



MINUTES
REGULAR MEETING OF THE ETNA CITY COUNCIL
Monday August 22, 2022

Members of the Etna City Council met on this 22nd day of August, via TELECONFERENCE and IN PERSON. Mayor Cliff Munson called the meeting to order and led in the Salute to the Flag of the United States of America.

Roll Call

Councilmembers Brandon Fawaz, Mayor Cliff Munson, Charnna Gilmore were present. Councilmember Lori Fleck arrived late.

Oral Comments from the Public on Non-Agenda Item

None.

Consent Calendar

- Resolution 2022-0017 – A Resolution of the City Council of the City of Etna Approving the Extension of Water Service to Residential Property Located Outside City Limits at 1107 Sawyers Bar Road (APN: 023-500-39.) – **Item moved to current business.**
- Resolution 2022-018 – A Resolution of the City Council of the City of Etna Establishing Fire Fighter Pay for Strike Team Response
- Minutes from the Regular Meeting June 27, 2022
- Minutes from the Regular Meeting July 6, 2022
- Minutes from the Regular Meeting July 25, 2022
- Financial Transactions – Accounts Payable Invoice Review

Mayor Munson made some changes to the Agenda order – Resolution 2022-017 to current business, and he moved Consideration of Vacant Council Seat before Current Business. Councilmember Fawaz made a motion to accept the changes to the Agenda, Gilmore seconded, and the motion passed unanimously.

Councilmember Fleck requested a correction to the June 27th minutes – Mayor Tarne was no longer on the City Council. Fleck also asked about AB 361.

Councilmember Fawaz moved to approve the Consent Calendar with the correction to the minutes. Gilmore commented that at the June meeting it was discussed that the spending period would not be longer than 30 days without a review. Fawaz explained that the adopted budget has been moved forward until September. Fleck specifically asked for a list of final expenses for 18/19, 19/20, 20/21 and she is still waiting for this information. Gilmore seconded and the motion passed.

Ayes: Fawaz, Gilmore, Fleck, Fawaz

Current Business Item:

Discuss/Approve Consideration of Vacant Council Seat. Councilmember Fleck moved to approve the letter of interest from Jason Deppen to fill the vacant seat set to expire in November 2022. Gilmore seconded the motion.

Ayes: Fawaz, Gilmore, Fleck, Fawaz

Mayor Munson swore in Councilmember Jason Deppen.

Council/Department Reports:

City Manager Adam Cox welcomed Councilmember Jason Deppen. Cox updated the Council on the city's current financials. Pam has made a lot of progress and is close to being current. Cox is hoping to have a budget presented for approval at the next regular meeting. Cox has been working on consulting agreements for the grants. Councilmember Fawaz asked if the city is in a better position than what was thought. Individual funds are still being reconciled. Councilmember Gilmore asked for an update on the open Clerk position. Cox has received several applications and he has begun initial screening. Cox requested two councilmembers to be on a hiring committee for the Clerk. Fawaz mentioned a conflict of interest and recommended Gilmore, and Mayor Munson.

Police Chief Josh Short provided a written report.

Public Works Director Dan Burbank emailed a report to the Council and gave a brief verbal report. Burbank is moving forward with the water surface treatment grant. Two water leaks were addressed and some minor road repairs. There is substantial water loss at the pool, but it seems to be better and will be monitored. Councilmember Fleck asked if a second shower is needed at the park. Mayor Munson asked if the recent personnel changes have affected is department. Burbank is planning on getting the shade structure built. The last day for the pool is August 23rd.

Fire Chief Alan Kramer gave a brief report. The water tender is back in service, and he has also been in contact with several residents regarding weed abatement. Chief Kramer is working on a list of parcels for weed abatement.

Ambulance Director Teri Arrwood provided a written report. Mayor Munson read the call report. Cox added that approximately \$30,000 is expected to come in from GEMT for unpaid ambulance billing.

Councilmember Fleck asked what the status is with her thumb drive and the information she has requested. Fleck would like to have digital copies of all professional service contracts in accounts payable, all the grants to see if things are on track in addition to the information she previously requested.

Mayor Munson reported that he recently met to discuss options for an emergency service building.

PUBLIC HEARING: Ordinance 224 – SB 1383 Edible Food Recovery Ordinance

City Planner Richard Tinsman was available for questions. Mayor Munson provided a brief background. Councilmember Fleck is questioning how much of a footprint the City of Etna makes. Cox explained that this is from Sacramento, and we are required to pass this. City Planner Tinsman added that this is an exemption, and this ordinance was supposed to be in place

in February. By adopting this ordinance, we will be covered under a rural waiver. Mayor Munson closed the public hearing at 7:17 pm. Councilmember Gilmore moved that we introduce and read Ordinance 224 by title only, and further move to direct staff to bring Ordinance 224 back for adoption at the next regular meeting. Councilmember Fleck seconded the motion.

Ayes: Fleck, Gilmore, Deppen, Fawaz, Munson

CURRENT BUSINESS:

Discuss/Approve Resolution 2022-0017 – A Resolution of the City Council of the City of Etna Approving the Extension of Water Service to Residential Property Located Outside City Limits at 1107 Sawyers Bar Road (APN: 023-500-39.)

Councilmember Fleck asked why there is a meter on this property and did this come to City Council for approval. Chief Kramer gave a background on this property and extension of services. Chief Kramer explained that this meter was installed by the city in exchange for an easement. Councilmember Gilmore expressed concerns with extending water services to properties outside city limits. Director Burbank added that there are multiple service connections in this area that have been there for years. Audience member Rick Kramer stated that the meter was installed in 1984. Councilmember Deppen moved to make the finding that the extension of water service will not have a significant impact on the environment, that we adopt Resolution 2022-0017 approving the extension of the water service to 1107 Sawyers Bar Road, and that we direct staff to submit an application to LAFCO for an out of area service agreement to address Mr. Pott's request. Councilmember Fawaz seconded the motion.

Ayes: Fleck, Deppen, Fawaz, Munson

No: Gilmore

Discuss/Approve Resolution 2022-016 – A Resolution of the City Council of the City of Etna Adopting a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Addendum for the City's Public Water System Improvement Project.

City Manager Cox explained that this is needed to move forward with some of our planned projects. Councilmember Gilmore moved to approve Resolution 2022-016, Fawaz seconded. Director Burbank provided more detail related to this project in conjunction with another grant project.

Ayes: Fleck, Gilmore, Fawaz, Deppen, Munson

Discuss/Approve Certificate of Facts and Determine Which Course of Action to Take in Accordance With California Elections Code Section 10229(a).

City Manager Cox explained that the number of applicants is equal to the number of open seats and asked Council for direction and recommended option #1. Councilmember Fleck mentioned that there is a specific process for write in candidates. Councilmember Gilmore moved to approve option #1. Mayor Munson commented that everyone had an opportunity to

pull papers and three applied and recommends option #1 and the three candidates will be considered elected. Councilmember Fleck seconded and the motion passed.

Ayes: Fleck, Gilmore, Fawaz, Deppen, Munson

Discuss/Approve 50/50 Grant Funding 2022/2023.

Councilmember Fleck commented that there is not a protocol/process in place and does not agree with deciding three or four months after the application was submitted. Fleck would like to hear about the grant sooner and have it included in the budget. Fleck expressed concerns with committing roughly 19,000 from the General Fund to match. Chief Kramer stated that he has been successful with this grant for years and there used to be a replacement fund for his department which is where the match of the grant would have come from. Recently his replacement fund has been spread to the General Fund. Councilmember Gilmore explained that moving the excess funds to the General Fund was with the intention of borrowing it and paying it back. Chief Kramer added that this radio equipment is expensive and mandated and recommends committing funding for the equipment. Fleck asked about life expectancy for the equipment. Chief Kramer explained that his current radios are approximately 15 years old, and they need to be replaced to participate in state emergency response. Gilmore moved to approve the 50/50 grant funding 2022/2023, Fleck seconded, and the motion passed.

Ayes: Fawaz, Deppen, Gilmore, Fleck, Munson

Discuss/Approve Finance Committee Members.

City Manager Cox informed the Council that they have been unsuccessful with getting interested members to participate on this committee. Manager Cox asked if the Council would like to start scheduling finance meetings or continue trying to recruit. Councilmember Fleck recommended waiting until there are good financial reports and a budget. Mayor Munson directed Fleck to recruit members to the committee.

Discuss Possible Emergency Service Building.

City Manager Cox explained that he and Mayor Munson recently met with a land developer and discussed possibilities of a preliminary plan for this building. Manager Cox asked for Council direction and permission to move forward. Councilmember Fawaz supports the idea and concept but is reluctant to approve moving forward until the finances are situated and a budget adopted. Councilmembers Gilmore and Fleck agreed. Fleck recommended staff to research and pursue grant opportunities. Gilmore is concerned with the timing of this and would like the focus to be on the current grants that the city is involved in. Mayor Munson recommends this item being on the agenda for the next several meetings to keep re-evaluating the options. Item tabled to September meeting.

Discuss 2021 Premium Pay.

City Manager Cox consulted with legal counsel, the city auditor, and an accountant and proposed that the city issue amended W2s to employees that received this premium pay. Manager Cox informed the Council that the amounts were not insignificant and the pays for high earning employees were around \$9,000. Instead of penalizing employees the recommendation is to increase the amount of the bonus with the second installment to pay for the withholdings that were failed to be withheld. Manager Cox also recommends reimbursing the employees the cost

of amending their 2021 taxes. The anticipated expenditure is approximately \$15,000 to \$20,000. The City Council directed Manager Cox to move forward with his plan to resolve this issue.

CORRESPONDENCE:

None.

CITY COUNCIL STATEMENTS AND REQUESTS:

Councilmember Fleck stated that she feels pushed out because she has asked for specific reports and is still waiting. Manager Cox offered to provide her with various reports and has not seen a list of requested reports. Fleck explained that she is not used to working through a city manager. Councilmember Gilmore emphasized that everyone is working hard on reconciliations and getting the financials straight.

Councilmember Fleck openly apologized for creating a situation that involved a staff member which created a conflict because of some miscommunication.

Councilmember Gilmore emphasized the importance of having a budget and contracts worked out with the grants. Manager Cox is working on this.

Councilmember Fawaz requested that mistakes with COVID payments do not happen again. Fawaz commented that he feels comfortable requesting stuff from department heads that he works with, but the difference is what Lori is requesting had a Clerk and a part-time assistant which now is only one person doing both and it is a difficult place to request information from currently.

Councilmember Fleck reminded that the City of Etna belongs to the CIIC (Collier Interpretive Information Center) JPA and this committee has been unmanned by the City of Etna for two years. Fleck would like this item on the next agenda to talk about who would like to represent City of Etna, which will not be her.

CLOSED SESSION: Exposure to Litigation – Klenk v. City of Etna

The City Council had no reportable action.

Adjournment

There being no further business Mayor Munson ended the closed session and adjourned the meeting at 8:29 pm.

Respectfully submitted,

Jenny Bennett

Asst. City Clerk