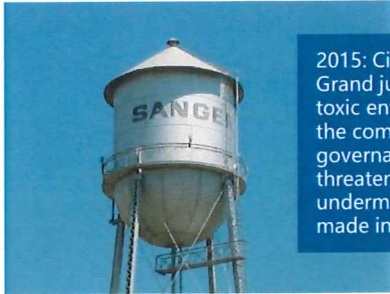
39







Its Happened to Other Cities.....



2015: City of Sanger: Grand jury found a toxic environment in the community governance threatening to undermine gains made in recent years

Lozano Smith

43

Its Happened to Other Cities.....

- 2016: The Kings County grand jury released a report accusing a Hanford City Councilman of violating campaign finance requirements and misleading voters



Lozano Smith

44

It's Happened in Other Agencies . . .

- **City of Fowler (2011):** Citizen-initiated complaint with grand jury regarding hundreds of unfinished police cases
- **Parlier Unified School District (2015):** Grand jury spotlighted governance, administration and business practices that were costly and ineffective
- **Selma Unified School District (2016):** Found to have violated the Brown Act

Lozano Smith

45

It's Happened to Committees/Commissions . . .

Merced County Planning Commission (2013):
Discussed and acted on an item that was not on the meeting agenda.

Sonora Dome & Wildcat Ranch Advisory Committee (2017): Meeting agenda not posted at the meeting location at least 72 hours before regular meeting

San Francisco Ethics Commission (2017): Commission voted to send Planning Commissioner letter demanding recusal from a vote, but motion to send the letter not on the agenda

Lezano Smith

46

Take-Aways

- Public service to your community is an admirable thing, but it's not easy
- The public demands transparency and it is essential to public service
- Good intentions are not good enough to protect you from overreaching

Lezano Smith

Questions



Lezano Smith

47



Disclaimer: These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact clientservices@lozanosmith.com or call (559) 431-5600.
Copyright © 2018 Lozano Smith
All rights reserved. No portion of this work may be copied, or sold or used for any commercial advantage or private gain, nor any derivative work prepared there from, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client.

Disclaimer:

These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact clientservices@lozanosmith.com or call (559) 431-5600.

Copyright © 2018 Lozano Smith

All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sublicense be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.

Chapter 2

DOWNTOWN BUSINESS IMPROVEMENT AREA

3-2-1: AUTHORITY:

This Chapter is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of 1965", being sections 36000 et seq., of the Streets and Highways Code of the State of California. (1975 Code §5-2.01)

3-2-2: DESIGNATION AND DESCRIPTION OF AREA:

A. Area Designated: There is hereby created and established a parking and business improvement area designated as "Downtown Business Improvement Area of the City of Lemoore," hereinafter for brevity and convenience referred to as "Area".

B. Area Description: All of the property included within the boundaries indicated below as shown by the Official Map of the City, recorded on April 4, 1901, in Volume 1 at page 52 of Licensed Surveyor Plats, County of Kings, State of California:

Beginning at the intersection of the centerline of "B" Street and the centerline of Lemoore Avenue as shown on said Official Map;

Thence Southwesterly along the centerline of said railroad right of way to the extension of the centerline of Hill Street;

Thence Southeasterly along the alignment of the centerline of Hill Street to the centerline of "B" Street;

Thence Northeasterly along the centerline of "B" Street to the point of beginning. (Ord. 9502, 2-21-1995)

3-2-3: ASSESSMENT IMPOSED WITHIN AREA:

A. Assessment Imposed: Effective January 1, 1976, there is hereby imposed a Business Improvement Area Assessment, to be known as the "assessment" upon all permanent businesses located within the boundaries of the Downtown Business Improvement Area of the City established by this Chapter.

The initial rate of increase or additional levy of the assessment imposed by this Chapter is an

amount equal to one hundred percent (100%) of the business license taxes imposed by Chapter 1 of this Title as the same apply to permanent businesses located within the boundaries of the Downtown Business Improvement Area of the City established by this Chapter and which are required to pay a license tax upon an annual or quarterly basis under the provisions of said Chapter 1 of this Title. As to those businesses subject to the assessment which are exempt from the business license tax imposed by Chapter 1 of this Title, the amount of the assessment shall be established in the manner provided in Streets and Highways Code sections 36500 et seq.

- B. Business Subject To Assessment: All businesses, including but not limited to financial institutions, professions and retail stores, located within the Area, are subject to and shall pay the assessment.
- C. Collection Of Assessment: The collection of the initial rate of increase or additional levy of assessments imposed by this Chapter shall be made at the same time and in the same manner as the ordinary business license tax of the City under the provisions of Chapter 1 of this Title as the same apply to businesses which are required to pay a license upon an annual or quarterly basis. Such assessments shall be computed in the manner provided for in said Chapter 1 of this Title as the same applies to businesses paying a regular business license tax on an annual or quarterly basis.
- D. Exemption From Assessment; Voluntary Contribution: Any business, person or institution located within said Area which is exempt from the payment of the assessment imposed by this Chapter by reason of the provisions of the United States or California Constitution is not to be assessed under this chapter but may make a voluntary contribution to the City. Such contributions shall be used for the purposes provided in subsection 3-2-4C of this chapter. (Ord. 9502, 2-21-1995)

3-2-4: DISPOSITION AND USE OF ASSESSMENT REVENUE:

- A. Budget: The Council may annually approve a budget to include an estimate of expenditures to be made to carry out the purposes of the downtown business improvement area of the City.
- B. Disposition Of Assessment Revenue: The revenues received from the levy of business assessments imposed by this chapter and all voluntary contributions shall be deposited in the Downtown Business Improvement Fund created by subsection D of this section.
- C. Use Of Assessment Revenue: The uses to which the revenues received by the business assessments imposed by this chapter and all voluntary contributions are to be put are as follows:
 - 1. The acquisition, construction, installation or maintenance of parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains for the benefit of the area.
 - 2. Decoration of any public place in the area.

3. Promotion of public events which are to take place on or in public places in the area.
4. Furnishing of music in any public place in the area.
5. The general promotion of activities which benefit business located in the area.
6. Promotion of tourism within the area.

D. Downtown Business Improvement Fund:

1. Fund Established: There is hereby established in the City, to be designated as the Downtown Business Improvement Fund, a fund to be used for the purposes enumerated herein.
2. Use Of Fund: All revenues deposited in the Downtown Business Improvement Fund shall be used for the following purposes:
 - a. The acquisition, construction, installation or maintenance of parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains for the benefit of the area.
 - b. Decoration of any public place in the area.
 - c. Promotion of public events which are to take place on or in public places in the area.
 - d. Furnishing of music in any public place in the area.
 - e. The general promotion of activities which benefit business located in the area.
 - f. Promotion of tourism within the area. (Ord. 9502, 2-21-1995)

3-2-5: DOWNTOWN MERCHANTS ADVISORY COMMITTEE:

For the sole purpose of advising the Council and making recommendations on the operation and extent of the area, the methods and ways in which the revenue derived from the assessment imposed by this chapter shall be used within the scope of the purposes set forth in this chapter, and to have and to perform such other powers and duties as the Council may determine, there shall be created an Advisory Committee, which shall consist of five (5) members with applications to be approved by City Council by a majority vote for a term of two (2) calendar years having alternating expiration dates. The terms of office shall expire at eleven fifty nine o'clock (11:59) P.M. on December 31 of the last year of each member's term of office. Members shall be persons who own or are employed in businesses within the downtown area, or persons who own or are employed in any business within the City limits, should vacancies still exist after processing and selecting members from the downtown area. Members of the Advisory Committee shall serve at the pleasure of the Mayor and City Council, and may be removed by the: a) expiration of term, or b) majority vote of the City Council. (Ord. 2017-12, 9-19-2017)

3-2-6: ENFORCEMENT OF PROVISIONS:

It shall be the duty of the license tax collector and his deputies to enforce the provisions of this chapter. It shall be the duty of all police officers to cause complaints to be filed against all persons violating any of the provisions of this chapter. (Ord. 9502, 2-21-1995)



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

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

VISION

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

About the League of California Cities

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

© 2011 League of California Cities. All rights reserved.

ABOUT THE AUTHOR

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



TABLE OF CONTENTS

About the Author	ii
Introduction.....	2
Establishing a Quorum.....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion	2
Motions in General	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum	7
Special Notes About Public Input	7

INTRODUCTION

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

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

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

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

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

Establishing a Quorum

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

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


The Role of the Chair

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

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

The Basic Format for an Agenda Item Discussion

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



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

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

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

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

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

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

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

This is done in one of three ways:

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

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

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

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

Motions in General

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

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

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


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

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

The Three Basic Motions

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

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



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

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

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

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

Multiple Motions Before the Body

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

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

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

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

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

To Debate or Not to Debate


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

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

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

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

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



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

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

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

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

Majority and Super Majority Votes

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

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

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

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

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

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

Counting Votes

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


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

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

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

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

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



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

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

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

*How does this work in practice?
Here are a few examples.*

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

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

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

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

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

The Motion to Reconsider

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

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

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

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

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



Courtesy and Decorum

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

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

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

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

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

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

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

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

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

Special Notes About Public Input

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

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

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

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



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10

© 2011 League of California Cities. All rights reserved.

Printed on recycled paper.

Downtown Business Improvement Area

3-2-2: DESIGNATION AND DESCRIPTION OF AREA:

A. Area Designated: There is hereby created and established a parking and business improvement area designated as "Downtown Business Improvement Area of the City of Lemoore," hereinafter for brevity and convenience referred to as "Area".

B. Area Description: All of the property included within the boundaries indicated below as shown by the Official Map of the City, recorded on April 4, 1901, in Volume 1 at page 52 of Licensed Surveyor Plats, County of Kings, State of California:

Beginning at the intersection of the centerline of "B" Street and the centerline of Lemoore Avenue as shown on said Official Map;

Thence Southwesterly along the centerline of said railroad right of way to the extension of the centerline of Hill Street;

Thence Southeasterly along the alignment of the centerline of Hill Street to the centerline of "B" Street;

Thence Northeasterly along the centerline of "B" Street to the point of beginning. (Ord. 9502, 2-21-1995)



REGULAR MEETING AGENDA

Minutes of the Regular Meeting of the
DOWNTOWN MERCHANTS ADVISORY COMMITTEE
July 12, 2018

1. Call to Order

At 6:15 p.m. the meeting was called to order.

Member Attendance:

- ☒ Gina Arcino
- ☒ Jeffrey Garcia
- ☒ Megan Redding
- ☐ John Tulak
- ☒ Tim Welsh

City Staff Attendance:

- ☒ Nathan Olson, City Manager
- ☒ Michelle Speer, Assistant City Manager
- ☒ Mary J. Venegas, City Clerk

2. Public Comment

Amy Ward, Chamber of Commerce CEO, stated the Chamber is interested in bringing back the Holiday Stroll and is available to assist and do more. Consensus to add the Holiday Stroll to agenda for next meeting.

Nathan Olson, City Manager, stated the City has received temporary workers from the state and they have been assigned to the downtown area. However, downtown members need to do their own maintenance.

Olson stated a Council Member has suggested making downtown a one way street from Follett to Hill. Consensus was received to add to next agenda.

3. Selection of New Chairperson

Motion by Welsh, seconded by Arcino to appoint Garcia as the Chair Person.

Ayes: Welsh, Arcino, Redding, Garcia

Absent: Tulak

Motion by Arcino, seconded by Welsh to appoint Redding as the Vice Chair Person.

Ayes: Arcino, Welsh, Garcia, Redding

Absent: Tulak

4. Approval of Minutes – Special Meeting – November 2, 2017

- a. Special Meeting – November 2, 2017
- b. Regular Meeting – March 8, 2018

Motion by Welsh, seconded by Redding to approve the Special Meeting Minutes of November 2, 2017 and the Regular Meeting Minutes of March 8, 2018.

Ayes: Arcino, Garcia, Redding, Welsh

Absent: Tulak

5. Brown Act Training

Item tabled.

6. Downtown Business Improvement Fund Review

Assistant City Manager Speer stated the Downtown Business Improvement Fund collects \$9-10,000 per year. The Fund Balance is \$15,420. This item will be a standing item at every meeting. There are certain restrictions to the use of the funds. The boundaries for downtown are 18th to Hill and D Street o F Street with F Street east of Fox.

7. Committee Member and City Liaison – Report and Request for Information

Mr. Welsh believes the condemned building at D and Fox Street is a big problem. Suggest reach out to the owners and ask the status. Suggest more downtown business events.

Ms. Redding suggest an annual business license check for downtown business and collect updated contact information at that time. Asked if possible to receive a list of all businesses from the City.

Ms. Arcino is excited to have a meeting.

Mr. Garcia stated this committee is important. Encourage other merchants to get involved.

Ms. Speer is excited to have a group for the DMA. Would like to have regular monthly meetings. Consensus to meet monthly. Next meeting is August 9, 2018 at 6:15pm. Mr. Tulak resigned from DMA as no longer owns/operates a business downtown. Recruitment will open up as soon as possible. Encourage participation.

8. Next Regularly Scheduled Meeting – August 9, 2018

9. Adjourn

At 6:37 p.m. the meeting adjourned.

Approved the 9th day of August 2018.

ATTEST:

APPROVED:

Mary J. Venegas
City Clerk

Jeffrey Garcia
Chairperson



711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-6708

Staff Report

Item No: 4

To: Downtown Merchants Advisory Committee
From: Amanda Champion, Executive Assistant
Date: June 15, 2018 Meeting Date: August 9, 2018
Subject: Ralph M. Brown Act Training

Proposed Motion:

Information Only.

Subject/Discussion:

As the Downtown Merchant's Advisory (DMA) Committee is a City Council Committee created under City Ordinance 3-2-5, as such, the DMA is subject to the Ralph M. Brown Act (Open Meeting Law). An attorney from the offices of Lozano Smith will provide training to the DMA members.

Financial Consideration(s):

Not applicable.

Alternatives or Pros/Cons:

None noted.

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Information Only.

Attachments:

- ☐ Resolution:
- ☐ Ordinance:
- ☐ Map
- ☐ Contract
- ☐ Other
- List:

Review:

- ☒ Asst. City Manager
- ☒ City Clerk

Date:

07/31/18
08/01/18



711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-6708

Staff Report

Item No: 5

To: Downtown Merchants Advisory Committee
From: Amanda Champion, Executive Assistant
Date: July 30, 2018 Meeting Date: August 9, 2018
Subject: Downtown One-Way Street Proposal

Proposed Motion:

Discuss and provide input on a proposal for D Street from Follett to Fox to become a one-way street.

Subject/Discussion:

A City Councilmember has recommended Downtown Lemoore be converted into a one-way westbound street from Follett to Fox. The recommendation comes from a concern for safety caused by the narrow two-way lanes that currently exist.

Diagonal Street parking will remain as is, however, a one-way street would allow more space between parked vehicles and traffic. Improving traffic flow could encourage more vehicles to utilize D Street and create more exposure for the businesses located along D Street.

Strategically placed planters at intersections, and the addition of one-way street signs would help direct the flow of traffic and increase pedestrian crosswalk safety.

A draft of the proposal is attached for review.

Financial Consideration(s):

The cost of re-stripping the road, street signs, and planter boxes as well as the cost of public education would come from the General Fund Reserves.

Alternatives or Pros/Cons:

Pros: improve safety and increase ease of traffic flow

Cons: financial costs

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Information Only.

Attachments:

- ☐ Resolution:
- ☐ Ordinance:
- ☒ Map
- ☐ Contract
- ☐ Other
List:

Review:

- ☒ Asst. City Manager
- ☒ City Clerk

Date:

07/31/18
08/01/18

Proposed One-way Street Downtown Lemoore





711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

Staff Report

Item No: 6

To: Downtown Merchants Advisory Committee
From: Amanda Champion, Executive Assistant
Date: July 30, 2018 Meeting Date: August 9, 2018
Subject: Downtown Events for Fiscal Year 2018-2019

Proposed Motion:

Discussion regarding potential downtown events for the current fiscal year, July 1, 2018 – June 30, 2019. Provide consensus on bringing back the Holiday Stroll with the Chambers assistance.

Subject/Discussion:

The Chamber CEO suggested bringing back the Holiday Stroll with the understanding that the Chamber will assist with the event. In order to be successful, most downtown businesses would need to participate and remain open during the event. With the Chamber's help, the event could become a great opportunity to bring foot traffic and exposure to the businesses downtown.

Committee members may also discuss other potential events for the fiscal year.

Financial Consideration(s):

None

Alternatives or Pros/Cons:

N/A

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Not Applicable

Attachments:

- ☐ Resolution:
 - ☐ Ordinance:
 - ☐ Map
 - ☐ Contract
 - ☐ Other
- List:

Review:

- ☒ Asst. City Manager
- ☒ City Clerk

Date:

07/31/18
08/01/18



711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

Staff Report

Item No: 7

To: Downtown Merchants Advisory Committee
From: Amanda Champion, Executive Assistant
Date: July 31, 2018 Meeting Date: August 9, 2018
Subject: Downtown Business Improvement Fund Review

Proposed Motion:

Information Only.

Subject/Discussion:

Information regarding the budget for the current fiscal year will be presented to the Committee.

Financial Consideration(s):

Not Applicable.

Alternatives or Pros/Cons:

Not applicable.

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Information Only.

Attachments:

- ☐ Resolution:
- ☐ Ordinance:
- ☐ Map
- ☐ Contract
- ☐ Other
- List:

Review:

- ☒ Asst. City Manager
- ☒ City Clerk

Date:

07/31/18
08/01/18