

# City of Isleton

## Special City Council Staff Report

DATE: 11/26/2024  
ITEM#: 1-D  
CATEGORY: Staff Report

### **SUBJECT**

#### Community Service/Code Enforcement Division Report

### **SUMMARY**

The City of Isleton Community Service/Code Enforcement Division is committed to enhancing public safety, maintaining general code compliance, fostering community service initiatives, and revitalizing Downtown Main Street. This monthly report highlights the ongoing efforts.

### **DISCUSSION**

#### Public Safety:

Code Enforcement and City Manager attended the "Town Hall Meeting" with the Sheriff's Office, CHP, Sacramento County DA, and County Supervisor Pat Hume's Office. There was a decent turnout of about 25 residents of Isleton, Oc Bow, and The Loop.

CHP has recently implemented "radar trailer(s)" on Hwy 160 within the City Limits. Sacramento County Sheriff's Office is working on following up on some complaints heard at the "Town Hall" and working with Code Enforcement on several other ongoing issues.

CCTV Cameras have been installed at the City Corp Yard in lieu of being installed at the Fire Dept.

#### General Code Enforcement/Parking Enforcement:

Code Enforcement is working closely with the building official to ensure proper permits are pulled and enforced.

Several complaints have been received regarding parking and speed issues throughout the City.

#### On-Going/Open Complaints/Cases:

Open and on-going complaint at 104 4<sup>th</sup> Street. New property owner has been contacted and is working with Code Enforcement to remedy the open case. The property is in the process of being cleaned up and all individuals living within the property have been served with eviction paperwork by the Sacramento County Sheriff's Office and advised to leave the property or face future legal proceedings which could include trespassing citation/arrest. Property Owner had their own maintenance company come and rekey the property and ensured all parties are out and the property is now deemed vacant.

#### Future Projects:

**Purchasing additional CCTV cameras for installment on Fire Dept and Community Center.**

### **FISCAL IMPACT**

**NONE**

**ATTACHMENTS**

**NONE**

**Reviewed by: Uyiosa Oviawe, City Manager**

**Submitted and prepared by: Yvonne Zepeda, City Clerk \_\_\_\_\_**

## Yvonne Zepeda

---

**From:** Jory <PWM2@cityofisleton.com>  
**Sent:** Friday, November 8, 2024 11:15 AM  
**To:** 'Yvonne Zepeda'  
**Subject:** council meeting public works

Good morning Yvonne, here are the bullet points to be included in the agenda for the city council meeting. Let me know if there is anything else you need for this. Thanks.

-Wilson park ADA picnic table and bench have been installed and secured along with the dog waste station for the dog park area.

-Unwired tower is up and in the final stages of completion in the next coming weeks.

-winter prep of all city building rain gutters and drains is complete, along with storm ditches on 6<sup>th</sup> street including laterals running to reclamation ditches. Continued maintenance will happen on a monthly basis to storm ditches.

-The backup generator for power to the sewer pumps has received its yearly service in preparation for winter weather and possible power outages. This will ensure the city sewer system continues to operate during any loss of power due to inclement weather or downed power lines.



# City of Isleton

## City Council Staff Report

DATE: November 26, 2024

ITEM#: 7.A

CATEGORY: Old Business

### **CITY COUNCIL GIVE DIRECTION TO STAFF REGARDING ISLETON HISTORIC PRESERVATION REVIEW BOARD TO COMPLY WITH BROWN ACT BY JANUARY 1, 2025**

#### **SUMMARY**

The City's Attorney advised staff and the Isleton Historical Preservation Review Board (IHPRB) that the IHPRB must follow the Brown Act.

#### **DISCUSSION**

The City brought forth to City Council IHPRB request to comply with the Brown Act on September 24, 2024. The item was tabled as IHPRB wants to talk to City Attorney for direction and come back with a plan.

Staff and IHPRB met with City Attorney via zoom meeting on November 7, 2024. The attorney advised IHPRB that the IHPRB must follow the Brown Act. Please see attachments for guidance on the Brown Act.

#### **FISCAL IMPACT**

There is no fiscal impact.

#### **RECOMMENDATION**

It is recommended City Council give staff direction regarding IHPRB if does not comply with the Brown Act by January 1, 2025.

#### **ATTACHMENTS**

1. Chapter 1, It is the People's Business (A guide to the Ralph M. Brown Act)
2. Robert's Rules of Order: Quick Reference Guide

Written by: Diana O'Brien, Administrative Assistant/Grants Manager

Reviewed by: Uyiosa Felix Oviawe, City Manager \_\_

Prepared and Submitted by: Yvonne Zepeda, Deputy City Clerk \_\_



# Chapter 1

## IT IS THE PEOPLE'S BUSINESS



### The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the act's initial section, declaring the Legislature's intent:

*"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.*

*"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."<sup>1</sup>*

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

*"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."<sup>2</sup>*

The Brown Act's other unchanged provision is a single sentence:

*"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."<sup>3</sup>*

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

### Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates, or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference or videoconference.

**PRACTICE TIP:** The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Social Media posts, comments, and “likes” can result in a Brown Act violation. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions, and some state legislatures have banned the practice. On the other hand, widespread video streaming and videoconferencing of meetings has greatly expanded public access to the decision-making process.

### **Narrow exemptions**

The express purpose of the Brown Act is to ensure that local government agencies conduct the public’s business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.<sup>4</sup>

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multimember government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency’s business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.<sup>5</sup>

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents and staff. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

### **Public participation in meetings**

In addition to requiring the public’s business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public’s participation is further enhanced by the Brown Act’s requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and limits on the time allotted to each speaker. For more information, see chapter 4.

---

**PRACTICE TIP:** Think of the government’s house as being made of glass. The curtains may be drawn only to further the public’s interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

---



### Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Some public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately, such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and businesslike, but it may be perceived as unresponsive and untrustworthy.

### Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling, for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely

to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.<sup>6</sup> Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly.
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time.

**PRACTICE TIP:** Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.



- A local agency's right to confidentially address certain negotiations, personnel matters, claims, and litigation.
- The right of the press to fully understand and communicate public agency decision-making.

A detailed and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law and look at its unique circumstances to determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

### Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action are to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

### Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series titled "Your Secret Government" that ran in May and June 1952.

Out of the series came a decision to push for a new state open-meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill, and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open-meeting laws, such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open-meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

---

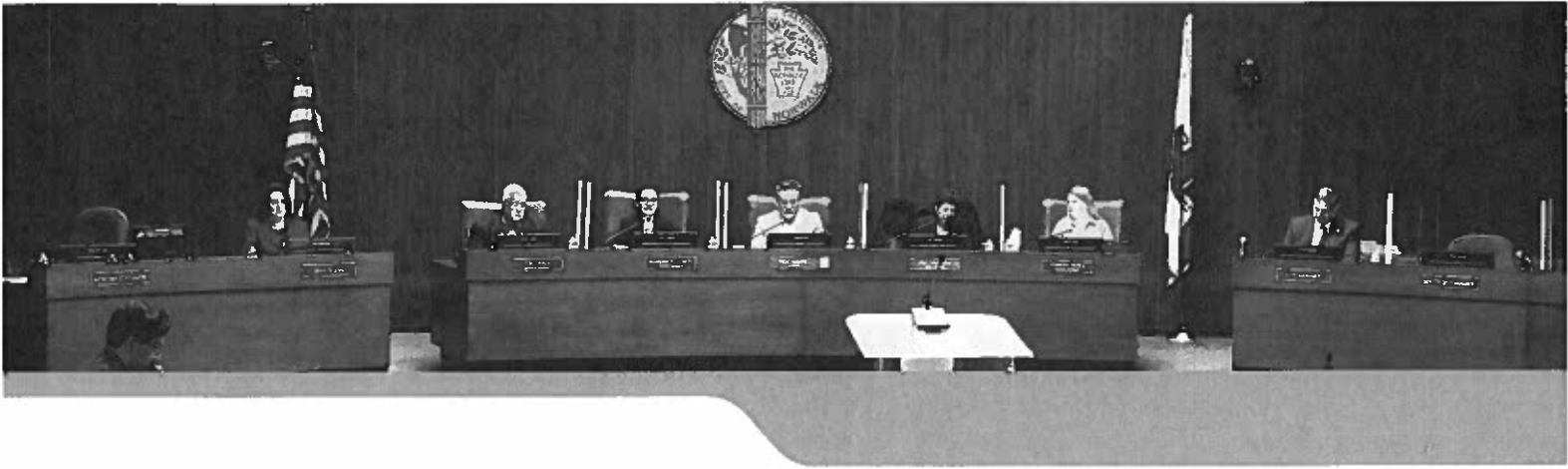
**PRACTICE TIP:** The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

---

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at <https://www.calcities.org/home/resources/open-government2>. A current version of the Brown Act may be found at <https://leginfo.ca.gov>.

#### ENDNOTES

- 1 Cal. Gov. Code, § 54950.
- 2 Cal. Const., Art. 1, § 3, subd. (b)(1).
- 3 Cal. Gov. Code, § 54953, subd. (a).
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Const., Art. 1, § 3, subd. (b)(2).
- 5 Cal. Gov. Code, § 54952.2, subs. (b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533.
- 6 Cal. Gov. Code, § 54953.7.



# Chapter 2

## LEGISLATIVE BODIES

What is a “legislative body” of a local agency? ..... 12

What is not a “legislative body” for purposes of the Brown Act? ..... 14

## Robert's Rules of Order: Quick Reference Guide

Robert's Rules of Order is the standard set of rules to run orderly meetings. The rules help provide the most fairness to all meeting attendees. They were first published in 1876 by Henry M. Robert.

Agenda Items	Typical Language Used by Person Running the Meeting
<b>Call to Order</b>	"I call this meeting to order."
<b>Roll Call</b>	"Will the secretary please do roll call?"  "We have a quorum. Will the secretary please read the minutes of the last meeting?"
<b>Reading and Approval of Minutes</b>	"Are there any corrections to the minutes?"  "If there are no corrections, the minutes stand approved."
<b>Officer Reports</b>	"We'll now move to the officer's reports. Will the treasurer please read or submit their report?"  "Are there any questions concerning the treasurer's report?"  "Will the vice president now give their report?"
<b>Unfinished Business</b>	"We'll now move on to unfinished business. At the last meeting..."
<b>New Business</b>	"The meeting is now open for new business."  "It has been moved and seconded that... Is there any further discussion?"  "We will now vote on the motion to... All in favor say 'aye' and all opposed say 'nay'. The motion (passes/fails)."
<b>Announcements</b>	"Are there any announcements?"  "The next meeting will be held on..."
<b>Adjournment</b>	"May I please have a motion to adjourn the meeting?"

### Handling Motions

- Member says, "I move to..."
- Another member seconds the motion by saying "I second" or a chair asks, "Is there a second?"
- Chair states the motion and asks for discussion.
- Members enter a debate. Make of motion has first right of floor. Debate only on the merits of the motion!
- Debate is closed when no members seek further discussion.
- Chair puts the motion to vote.
- Chair announces the results of the vote.



# City of Isleton

## City Council Staff Report

DATE: November 26, 2024

ITEM#: 7.B

CATEGORY: Old Business

### **CITY COUNCIL SET PUBLIC HEARING FOR A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ISLETON, CALIFORNIA, DECLARING A FISCAL EMERGENCY AND AUTHORIZING THE FILING OF A PETITION UNDER CHAPTER 9 OF THE UNITED STATES BANKRUPTCY CODE**

#### **SUMMARY**

In order for a city to qualify for Bankruptcy under the Government Code (§ 53760 and 59125), it must participate in a neutral evaluation process under Government Code § 53760.3 or declare a fiscal emergency under § 53760.5, with a resolution finding that (1) absent bankruptcy protection, the financial state of the city jeopardizes the health, safety, or well-being of the residents, and (2) the city is or will be unable to pay its obligations within the next 60 days.

#### **DISCUSSION**

Government Code § 53760.5 further clarifies that prior to a declaration of fiscal emergency and adoption of resolution, the local public entity shall place an item on the agenda of a noticed public hearing on the fiscal condition of the entity to take public comment.

Staff is requesting City Council to set public hearing for the declaration of fiscal emergency and adoption of Resolution 30-24 A Resolution of the City Council of the City of Isleton, California, Declaring Fiscal Emergency and Authorizing the Filing of a Petition Under Chapter 9 of the United States Bankruptcy Code.

#### **FISCAL IMPACT**

\$60-\$80 for public hearing notice in local newspaper.

#### **RECOMMENDATION**

It is recommended City Council set public hearing for December 10, 2024 for Resolution 30-24 A Resolution of the City Council of the City of Isleton, California, Declaring Fiscal Emergency and Authorizing the Filing of a Petition Under Chapter 9 of the United States Bankruptcy Code.

#### **ATTACHMENTS**

1. Resolution 30-24 A Resolution of the City Council of the City of Isleton, California, Authorizing the Filing of a Petition Under Chapter 9 of the United States Bankruptcy

Written by: Diana O'Brien, Administrative Assistant/Grants Manager

Reviewed by: Uyiosa Felix Oviawe, City Manager \_\_

Prepared and Submitted by: Yvonne Zepeda, Deputy City Clerk \_\_





**RESOLUTION 30-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ISLETON,  
CALIFORNIA, DECLARING A FISCAL EMERGENCY AND AUTHORIZING THE  
FILING OF A PETITION UNDER CHAPTER 9 OF THE UNITED STATES  
BANKRUPTCY CODE**

The City Council of the City of Isleton hereby finds as follows:

**WHEREAS**, the City of Isleton has been experiencing a severe financial crisis, resulting in the inability to meet its financial obligations and provide essential public services; and

**WHEREAS**, , pursuant to Government Code Section 53760(b), the City may file a petition under Chapter 9 of the United States Bankruptcy Code upon a declaration of a fiscal emergency; and

**WHEREAS**, , the City Council has reviewed and considered evidence, reports, and testimony demonstrating that the financial condition of the City constitutes a fiscal emergency requiring immediate action; and

**WHEREAS**, the City has explored all feasible alternatives to avoid bankruptcy, including cost reductions, revenue enhancements, and negotiations with creditors, but these measures have proven insufficient to resolve the fiscal crisis; and

**WHEREAS**, the City is unable to meet its financial obligations or provide essential services to its residents without the protections afforded under Chapter 9 bankruptcy; and

**WHEREAS** the City is unable to pay its obligations;

**WHEREAS**, the financial state of the City jeopardizes the health, safety, or well-being of the residents of the local public entity's jurisdiction or service area absent the protections of Chapter 9;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Isleton City Council of the City of Isleton in Sacramento County that:

**Section 1. Fiscal Emergency Declared.** The City Council hereby declared that a fiscal emergency exists in the City of Isleton pursuant to California Government Code Section 53760.5, as the City is unable to pay its obligations within the meaning of Section 109(c)(3) of the United States Bankruptcy Code.

**Section 2. Bankruptcy Filing Authorized.** The City Council authorizes the City Manager (or another designated official) to file a voluntary petition for relief under Chapter 9 of the United States Bankruptcy Code on behalf of the City of Isleton.

**Section 3. Efforts to Negotiate.** The City Council finds that prior to this resolution, the City made reasonable efforts to negotiate in good faith with its creditors or that such negotiations were

impracticable due to the urgency of the fiscal emergency. City Council authorizes staff to continue good faith efforts towards negotiation, to the extent it may benefit the City.

**Section 4. Transparency and Oversight.** The City shall continue to maintain transparency and oversight during the bankruptcy process, including the provision of regular updates to the public regarding the City’s financial condition and restructuring efforts.

**Section 5. Effective Date.** This resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Isleton this \_\_\_\_ day of November, 2024, by the following vote:

**AYES:       None**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

\_\_\_\_\_  
Pamela Bulahan, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Yvonne Zepeda, Deputy City Clerk

\_\_\_\_\_  
Jeffrey Mitchell, City Attorney