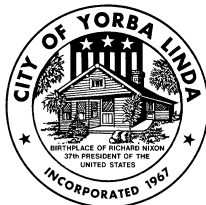

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED
JOINT MEETING MINUTES

SEPTEMBER 30, 2009

CALL TO ORDER

The City Council/Redevelopment Agency convened on September 30, 2009 at 6:35 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council Members: Anderson, Horton, Rikel, Schwing, Winder

Staff Members: Adams, Carvalho, Mendoza

PLEDGE OF ALLEGIANCE - Mayor Schwing

PUBLIC COMMENT ON THE ITEMS ON THE AGENDA

Orange County Supervisor Bill Campbell introduced Will Kempton, the new C.E.O. of the Orange County Transportation Authority. Mr. Kempton provided an update on the Imperial Highway Grade Separation Project and announced the anticipated date of completion for the project is November 30, 2009 which is a year ahead of schedule.

Claudine Lynch, resident, suggested a policy where if any councilmember did anything legally, morally or ethically embarrassing to the City, they should voluntarily resign. She further recommended that Section 2.44.010, No Solicitation of Campaign Contributions From City Contractors, should state "or accepting" and "other people doing business with City", Section 2.44.020, Prohibition Against Accepting Campaign Contributions for 90 Days After Approving a Permit or Decision, the limit should be over \$100, and on

Section 2.44.030, Disqualification From Acting Upon a Permit or Decision If a Campaign Contribution was Accepted within a Previous Twelve Month Period, the limit should be over \$100 within a period of six months.

Louie Scull, resident, stated he agrees with Mrs. Lynch's suggestions. He also said that the city attorney could have halted the closed session meetings if they were not in the City's best interests. Mr. Scull recommends that any future proposals for development in the City must be made public first and then voted on.

Bob Hanson, resident, asked the City Attorney several questions about the proposed ethics ordinance including how it relates to the Freedom of Speech Act.

Louie Schirm, resident, spoke about the difference between a bribe and a campaign contribution. He said it is important that contributions are made public so everyone can see how much someone received and from whom.

DISCUSSION AND CONSIDERATION OF PROVISIONS FOR ETHICS ORDINANCE

City Attorney Carvalho presented an overview of the proposed ethics ordinance and responded to questions from the Council.

It was **MOVED/SECONDED - ANDERSON/RIKEL** – to agendaize the completion of the proposed ethics ordinance, to a future council meeting with the following changes:

Section 2.44.010 No Solicitation of Campaign Contributions from City Contractors, on the first sentence, after the word entity, add “or any labor association of any such entities”; at the end of that same sentence, after the word election, add “or to accept a campaign contribution from an existing city contractor or labor association of a city contractor”.

Section 2.44.020 Prohibition Against Accepting Campaign Contributions for 90 Days After Approving a Permit or Decision, change 90 days to “12 months”; insert “\$250” in the blank; and on the same sentence instead of 3 months change to “12”.

Section 2.44.030 Disqualification From Acting Upon a Permit or Decision if a Campaign Contribution was Accepted Within a Previous Twelve Month Period, insert “\$250” in the blank.

Section 2.44.040 Prohibition Against Seeking Endorsements From City Employees and Commissioners, add “or city contractors or labor associations of city contractors”; and at the end of the first sentence, add “or City contractor or labor association of city contractors”.

Section 2.44.070 Mandatory In Person AB1234 Training For All City Staff, Executives and Appointed and Elected Officials, omit “in person”.

Section 2.44.090 Tape Recording of all Closed Session Meetings of the City Council, fill in the first blank with “whenever appropriate”; add “the City Manager or Mayor” to provide audio, and fill in the second blank with “City Clerk” and add “cause the tapes to be delivered to the City Clerk”.

Councilmember Winder remarked that any rulemaking that suggests that the ethical issue can be solved by making more rules, is a fraud. He said that rules have little to do with ethical behavior. Councilmember Winder stated he would much rather set a \$250 or \$500 campaign finance limit.

The **MOTION** was **AMENDED – ANDERSON/RIKEL** - to include Section 2.44.100 Prohibitions Against Misuses of City Resources or Staff Involvement in Elections and add it “as is”.

City Attorney Carvalho spoke about Mayor Pro Tem Anderson’s intent not to cover employees of contractors and said there are professional organizations that have rules for their employees about campaign contributions. She inquired if Council would desire similar language drafted in the proposed ordinance that exempts employees that live in the community being served.

There was Council consensus to draft similar language for the proposed ethics ordinance.

Councilwoman Horton stated that she is not in support of the proposed ethics ordinance for various reasons. She believes it should be a collaborative effort that includes councilmembers, staff, the public and the business community. She expressed that the proposed ordinance is overreaching in scope and has no identifiable source of monitoring or enforcement. Councilwoman Horton also stated that a person is either ethical or they are not and a list of rules will not make them ethical.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Rikel, Schwing
NOES: Horton, Winder
ABSENT: None

The City Council/RDA convened into Closed Session at 8:07 p.m.

CLOSED SESSION

CITY COUNCIL

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY MANAGER

Government Code Section 54957

ADJOURNMENT

Mayor Schwing adjourned the meeting at 9:30 p.m. to the next regularly scheduled City Council/Redevelopment Agency Joint Meeting on October 6, 2009.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL/RDA:
