

# MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh  
Vol. No.17/08-07

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** August 7, 2017/6:00 p.m.

## CALL TO ORDER

**ROLL CALL**  
Mayor Brady Jenkins  
Mayor Pro Tem Felipe Perez  
Council Member Marcia Sablan  
Council Member Elsa Lopez  
Council Member Freddy Valdez

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

## PLEDGE OF ALLEGIANCE

## PRESENTATION

## PUBLIC COMMENT

## CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.



1. **APPROVAL OF MINUTES – The City Council regular meeting on July 17, 2017.**

## NEW BUSINESS



2. **RESOLUTION NO. 17-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CONCERNING MEASURE C EXTENSION LOCAL TRANSPORTATION PURPOSE PASS-THROUGH AND PROGRAM FUNDS ANNUAL ALLOCATION FOR FY 2017/2018.**

**Recommended Action:** City Council receives public comment & approves Res. No. 17-37.



3. **RESOLUTION NO. 17-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AMENDMENTS TO THE PERSONNEL RULES OF THE CITY OF FIREBAUGH.**

**Recommended Action:** City Council receives public comment & approves Res. No. 17-38.



4. **RESOLUTION NO. 17-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING FIRST AMENDMENT TO CITY ATTORNEY MEGGIN BORANIAN LEGAL SERVICES AGREEMENT.**

**Recommended Action:** City Council receives public comment & approves Res. No. 17-39.

**STAFF REPORTS**

**PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

**CLOSED SESSION**

5. **Potential Litigation Government Code Section 54956.9.**

CONFERENCE WITH LEGAL COUNSEL - Two (2) Case

**ANNOUNCEMENT AFTER CLOSED SESSION**

**ADJOURNMENT**

**Certification of posting the Agenda**

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, August 7, 2017 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

# MEETING MINUTES



## The City Council/Successor Agency of the City of Firebaugh Vol. No. 17/07-17

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622

**Date/Time:** July 17, 2017/6:00 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Jenkins at 6:00 p.m.

### ROLL CALL

**PRESENT:** Mayor Brady Jenkins  
Council Member Marcia Sablan  
Council Member Elsa Lopez  
Council Member Freddy Valdez

**ABSENT:** Mayor Pro Tem Felipe Perez

**OTHERS:** City Attorney Meggin Boranian; Acting City Manager/Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Finance Director, Pio Martin; Fire Chief, John Borboa; Police Chief, Sal Raygoza; City Engineer, Mario Gouveia & others.

**PLEDGE OF ALLEGIANCE** Council Member Valdez led pledge of Allegiance.

### PRESENTATION

*Presentation by Mr. Jin Zhu of Center for Sustainable Energy, regarding the Clean Vehicle Rebate Project & other incentives available from San Joaquin Valley residents when purchasing electric vehicles.*

### PUBLIC COMMENT

*Becky Holly, Events Coordinator of Fresno Bully Rescue, heard about the issue the City of Firebaugh has been having with stray and owned pets running lose in city limits. Becky Holly is a former resident of Firebaugh and an employee of an animal rescue organization, asked for volunteers from several organizations to provide services and help promote a local event in the City of Firebaugh. The event is tentatively scheduled for September 16, 2017 (10am – 1pm), vaccinations, spayed/neutered, chip/tag installation and other services to be offered at a low cost to pet owners. The event will be in honor of her Mother Mrs. Ronaele “Roni” Holly, whom was a long time resident of Firebaugh, educator at Firebaugh School and pet lover. With the help from Fresno Humane Society, Bully Rescue, Westside Rescue, and several other organizations and former resident of Firebaugh Veterinarian Sarah Jones, supplies will be provided for the event. Spayed and neutered services contributed at this event by a Mendota Donor, with HOPE Animal Foundation doing surgeries. However, we are asking residents of the community to volunteer for the event, more details to be discussed during a meeting at the Firebaugh Restaurant, August 19, 2017, at 11:30 am.*

### CONSENT CALENDAR

- 1. APPROVAL OF MINUTES – The City Council regular meeting on July 3, 2017.**
- 2. WARRANT REGISTER – Period starting June 1, and ending on June 30, 2017.**

June 2017	General Warrants	#35175 - #35308	\$ 243,106.23
	Payroll Warrants	#68305 - #68430	\$ 411,160.39
<b>TOTAL</b>			<b>\$ 654,266.62</b>

***Motion to approve Consent Calendar by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous vote.***

**PUBLIC HEARING**

3. **RESOLUTION NO. 17-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CONFIRMING THE DIAGRAM AND ASSESSMENT OF ANNUAL LEVY FOR FISCAL YEAR 2017-2018 FOR LANDSCAPING AND LIGHTING DISTRICT NO. 1.**

*Open Public Hearing at 6:32 pm –no comment provided - Close Public Hearing at 6:33 pm.*

*Motion to approve Res. No. 17-34 by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous vote.*

**NEW BUSINESS**

4. **RESOLUTION NO. 17-35 - A RESOLUTION APPROVING AND ADOPTING A REPORT OF CHARGES FOR SEWER SERVICES AND FACILITIES, PLUS DELINQUENCIES, IF ANY, IN THE EASTSIDE ACRES/EASTSIDE COURT AREA OF MADERA COUNTY SERVED BY THE CITY OF FIREBAUGH, FOR FISCAL YEAR 2017-2018. MAKING FINAL DETERMINATION AS TO ALL OF SAID CHARGES AND AUTHORIZING AND DIRECTING THE CITY CLERK TO FILE A COPY OF SAID REPORT WITH THE COUNTY AUDITOR OF MADERA COUNTY, FOR ENTRY OF THE AMOUNTS OF SAID CHARGES, AGAINST THE RESPECTIVE LOTS OR PARCELS OF LAND AS THEY APPEAR ON ASSESSMENT ROLL FOR THE FISCAL YEAR 2017-2018.**

*Motion to approve Res. No. 17-35 by Council Member Lopez, second by Council Member Sablan; motion pass by unanimous vote.*

5. **RESOLUTION NO. 17-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH UPDATING IMPACT FEES FOR DEVELOPMENT PROJECTS.**

*Motion to approve Res. No. 17-36 by Council Member Sablan, second by Council Member Valdez; motion pass by unanimous vote.*

**STAFF REPORTS**

- **Police Chief, Sal Raygoza** – Cameras installed at Dunkle Park will provide additional security for the Festival. Have had a few petty thieves, department have a suspect and are searching for him. Repaired bicycles to operate during the festival.
- **Fire Chief, John Borboa** – Insurance evaluation currently in process at the Fire Dept., this has been the most intensive one of all the past evaluations.
- **Finance Director, Pio Martin** – Worked on MOU's, payroll and daily business.
- **Deputy City Clerk, Rita Lozano** – Inquired about all agenda items to be listed for the Joint meeting with the School District, will be August 7, 2014 at 4:00 pm.
- **City Engineer, Mario Gouveia** – Presented 2017 Regional Transportation Plan aka RTP (wish list) of projects for Council of Governments (COG), list must be submitted every four years and the list of projects allows the City to apply for COG funding.
- **Public Works Director, Ben Gallegos** – Only one or two individuals have used the cooling center at the Senior Center, getting closer to start bidding process for the rehab project. A community worker, not an employee was driving this weekend, when an issue occurred, a pedestrian involved posted a comment on Facebook, the Police Dept., was attacked based on the posted comment, met with the individual to discuss and asked her to remove the post. She agreed it was not her intent to have the PD be attacked; community employees will no longer be allowed to drive city vehicles. Mr. Lau would like to bring his business to Firebaugh; he provided his newspaper ad and business card for Council to review. A letter mailed to residents regarding the bacterial in the water, was a result of an error on the lab testing process. River Camp was relocated to Dunkle Park from Andrew Firebaugh (Rodeo) Park. Three of the four qualified applicants for Senior Center Coordinator have dropped out.

- **Council Member Sablan** – Asked for assists with increasing attendance for the River Camp. Reported receiving a complaint about asphalt at Q Street, staff reported it scheduled for repair.

**PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

*Motion to enter closed session at 6:59 pm, by motion pass by unanimous vote.*

**CLOSED SESSION**

6. **Potential Litigation Government Code Section 54956.9.**

CONFERENCE WITH LEGAL COUNSEL - One (1) Case

7. **Government Code Section 54957**

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: City Attorney.

*Motion to enter open session at 7:46 pm, motion pass by unanimous vote.*

**ANNOUNCEMENT AFTER CLOSED SESSION:**

*Nothing to report*

**ADJOURNMENT** - *Motion to adjourn by Councilmember Valdez, second by Councilmember Sablan; motion passes by unanimous vote at 7:47 p.m.*



**RESOLUTION NO. 17-37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH  
CONCERNING MEASURE C EXTENSION LOCAL TRANSPORTATION PURPOSE  
PASS-THROUGH AND PROGRAM FUNDS ANNUAL ALLOCATION FOR FY 2017/2018**

**WHEREAS**, The **City of Firebaugh** (“claimant”) is an eligible claimant of funds for local transportation purposes pursuant to California Public Utilities Code Section 142257; and

**WHEREAS**, The Fresno County Transportation Authority (the “Authority”) has adopted an Annual Resolution of Allocation for Fiscal Year **2017-2018**, setting the percentages of collected retail transactions and use tax as the portion available to the City of local transportation purposes.

**NOW THEREFORE, IT IS RESOLVED**, by the Council of the City of Firebaugh as follows:

1. The City hereby submits its Local Transportation Pass Through Revenues (Measure C Extension) Certification and Claims for fiscal year 2017-2018. The claim will be effective contingent upon the Authority’s approval of this Resolution at the Fresno County Transportation Authority Board meeting on July 31, 2017.
2. The City hereby requests release of funds to the City on a monthly basis as funds are received and in proportion to the adopted percentages for each program and sub-program, which are based on actual receipts.
3. The Council of the City hereby certifies:
  - (a) That Local Transportation Purpose Funds will not be used to substitute for property tax funds that the City has previously used for local transportation purposes; and
  - (b) That the City has and will segregate property tax revenues from the City’s other general funds revenues used to support local transportation purposes so that verification of non-substitution can be proved through audit; and
  - (c) That the City shall account for Local Transportation Purpose Funds received pursuant to Public Utilities Code Section 142257 separately from all other funds. The City shall maintain current records in accordance with generally accepted accounting principles; and shall separately record expenditures for each type of eligible purpose. The City shall make such records available to the Authority for inspection or audit at any time; and
  - (d) That the City shall complete the prior fiscal years reporting requirements and claims forms no later than November 15, 2017. Reports not filed with the Authority by November 15, 2017 will result in a stoppage of allocations until a completed report is filed for each program and sub-program.
4. The City understands that should financial or compliance audit reveal that the City violated any of the requirements set forth in paragraph 3(a), (b), or (C), of this resolution, the Fresno County Transportation Authority may seek to take immediate steps to resolve the violation in accordance with its adopted procedures.

5. The City hereby requests the Authority to allocate all funds that became available from the Local Transportation Purpose Funds to the City of Firebaugh for fiscal year 2017-2018, as identified in the attached claim forms and indicated below, in accordance with the adopted "Procedures for Administration of Funds for Local Transportation Purposes".

Local Transportation Sub Program Allocation – Firebaugh	Street Maintenance Category	11,027,223.00
Local Transportation Sub Program Allocation – Firebaugh	Flexible Funding Category	10,936,290.00
Local Transportation Sub Program Allocation – Firebaugh	ADA Compliance Category	382,796.00

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 7<sup>th</sup> day of August, 2017, by the following vote:

AYES: Council Members  
NOES: Council Members  
ABSTAIN: Council Members  
ABSENT: Council Members

APPROVED:

\_\_\_\_\_  
Brady Jenkins  
Mayor

ATTEST:

\_\_\_\_\_  
Rita Lozano  
Deputy City Clerk

RESOLUTION NO. 17-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AMENDMENTS TO THE PERSONNEL RULES OF THE CITY OF FIREBAUGH**

**WHEREAS**, the City Council of the City of Firebaugh and its employee unions have reviewed the contents of the personnel policies and procedures for City employees of the City of Firebaugh entitled the “Personnel Rules of the City of Firebaugh”; and

**WHEREAS**, the City Council found and determined that the adoption of these Personnel Rules, on June 19, 2017 were in the best interests of the City of Firebaugh and its employees; and

**WHEREAS**, several minor changes are required to be made to these Personnel Rules.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FIREBAUGH, CALIFORNIA** as follows:

The Personnel Rules of the City of Firebaugh are hereby amended in the following Rules as follows:

**V. DISCIPLINARY ACTIONS (page 32)**

**C. Disciplinary Policy and Procedure**

1. Notice of Proposed Discipline – Procedure

- (c) Advise the employee of any rights to respond within five (5) days of the date of service of the notice of proposed discipline, either orally or in writing, state that the employee’s response will be considered before the proposed disciplinary order goes into effect including a pre-disciplinary “Skelly” conference prior to the imposition of the proposed discipline.

3. Final Notice of Discipline (page 33)

If a major disciplinary action is imposed, the employee shall be served with a written notice of disciplinary action. Such notice shall state:

4. Evidentiary Appeal (page 34)

- (a) Hearing. Upon receipt of a written appeal from an affected employee, the City Clerk shall arrange for a hearing as provided in this section. Said hearing shall be conducted within a reasonable time after receipt of a timely written appeal, as determined by the City. The City Manager or his designee, as Hearing Officer, shall conduct the hearing and issue a decision.
- (d) Decision. The City Manager or his designee shall render a decision no later than thirty (30) calendar days after (1) the conclusion of the hearing and the briefs, if any, have been submitted, or (2) receipt of the official hearing transcript, unless otherwise agreed upon by both parties. The City Manager or his designee’s decision shall be final and conclusive. A copy of such decision, along with a proof of service of mailing, shall be forwarded to each of the parties’ representatives. Copies shall also be distributed to the City Clerk.



The City Manager or his designee, as Hearing Officer, may sustain, reject, or modify any or all of the charges filed against employee. If the disciplinary action is reversed or modified by the City Manager or his designee, he may determine whether the employee is to be compensated in all or in part for the time lost on or after the date, the disciplinary action went into effect.

The cost of the Hearing Officer, other than the City Manager, and other mutually-incurred costs shall be borne equally by the parties, which shall be paid on or before the date of the appeal hearing. Failure to pay half of the mutually-incurred costs may prevent the hearing from occurring. Pursuant to Code of Civil Procedure Section 1094.6, the parties have ninety (90) days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Fresno.

\* \* \* \* \*

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 7<sup>th</sup> day of August, 2017, by the following vote:

AYES: Council Member(s)  
NOES: Council Member(s)  
ABSENT: Council Member(s)  
ABSTAIN: Council Member(s)

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Brady Jenkins  
Mayor

\_\_\_\_\_  
Rita Lozano  
Deputy City Clerk

23. Misuse or destruction of City equipment or property.
24. Sleeping on the job.
25. Acceptance of gifts or gratuities in connection with or relating to employee's job duties.
26. Discrimination, including harassment, against other employees or members of the public on the basis of any legally-protected classification.
27. Taking retaliatory action against person engaged in protected conduct.

**C. Disciplinary Policy and Procedure**

The following procedures apply to regular employees who are subjected to disciplinary salary reduction, major disciplinary suspension, demotion, or dismissal. For purposes of this section, these disciplinary actions will be referred to as "major disciplinary action."

The disciplinary notice or appellate procedures shall not be applicable to those positions which may be deemed exempt by Council resolution, Personnel Rules Section I(C), or to probationary employees.

**1. Notice of Proposed Discipline - Procedure**

If the City proposes a major disciplinary action, the employee shall be served with a written notice of the proposed disciplinary action. Such notice shall:

- (a) State the charges and specifications against the employee.
- (b) Include all information relied upon in making the decision to propose disciplinary action.
- (c) Advise the employee of any rights to respond within five (5) working days of the date of service of the notice of proposed discipline, to the proposed discipline, either orally or in writing, state that the employee's response will be considered before the proposed disciplinary order goes into effect including a pre-disciplinary "Skelly" conference prior to the imposition of the proposed discipline. (rev. 08/2017)

**2. Employee Response and Skelly Conference**

The Notice of Proposed Discipline will include a date for the pre-disciplinary Skelly conference that will be overseen by the department head or his designee. The Skelly conference is an informal meeting, not a formal or adversary hearing; the employee shall not be entitled to cross-

examination. The employee shall have the right of representation at the Skelly conference, if so requested.

The department head may, after consideration of all information received, decide to sustain, modify, or reject the proposed disciplinary action.

Service of an order for disciplinary action or any notice required to be given to an employee will be deemed sufficient and complete when delivered in person to the employee to whom it is directed, or when it is sent by certified mail, postage prepaid, to the last known address of the employee.

The City shall not provide a pre-disciplinary Skelly conference to regular employees subjected to a minor disciplinary suspension. However, such employees may request a similar conference during the minor disciplinary suspension or within a reasonable time thereafter.

3. Final Notice of Discipline

If a major disciplinary action is imposed, the employee shall be served with a written notice of disciplinary action. Such notice shall state: (rev. 08/2017)

- (a) The level of discipline, if any, to be imposed, as well as the charges and a summary of facts on which the disciplinary action is based.
- (b) The effective date(s) of the disciplinary action.
- (c) A copy of all written materials, reports, or documents upon which the discipline is based.
- (d) Any rights of appeal.

4. Evidentiary Appeal

The appeal procedure described herein shall apply to a disciplinary action of regular employees resulting in a disciplinary salary reduction, major disciplinary suspension, demotion, or dismissal. It shall not be applicable to those positions which may be deemed exempt by Council resolution, Personnel Rules, or to probationary employees. It shall also not apply to counseling or oral reprimands, written reprimands, or minor disciplinary suspensions.

Regular employees shall have the right of appeal from such disciplinary actions as described in this section. Such appeal must be filed with the City Clerk within ten (10) calendar days following receipt of a final Notice

of Discipline. The appeal must be in writing and must set forth the grounds or basis for the appeal. If the employee involved does not file said appeal, the City's decision shall be final and take effect as prescribed.

- (a) **Hearing.** Upon receipt of a written appeal from an affected employee, the City Clerk shall arrange for a hearing as provided in this section. Said hearing shall be conducted within a reasonable time after receipt of a timely written appeal, as determined by the City. The City Manager or his designee, as Hearing Officer, shall conduct the hearing and issue a decision. (rev. 08/2017)
- (b) **Representation.** The appellant employee shall have the right to appear personally or to be represented by counsel or by anyone else of his choosing, including other City employees, with the exception of supervisory, management, and confidential employees.
- (c) **Failure of Employee to Appear.** Failure of the appellant to personally appear at the hearing shall be deemed a withdrawal of his appeal and the Final Notice of Discipline shall be final.
- (d) **Decision.** The City Manager or his designee shall render a decision no later than thirty (30) calendar days after (1) the conclusion of the hearing and the briefs, if any, have been submitted, or (2) receipt of the official hearing transcript, unless otherwise agreed upon by both parties. The City Manager or his designee's decision shall be final and conclusive. A copy of such decision, along with a proof of service of mailing, shall be forwarded to each of the parties' representatives. Copies shall also be distributed to the City Clerk. (rev. 08/217)

The City Manager or his designee, as Hearing Officer, may sustain, reject, or modify any or all of the charges filed against employee. If the disciplinary action is reversed or modified by the City Manager or his designee, he may determine whether the employee is to be compensated in all or in part for the time lost on or after the date the disciplinary action went into effect. (rev. 08/2017)

The cost of the Hearing Officer, other than the City Manager, and other mutually-incurred costs shall be borne equally by the parties which shall be paid on or before the date of the appeal hearing. Failure to pay half of the mutually incurred costs may prevent the hearing from occurring. Pursuant to Code of Civil Procedure Section 1094.6, the parties have ninety (90) days from the date of the proof of service of mailing of the written findings and decision

to appeal the decision to the Superior Court in and for the County of Fresno. (rev. 08/2017)

## **VI. LAYOFF PROCEDURES**

Whenever, in the judgment of the Personnel Officer, it becomes necessary to abolish any position of employment, the employee holding such position may be laid off or demoted without disciplinary action and without the right of appeal.

### **A. Notification**

Employees to be laid off shall be given, whenever possible, prior notice of at least thirty (30) calendar days.

### **B. Order of Layoff**

In each class of position, employees may be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the Personnel Officer.

Regular employees shall be laid off by inverse seniority within the below groupings. Seniority is defined as the length of full-time service at or above a classification within the department. Employees who received "improvement-needed" or worse on their last written evaluation shall be subject to layoffs before those who received a higher rating.

Whenever the Personnel Officer believes that the best interest of the City requires the retention of employees with special qualifications, characteristics, skills or fitness for the work, the Personnel Officer may grant an exception to the order of layoff.

### **C. Vacancy and Demotion**

Except as otherwise provided, whenever there is a reduction in the work force, the Personnel Officer shall first demote the employee to be laid off to a vacancy, if any, in a lower class for which the employee is qualified. All persons to be demoted shall have their names placed on the re-employment list.

### **D. Bumping Rights**

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in the same class or in a lower class in which the affected employee once had permanent status.

In order to bump down to a former or lower class, an employee must request displacement action in writing to the Personnel Officer within five (5) working



**RESOLUTION NO. 17-39**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH  
APPROVING FIRST AMENDMENT TO  
CITY ATTORNEY MEGGIN BORANIAN LEGAL SERVICES AGREEMENT**

**WHEREAS**, the City of Firebaugh requires the services of a City Attorney; and

**WHEREAS**, Meggin Boranian is trained and experienced to provide such services; and

**WHEREAS**, the parties entered into a City Attorney Legal Services Agreement on July 6, 2016; and

**WHEREAS**, the parties wish to amend the Agreement.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the governing body of the City of Firebaugh hereby approves the attached First Amendment to the City Attorney Legal Services Agreement, which is incorporated herein by this reference.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 7<sup>th</sup> day of August, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Brady Jenkins, Mayor**

\_\_\_\_\_  
**Rita Lozano, Deputy City Clerk**

# **FIRST AMENDMENT TO THE CITY ATTORNEY LEGAL SERVICES AGREEMENT**

THIS AGREEMENT, made this 7<sup>th</sup> day of August, 2017, is made between the CITY OF FIREBAUGH, hereinafter referred to as "CLIENT", and MEGGIN BORANIAN, Attorney at Law, hereinafter referred to as "ATTORNEY".

## **RECITALS**

WHEREAS, CLIENT is a California Municipal corporation, duly formed and represented; and,

WHEREAS, CLIENT requires the services of a City Attorney; and,

WHEREAS, ATTORNEY has the necessary education, experience, skills and expertise to serve as the City Attorney; and,

WHEREAS, said CLIENT employs ATTORNEY to represent the CLIENT in all matters as the designated City Attorney, who is responsible for the legal representation of the CLIENT; and,

WHEREAS, the parties wish to amend its current Agreement dated July 6, 2016.

NOW THEREFORE the parties mutually agree to the terms, covenants and conditions set forth below.

## **AGREEMENT**

The following paragraphs of the City Attorney Legal Services Agreement dated July 6, 2016, are amended as follows:

### **2. Scope of Work**

#### **2.1 Non-litigation and General Legal Services**

These shall generally include the following services: attendance at two (2) regularly-scheduled monthly City Council meetings; attendance at up to one (1) special meeting with City Council and/or staff; on-call telephone and email response to general legal questions; attendance at telephonic City Council Meeting Agenda preparation meetings with staff; preparation of legal documents (i.e. resolutions, ordinances, and contracts) and preparation of legal opinions related to the above legal services. These services shall be performed under the Non-Litigation and General Legal Services rate, as outlined in Sub-Section 5.1.

#### **2.2 Litigation and Special Legal Services**

These shall generally include services outside of Non-Litigation and General Legal Services, above, including but not limited to all litigation-related representation, court and/or administrative hearings; contested personnel/employment/labor/ union

matters; mediation; coordination with outside litigation counsel; special projects, such as review and revision of Personnel Rules; all training for employees, elected and appointed officials; any meetings related to City business, other than regularly-scheduled City Council meetings and one (1) additional special meeting with City Council and/or staff; all union-related representation and legal services. These services shall be performed under the Litigation and Special Legal Services rate, as outlined in Sub-Section 5.2.

5. Billing and Rates

5.1 Non-Litigation and General Legal Services Rate

The monthly retainer fee for these services shall be in the amount of six thousand dollars (\$6,000.00). This retainer fee shall also include, but not be limited to, duplication costs, word processing costs, travel, long-distance telephone and telecommunication costs, postage/mail costs, facsimile transmissions, electronic mail and other costs customarily made as part of the performance of legal services by ATTORNEY, as described in Sub-Section 2.1. Billing for the retainer fee shall be made at the first of each month in advance, with payment of the same due and payable by the first City Council Meeting of each month.

The balance of the City Attorney Legal Services Agreement dated July 6, 2016, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

CITY OF FIREBAUGH,  
a municipal corporation

MEGGIN BORANIAN,  
Attorney at Law

By: \_\_\_\_\_  
Brady Jenkins, Mayor

By: \_\_\_\_\_  
Meggin Boranian

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Rita Lozano, Deputy City Clerk