

City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

Mayor Caroline McCully · Mayor Pro Tem Larry Hillberg
Councilmembers Trinity Burruss · Kim Douglass · Sean Lomen

REGULAR MEETING AGENDA

August 26, 2026
Open Session 6:00 PM

You may access the meeting and address the Council by the following means:

ZOOM at

<https://us02web.zoom.us/j/84968570574>

Dial in by calling one of the numbers listed below and enter the Webinar ID:

849 6857 0574

1 669 900 6833 / 1 669 444 9171 / 1 719 359 4580 / 1 253 205 0468

View Only on Facebook Live on our City of Colfax page: City of Colfax, California. You may also submit written comments to the City Clerk via email at city.clerk@colfax-ca.gov, via regular mail to P.O. Box 702, Colfax CA 95713, or by dropping them off at City Hall, 33 S. Main Street, Colfax CA 95713. Comments received will be submitted to Council and made a part of the record.

While the City makes every effort to allow public participation in City Council meetings via Zoom and Facebook Live as described above, we cannot guarantee these services will be accessible. We encourage interested members of the public to submit written comments in advance of the meeting or attend the meeting in person.

1 OPEN SESSION

1A. Call Open Session to Order

1B. Pledge of Allegiance

1C. Roll Call

1D. Approval of Agenda Order

This is the time for changes to the agenda to be considered including removal, postponement, or change to the agenda sequence.

Recommended Action: By motion, accept the agenda as presented or amended.

1E. Statement of Conflict of Interest

2 CONSENT CALENDAR

Matters on the Consent Calendar are routine in nature and will be approved by one blanket motion with a Council vote. No discussion of these items ensues unless specific items are pulled for discussion and separate action. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the Mayor.

Recommended Action: By motion, approve the Consent Calendar.



Colfax City Council Meetings are ADA compliant. If you need disability-related modification or accommodation including auxiliary aids or services to participate in this meeting, please contact the City Clerk at (530) 346-2313 at least 72 hours prior to make arrangements for ensuring your accessibility.

August 26, 2026
Colfax Council Agenda

2A. City Projects Report (Pages 4-12)

Recommended Action: Accept report.

2B. Minutes – July 22, 2026 Regular Meeting (Pages 13-18)

Recommended Action: Approve the Colfax City Council minutes dated July 22, 2026 (Regular Meeting)

*** End of Consent Calendar ***

3 AGENCY REPORTS -

3A. Placer County Sheriff's Office

3B. California Highway Patrol

3C. Placer County Fire Department/CALFIRE

3D. Caltrans

3E. Non-Profits

4 PRESENTATIONS

5 PUBLIC HEARING

5A. Affirmatively Furthering Fair Housing Plan (AFFH) (Pages 19-52)

Recommended Action: Conduct a public hearing and adopt a resolution adopting the City's Affirmatively Furthering Fair Housing Plan.

6 PUBLIC COMMENT

Members of the public are permitted to address the Council orally or in writing on matters of concern to the public within the subject matter jurisdiction of the City that are not listed on this agenda. Please make your comments as succinct as possible. Oral comments made at the meeting may not exceed five (5) minutes per speaker. Written comments should not exceed 800 words. Written comments received before the close of an agenda item may be read into the record, with a maximum allowance of five (5) minutes in length. Council cannot act on items not listed on this agenda but may briefly respond to statements made or questions posed, request clarification, refer the matter to staff, or place the matter on a future agenda.

7 COUNCIL AND STAFF

The purpose of these reports is to provide information to the Council and public on projects, programs, and issues discussed at committee meetings and other items of Colfax related information. No decisions will be made on these issues. If a member of the Council prefers formal action be taken on any committee reports or other information, the issue will be placed on a future Council meeting agenda.

7A. Committee Reports and Colfax Informational Items – All Councilmembers

7B. City Operations Update – City Manager



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*August 26, 2026
Colfax Council Agenda*

8 **COUNCIL BUSINESS**

(Pages 53-101)

8A. Resolution Authorizing Professional Services Agreement with PlaceWorks to prepare the next General Plan Housing Element and Safety Element

Recommended action: Authorize the City Manager, or designee, to execute a Professional Services Agreement and Budget with PlaceWorks for Planning, Project Management and Report Preparation of the next 7th Cycle General Plan Housing Element Update and Safety Element Update for an amount not to exceed \$224,391.

8B. Council Policy Manual

(Pages 102-173)

Recommended action: Adopt City Council Policy Manual by Resolution

9 **GOOD OF THE ORDER**

Informal statements, observation reports and inquiries regarding the business of the City may be presented by Councilmembers under this agenda item or requests for placement of items of interest on a future agenda. No action will be taken.

9A. Public Comment on Good of the Order

Members of the public are permitted to address the Council on matters that relate to general welfare of the City that have not been previously discussed on this agenda. Oral comments may not exceed five (5) minutes. Written comments should not exceed 800 words.

10 **CLOSED SESSION (NONE)**

ADJOURNMENT

I, Gabrielle Christakes, City Clerk for the City of Colfax, declare that this agenda was posted August 26, 2026 in accordance with the Brown Act at Colfax City Hall, Colfax Post Office United States. The agenda is also available on the City website at <http://colfax-ca.gov/>



Gabrielle Christakes, City Clerk

Administrative Remedies must be exhausted prior to action being initiated in a court of law. If you challenge City Council action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice/agenda, or in written correspondence delivered to the City Clerk of the City of Colfax at, or prior to, said public hearing.

LEVINE ACT WARNING: In certain instances, parties, participants, and their agents before the City Council are subject to the campaign disclosure provisions detailed in Government Code Section 84308, California Code of Regulations Sections 18438.1 through 18438.8, and Fair Political Practices Commission Opinion 0-22-002. All parties, participants, and their agents are hereby directed to review these sections for compliance. If you believe that these provisions apply to you or a Council Member, please inform the City Clerk at the earliest possible opportunity.





Staff Report to City Council

FOR AUGUST 26, 2026 REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Ron Walker, City Manager
Subject: City Projects Report

Budget Impact Overview:

N/A: √	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Accept report.

Summary/Background

The following is a list of projects, by department, which have either been completed or are in progress.

Week of July 12 - 18, 2026

City Manager

- Met with the City Engineer to inspect the CDBG paving project on Marvin St.
- Met with the City Building inspector to discuss the concrete work at the city Skate Park site.
- Met with the City's Chief Plant operator to discuss the ongoing SCADA upgrade project.
- Connected with Lieutenant Stacy Renegar, Placer County Sheriff's Office to discuss having someone from the Sheriff's office provide the Council with a presentation and to answer questions about the Flocc Camera's that were installed within the City Limits.
- Met with Amy Andrews with the Colfax Visitor's Center.

Planning Department

- Completed latest revisions to the AFFH plan
- Had a meeting to discuss city's federal register nomination.
- Responded to ADU questions, zoning questions, and zoning violations

Maintenance Department

- Replaced the old water filter at the Sheriff's Substation refrigerator and flushed the water line.
- Vegetation clearing along Canyon Way, limbed overhanging trees that were obstructing visibility.
- Mowed grass at city parks.
- Located the irrigation lines at the splash pad in the area being excavated for the new skate park and capped off the old irrigation lines.
- Collected fallen tree limbs at the Sheriff's Substation and placed in recycle bin.
- Began cleaning and reorganizing the Corp Yard shop following the past two months of Fourth of July preparation activities.
- Disposed of damaged and unusable barricades.
- Investigated a water leak on Lincoln Street, notified 811, and coordinated utility locating. A repair crew was dispatched.
- Changed the oil and cables on the DR mower.
- Vehicle C-1 in shop for brake repairs.
- Began weed trimming along South Auburn Street.
- Completed multiple 811 utility locates

Wastewater Treatment Plant/Sewer

- No issues in collection system.
- Solids in system coming down due to pressing
- Weed abatement around the plant.
- Installed new Influent Comp sampler
- Crew cleaned 1000ft of sewer lines
- Processing water out of pond 3
- Plant flows Normal this week.

City Clerk

- Prepared Agenda
- Staff Meeting
- CivicPlus Training
- Out sick 4 days

Administrative Services

- Completed the client merchant boarding application for the payment platform the City will move to as part of the ERP Pro 10 conversion.
- Reviewed and approved accounts payable batch, paying close attention to the expenses being sure they are posted to the correct fiscal year and verifying if there are prepaids that need to be set up as part of fiscal year end.
- Reviewed and approved cashiering batch for business licenses.
- Reviewed and approved payroll.
- Provided quarterly reporting/reimbursement information for the Home Hardening Grant.
- Worked on setting up a new way to record health benefits through the payable process.
- Worked on reconciling the prepaid account associated with health benefits.
- ERP Pro 10 training cashiering and receipting payments.

Engineering

- Emails and general coordination; staff meeting, complaints.
- Hunter Lane construction review.
- Skatepark construction coordination.
- CDBG – construction coordination.
- Sewer evaluations.
- O'Reilly approved wall permit and coordination.
- Encroachment permits and coordination with PW staff.

Building/Code Enforcement

- Many weed abatement complaints. Following up on the Notice of Violations. Majority have been completed.
- Working with foreman at the skate park. Three pours this week and inspections every day. First bowl is 80% done. Next pour on the 28th. Pour requires 2nd bowl to be formed up to pour at same time as first bowl.

- Talked to resident/councilmember about smells coming from the skate park project.
- Working with owner at 233 Hwy 174: Engineering plans were not adequately done and had too many issues.
- Working with contractor for 325 Hunter new house: Had foundation moved to avoid engineering work to prevent hillside failure.

Week of July 19 - 25, 2026

City Manager

- Talked with Lieutenant Stacy Renegar of the Placer County Sheriff's Office about Floc Cameras. She is currently compiling information.
- Met with the Caboose moving company to discuss relocation.
- Met with 4leaf staff to discuss FEMA Grant.
- Inspected Marvin Ave pavement with City Engineer.
- Discussed a Surveillance Ordinance with the City Planner.

Planning Department

- Prepared hearing notice for AFFH plan for August 26 meeting.
- Prepared staff report for Housing Element Professional services agreement.
- Research and draft surveillance ordinance.

Maintenance Department

- Completed weed eating along S. Auburn St.
- Repaired broken irrigation systems at Roy Toms Park and the Ball Park.
- Replaced irrigation timers at Art Park and the Ball Park.
- Diagnosed the issue causing the hanging flower baskets along Main St. to die, replaced the dead flowers, and rehung the baskets.
- Built a portable frame for the election sign.
- Collected additional trash along Sherwood Rd. and S. Auburn St.
- Deep cleaned the Ball Park restrooms and removed wasp nests.
- Washed and cleaned all work trucks.
- Replaced broken cinder blocks around the outdoor dining area and filled them with concrete.
- Mowed all city parks.
- Repaired a pothole on Rising Sun.
- Removed erosion control materials along Colver St.

Wastewater Treatment Plant/Sewer

- No issues in collection system.
- Weed abatement around the plant.
- Crew cleaned 1500ft of sewer lines
- Several power outages at lift stations due to PG&E shutdowns
- Processing water out of pond 3. Pond has 13 Mg left
- Plant flows Normal this week.

City Clerk

- Council Meeting
- Mayors Script
- Staff Meeting
- Candidate Packets
- 2 Public Record Requests
- Record Retention

Administrative Services

- ERP Pro 10 training accounts receivable setup.
- Setup 2025/26 Audit Preparation Checklist.
- Completed 2nd quarter payroll taxes April – June 2026.
- Went through the year end process and closed fund balance for FY 2025-26.
- Completed setting up a new benefit allocation process for accounts payable.
- Continued to work on reconciling the prepaid GL account.
- Reviewed and approved multiple cashiering batches.
- Reviewed and approved deposit for 07/24/2026.
- ERP Pro 10 training for cashiering, balancing and posting.
- Attended City Council on 07/22/2024.

Engineering

- Emails and general coordination; complaints
- Skatepark construction coordination
- CDBG – construction coordination
- Sewer evaluations
- Caboose relocation coordination
- Encroachment permits and coordination with PW staff

Building/Code Enforcement

- Many weed abatement complaints. Following up on the Notice of Violations. Majority have been completed.
- Working with the Foreman at the skate park. Next pour on the 28th. Most of 2nd bowl is formed up with rebar. Three pours next week.
- Talked to resident/councilmember about the workers smoking at the skate park project and the weeds on the property.
- Preparing approved plans for the O'Reilly's retaining wall permit.
- Reviewed 2nd review from BV for the NID tenant Improvement and sent to architect.

Week of July 25 – August 1, 2026

City Manager

- Inspected Skate Park progress.
- Inspected CDBG paving project progress.
- Townhall meeting agenda prep.

- Attended meeting with Peggy Ygbuhay to discuss Union Pacific upcoming merger.
- Met with City Clerk to discuss upcoming election.

Planning Department

- Preparing Historical Designation.
- Research and draft surveillance ordinance.

Maintenance Department

- Repaired concrete sidewalk with brick edging along Railroad St. in front of the gravel parking lot.
- Performed Vegetation control of the hill side behind the water tank, splash pad, and along the hill side of the baseball field.
- Maintenance Supervisor participated in 811 refresher course.
- Replaced dead batteries in the second message board.
- Made a list of faded signs in the city.
- Took down baseball field fence.
- Began setting up the NexGen program for the Corp Yard.

Wastewater Treatment Plant/Sewer

- No issues in collection system.
- Solids in system coming down due to pressing
- Weed abatement around the plant.
- Installed new Influent Comp sampler
- Crew cleaned 1000ft of sewer lines
- Processing water out of pond 3
- Plant flows Normal this week.

City Clerk

- 2 Public Record Requests
- Staff Meeting
- Minutes for 7/22/26 Council meeting
- Searched paperwork for 505 Caruso
- 1 candidate pulled papers
- Records Retention identification

Administrative Services

- ERP Pro 10 training accounts receivable invoices and statements.
- ERP Pro 10 training accounts receivable payments, adjustments and refunds.
- ERP Pro 10 training accounts receivable penalties, collections and bank drafts.
- Reviewed and approved biweekly payroll.
- Reviewed and approved accounts payable batch.
- Review and approved cashiering batches.
- Reviewed and approved weekly deposit.
- Completed the quarterly CDTEFA reporting.
- Submitted delinquent sewer and refuse file to Placer County.
- Worked on April Bank Reconciliation.

- Worked on CFSA document for GL, AP and payroll for ERP Pro conversion.

Engineering

- Emails and general coordination; complaints
- Skatepark construction coordination
- CDBG – construction coordination
- Encroachment permits and coordination with PW staff

Building/Code Enforcement

- Many weed abatement complaints. Following up on the Notice of Violations. Majority have been completed.
- Skate Park Inspection(s)

Week of August 2 - 8, 2026

City Manager

- Met with the City Attorney to discuss Floc Camera's.
- Met with the Caboose moving company to discuss relocation.
- Met with 4leaf staff to discuss FEMA Grant.
- Inspected Skate Park

Planning Department

- PowerPoints for City Council meeting august 26th
- Additional work on the national register nomination
- PRA requests and zoning inquiries

Maintenance Department

- Weed-eated behind the green music rail cart by the Depot and removed all Scotch broom.
- Mowed and dethatched the ballpark, applied fertilizer and seed. Repaired broken irrigation.
- Purchased and assembled a new tow-behind aerator and seed spreader.
- Weed-eated around the 174 Fire Station.
- Staged barricades and ensured we had working power for the event at the Depot.
- Removed the bricks in front of City Hall, re-leveled them, and reset them to level area.
- Filled potholes on W. Oak Street.
- Repaired a broken, leaking valve at the splash pad.
- Purchased additional fertilizer.
- Began irrigation repair at Arbor Park.
- Mowed all City parks

Wastewater Treatment Plant/Sewer

- No issues in collection system.
- Weed abatement around the plant.
- Control point integrated Lift stations 3 and 5 into the new SCADA system

- Processing water out of pond 3. Pond has 11 Mg left
- Plant flows Normal this week.

City Clerk

- 3 candidates pulled papers
- 2 candidates returned papers
- 3 Public Record Requests
- Obtain signatures for Argument in Favor of Measure I
- Staff meeting
- Scan 133 Hwy 174 file for PRA
- Contact 130 Whitcomb re: Plans to be viewed

Administrative Services

- ERP Pro 10 training accounts receivable setup.
- Setup 2025/26 Audit Preparation Checklist.
- Continued to work on reconciling the prepaid GL account.
- Reviewed and approved multiple cashiering batches.
- Reviewed and approved deposit.
- ERP Pro 10 training for balancing and posting.

Engineering

- Emails and general coordination; complaints
- CDBG – construction coordination
- Sewer evaluations
- Encroachment permits and coordination with PW staff

Building/Code Enforcement

- Many weed abatement complaints. Following up on the Notice of Violations. Majority have been completed.
- Working with the foreman at the skate park. Next pour on the 11th. Flatwork, steps, landing poured this week. Three pours next week. Mostly flatwork.
- Working with contractor at 325 Hunter after he moved footings. Still met setbacks and footing inspection passed. Engineering submitted for the structural changes made.
- Had 2 meetings about moving the train. Contacted structural Engineer to review and stamp the plans.

Week of August 9 -15, 2026

City Manager

- Inspected Skate Park progress.
- Inspected CDBG paving project progress.
- Met with City Clerk to discuss Council Election
- Met with staff to discuss the Caboose Move.
- Weekly staff meeting.

Planning Department

- Continued work on National Register. Still a lot of leg work is needed, including photos and exhibits.
- Zoning, and sign permit questions.
- Follow up with PGE for data so an audit of city facilities can be completed.
- Meeting with NID on proposed fencing.

Maintenance Department

- Removed the hanging baskets from Main Street and Roy Toms and returned them to the Garden Club.
- Hung the banners at the Train Depot.
- Finished the brick work in front of City Hall, filled the gap with a piece of redwood, and added another layer of sand.
- Rented an irrigation line locator to help locate irrigation valves at Arbor Park.
- Filled a large pothole on Canyon Way heading toward Stephens Trail.
- Dethatched, aerated, seeded, and fertilized all city parks.
- Picked up and assembled our new aerator in the shop.
- Removed all of the old Trex boards at Arbor Park and began tracking down the irrigation lines to locate the valves. After removing the Trex, we discovered a significant leak that needed to be repaired.
- Had 811 utility locating completed.

Wastewater Treatment Plant/Sewer

- No issues in collection system.
- Weed abatement around the plant.
- Control point onsite final integration for Lift stations 3 and 5 into the new SCADA system
- Processing water out of pond 3. Pond has 10 Mg left
- Cleaned road to well pump house with public works help. Removed old equipment and trash from the plant.

Engineering

- Emails and general coordination; complaints.
- CDBG – construction coordination.
- Encroachment permits and coordination with PW staff.

City Clerk

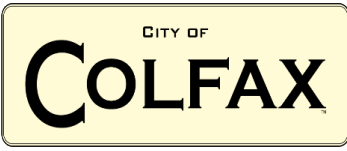
- 2 Public Record Requests
- Town Hall notice
- Staff Meeting
- Met w/3 Councilmember candidates to complete filings
- Posted RFP
- SB707 Q & A session

Administrative Services

- Mon – Wed sat in on meetings with Tyler to fill out the CFSA (Current Future State Analysis) for general ledger and accounts payable conversion.
- Complete business license late penalty billing and mailed out.
- Completed accounts payable process and mailed out checks.
- Completed review and approval of cashiering batch.
- Reviewed and approved weekly deposit and completed wrap up.
- Review and approved cashiering batches.
- Reviewed and approved weekly deposit.
- Worked on audit preparation pulling general documentation.
- Worked on land development billing/reconciliation, Colfax Hotel.
- Completed Property Tax clean up, posted reclass journal entry to move funds to correct GL accounts.
- Collected invoices and coded while Cecelia was on vacation.

Building/Code Enforcement

- More weed abatement complaints. Mostly on Whitcomb. Whitcomb property at west end of street. Met with owner. He will remove blackberry bushes.
- Following up on the Notice of Violations. Majority have been completed.
- Working with the Foreman at the Skate Park. Checking forms and rebar before concrete pours. Evaluating toe of hillside for possible retaining wall. Met with Geocon on site.
- Caboose new landing. Working with a structural engineer. Finding info, specs and documents to determine the cost.
- New home at 413 Rubicon: reviewing documents and BV approved plans in order to issue permit.
- Met with NID at Whitcomb location to discuss fence, gates, variance, easements, trees and expanding the parking lot.



City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

Mayor Caroline McCully · Mayor Pro Tem Larry Hillberg
Councilmembers Trinity Burruss · Kim Douglass · Sean Lomen

DRAFT REGULAR MEETING MINUTES

July 22, 2026
Open Session 6:00 PM

1 OPEN SESSION

1A. Call Open Session to Order

The July 22, 2026 City of Colfax City Council was called to order at 6:04 p.m. by Mayor McCully.

1B. Pledge of Allegiance

1C. Roll Call

Present: Councilmembers Kim Douglass, Sean Lomen, Mayor Pro Tem Larry Hillberg and Mayor Caroline McCully

Absent: Councilmember Trinity Burruss

1D. Approval of Agenda Order

This is the time for changes to the agenda to be considered including removal, postponement, or change to the agenda sequence.

Action: With a motion by Councilmember Sean Lomen and a second by Councilmember Larry Hillberg, Council voted 4-0 to accept the Agenda Order as presented.

Ayes: Councilmembers Kim Douglass, Sean Lomen, Mayor Pro Tem Larry Hillberg and Mayor Caroline McCully

Noes: None

Abstain: None

Absent: Councilmember Trinity Burruss

1E. Statement of Conflict of Interest

No new conflicts were identified by the Council or the public.

2 CONSENT CALENDAR

Matters on the Consent Calendar are routine in nature and will be approved by one blanket motion with a Council vote. No discussion of these items ensues unless specific items are pulled for discussion and separate action. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the Mayor.



Action: With a motion by Councilmember Sean Lomen and a second by Councilmember Kim Douglass, Council voted 4-0 approving the Consent Calendar

Ayes: Councilmembers Sean Lomen, Kim Douglass, Mayor Pro Tem Larry Hillberg and Mayor Caroline McCully.

Noes: None

Abstain: None

Absent: Councilmember Trinity Burruss

2A. City Projects Report

Recommended Action: Accept report.

2B. Minutes – June

Recommended Action: Approve the Colfax City Council minutes dated June 24, 2026 (Regular Meeting), July 24, 2026 (Special Meeting) and July 8, 2026 (Regular Meeting)

2C. Refuse Collection Rate Adjustment

Recommended Action: Receive and file

2E. Residential Care Facilities

Recommended action: 1) Waive second reading of and adopt an Ordinance to amend the Zoning Code, chapter 17.64 and section 17.72.020 Residential Zone Use types and permitted uses for residential care facilities, to be effective 30 days after adoption.

3 AGENCY REPORTS

3A. Placer County Sheriff's Office

Sgt. Tobi Williams reported:

- Debrief on 3rd of July with Councilmembers and stakeholders. Everyone agreed it was a good event. Took away some things to work on next year. Traffic congestion and efficiency of event flow were a couple of the concerns
- 1 DUI arrest occurred
- Road rage incident

No public comment received.

3B. California Highway Patrol

Officer Jason Lyman, Gold Run CHP Information Officer reported:

- Construction is in full swing along the corridor from Gold Run through Secret Town and the Rollins Lake area. Work is expected to continue for the next couple of weeks before crews move approximately 8–10 miles farther up the highway to continue additional roadwork.
- Caltrans is also looking at adding a third truck lane, which is anticipated to be a three- to four-year project.
- Caltrans currently lists multiple construction projects along the I-80/SR 20/SR 49 corridors in the area, including projects involving truck-climbing capacity.



- No public comment received

3C. Placer County Fire Department/CALFIRE

- None

3D. Caltrans

- None.

3E. Non-Profits

- None

4 PRESENTATIONS

- None

5 PUBLIC HEARING

- None

6 PUBLIC COMMENT

Members of the public are permitted to address the Council orally or in writing on matters of concern to the public within the subject matter jurisdiction of the City that are not listed on this agenda. Please make your comments as succinct as possible. Oral comments made at the meeting may not exceed five (5) minutes per speaker. Written comments should not exceed 800 words. Written comments received before the close of an agenda item may be read into the record, with a maximum allowance of five (5) minutes in length. Council cannot act on items not listed on this agenda but may briefly respond to statements made or questions posed, request clarification, refer the matter to staff, or place the matter on a future agenda.

No public comment received

7 COUNCIL AND STAFF

The purpose of these reports is to provide information to the Council and public on projects, programs, and issues discussed at committee meetings and other items of Colfax related information. No decisions will be made on these issues. If a member of the Council prefers formal action be taken on any committee reports or other information, the issue will be placed on a future Council meeting agenda.

7A. Committee Reports and Colfax Informational Items – All Councilmembers

- Councilmember Lomen: Pioneer Audit and Finance Committee meeting. Discussed funding options for additional community involvement. Pioneer Board of Directors meeting and Fire Safe Council are both tomorrow.
- Councilmember Douglass reported distributing flyers throughout the community regarding the upcoming City elections and visiting the local high school and junior high school to discuss the three open City Council seats.
- Mayor Pro Tem Hillberg attended a working session of the Railroad Heritage group, they are moving forward and figuring out what the plans need to be to move the caboose. Also attended a Sierra



Vista Center board meeting, and they formulated a request to get funds from the Bianchini fund capital after an audit is conducted.

- Mayor McCully reported attending VFW 250th Birthday party, getting closer to getting caboose moved. Had an interview with KCRA. They are doing a show on August 26th regarding wildfire preparedness and wanted Colfax to speak on the Home Hardening Grant. At last update was about 12 contracts and inspections on 25 homes.

7B. City Operations Update – City Manager

- Met with Lieutenant Renegar of Placer County Sheriff's Office about Flock cameras
- Met with 4Leaf to discuss the FEMA grant.
- Worked with the City Engineer to inspect the Marvin Avenue pavement project

8 COUNCIL BUSINESS

8A. Consideration to Recombine Economic Development – Community Support and Events Appropriations into a single budget line item

Action: With a Motion by Councilmember Sean Lomen and a second by Mayor Caroline McCully, Council voted 3/1 with motion to separate the two funds and keep \$15,000 for 3rd of July, Winterfest and Railroad days and the other \$15,000 as needed

Ayes: Councilmembers Sean Lomen, Kim Douglass and Mayor Caroline McCully

Noes: Mayor Pro Tem Larry Hillberg

Abstain: None

Absent: Councilmember Trinity Burruss

Public comment received from members of the public.

8B Adoption of Sales Tax and Resolution Submitting Measure to Voters

Action 1: With a Motion by Councilmember Sean Lomen and a second by Mayor Pro Tem Larry Hillberg, Council voted 4/0 with motion to waive second reading and adopt the ordinance as written:

Ayes: Councilmembers Sean Lomen, Kim Douglass, Mayor Pro Tem Larry Hillberg and Mayor Caroline McCully.

Noes: None

Abstain: None

Absent: Councilmember Trinity Burruss

Action 2: With a Motion by Mayor Pro Tem Larry Hillberg and a second by Councilmember Kim Douglass to adopt the resolution calling an election on the sales tax:

Ayes: Councilmembers Sean Lomen, Kim Douglass, Mayor Pro Tem Larry Hillberg and Mayor Caroline McCully.

Noes: None



Abstain: None

Absent: Councilmember Trinity Burruss

Councilmembers McCully and Douglass provided draft ballot arguments and directed the City Attorney to harmonize and finalize.

No comment received from members of the public.

9 **GOOD OF THE ORDER**

Informal statements, observation reports and inquiries regarding the business of the City may be presented by Councilmembers under this agenda item or requests for placement of items of interest on a future agenda. No action will be taken.

- Councilmember Lomen –
 - Requested staff bring forward a formal policy or process for distribution of special event funding
- Councilmember Douglass –
 - Quoted Plato in relation to the importance of civic participation and the upcoming City Council election.
- Mayor Pro Tem Hillberg –
 - Would like to agendize Flock cameras
 - Would like to see policy requiring non-profits that receive City funds to report on finances
 - Would like more information about removal of tree from outside City hall
- Mayor McCully –
 - Cancel August 12th meeting.
 - Council handbook on agenda
 - Clarification that City Manager has the authority to make decisions without Council approval

9A. Public Comment on Good of the Order

Members of the public are permitted to address the Council on matters that relate to general welfare of the City that have not been previously discussed on this agenda. Oral comments may not exceed five (5) minutes. Written comments should not exceed 800 words.

No Public Comment received on Good of the Order.

10 **CLOSED SESSION**

No Public Comment received.

10A. Conference with Legal Counsel, Initiation of Litigation (Gov. Code § 54956.9(d)(4))

Number of potential cases: 1



No reportable action taken.

ADJOURNMENT

The July 22, 2026 City of Colfax City Council was adjourned at 7:16 p.m. by Mayor McCully.

Gabrielle Christakes, City Clerk





Staff Report to City Council

FOR THE AUGUST 26, 2026, REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Kathy Pease, AICP, Planning Consultant
Subject: Affirmatively Furthering Fair Housing Plan (AFFH)

Budget Impact Overview:

N/A:	Funded:	Un-funded: ✓	Amount:	Fund(s):
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RECOMMENDED ACTION: Conduct a public hearing and adopt a resolution adopting the City's Affirmatively Furthering Fair Housing Plan.

Summary/Background

This is another request required by the California Housing and Community Development Department (HCD) related to the City's Housing Element. Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, affirmatively furthering fair housing means to take "meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics" and is Federally mandated by the 1968 Fair Housing Act.

The four main goals are to:

1. Address significant disparities in housing needs and in access to opportunity.
2. Replace segregated living patterns with truly integrated and balanced living patterns.
3. Transform racially and ethnically concentrated areas of poverty into areas of opportunity, and
4. Foster and maintain compliance with civil rights and fair housing laws.

AB 686 sets forth the duty to affirmatively further fair housing (AFFH) in two broad categories:

1. Public Agencies- All public agencies, departments and programs are required to administer programs and activities relating to housing and community development in a manner to AFFH and take no action that is materially inconsistent with this obligation.
2. Housing Elements- New requirements for Housing Elements direct local decision-makers to incorporate fair housing into the Housing Element, create land-use and funding opportunities to increase affordable housing in high resource neighborhoods, and bring additional resources to traditionally under-resourced neighborhoods.

The five main elements that all jurisdictions need to incorporate AFFH into Housing Element updates are:

(1) Targeted Community Outreach, (2) Assessment of Fair Housing, (3) Site Inventory, (4) Identification and Prioritization of Contributing Factors, and (5) Goals Policies and Actions.

Discussion

The Colfax AFFH Plan is included as an implementation requirement of the City's current General Plan Housing Element.

The AFFH Plan is attached. It provides context on the size and mix of the Colfax population.

Key fair housing considerations specific to Colfax include:

- Limited affordable rental housing;
- Rising home prices and insurance costs (fire insurance availability and cost);
- Transportation barriers for lower-income households (no transit opportunities but it does have regional rail such as Amtrak);
- Limited multifamily housing inventory;
- Aging population requiring accessible housing;
- Risk of displacement from escalating housing costs;
- Limited local administrative capacity.

Other contents of the AFFH Plan include:

- Summary of public outreach
- Fair housing goals (Expand Affordable Housing Opportunities, Remove Regulatory Constraints, promote Inclusive Housing Access, Prevent Displacement and Improve Accessibility and Housing Choice).
- Assessment of Fair Housing Conditions
- Affordable Fair Housing Policies (Encourage Missing Middle Housing, Streamline Affordable Housing, Promote Rehabilitation, Expand Outreach, and Support housing for Special Needs and Seniors.
- Implementation Program with dates
- Potential funding strategies
- Ongoing monitoring

Public Outreach

The City made the Draft AFFH available for a 30-day public review period. City Staff reached out to Placer County Housing Authority for affordable housing and stakeholders mailing lists to provide noticing. A Town Hall meeting was held June 11, 2026, to give the public an opportunity to review and comment on the City's draft plan. The city posted a notice in the newspaper and provided information on the City's website and a paper copy was available at the front counter at City Hall.

Two members of the public and two City Council people attended. Comments from the community meeting included:

- Concern that additional housing will increase traffic in the area
- Additional housing was needed.
- Natural resources should be taken into consideration.

Ongoing

- The City shall maintain mailing lists of stakeholders and affordable housing developers.
- Maintain a list of organizations contacted and consulted.
- The City shall maintain information on its AFFH Plan on the City's website
- On a yearly basis the City shall keep stakeholders and individuals informed and provide opportunities for public workshops or other outreach mechanisms.

Fiscal

This action has an impact on the City's General Fund as a result of this requirement. Staff time to prepare the AFFH Plan is paid for through the General Fund.

Environmental Review

This action is consistent with the environmental review completed by the City for the adoption of the General Plan Housing Element. Further this falls under the Common Sense Exemption (California Environmental Quality Act (CEQA Guidelines § 15061(b)(3)) because the AFFH Plan itself is a policy document that does not inherently authorize physical ground-disturbing development.

Attachments

1. Resolution
2. Colfax Affirmatively Furthering Fair Housing Plan

AFFIRMATIVELY FURTHERING FAIR HOUSING

The Housing Continuum

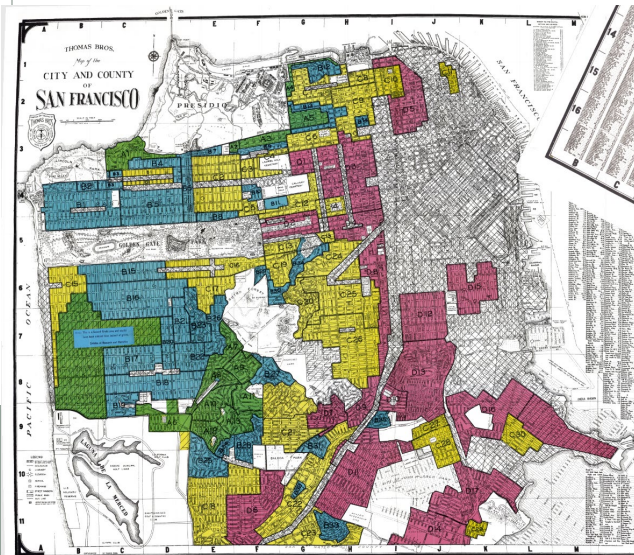


AGENDA

1. Definition and Requirements
2. How it relates to City's General Plan Housing Element
3. Draft Document/Public Review
4. Next Steps

The Fair Housing Act (of 1968)

“Prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status.”



WHAT IS AFFH?

- Required by Assembly Bill 686 (2018) defines AFFH as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”
- The duty to affirmatory further fair housing extends to all of a public agency’s active and programs relating to housing and community development.

GENERAL PLAN HOUSING ELEMENT REQUIREMENT

GOAL 6.5

Promote and affirmatively further fair housing opportunities throughout the community for all persons regardless of age, race, religion, color, ancestry, national origin, sex, marital status, disability, familial status, or sexual orientation.

Policy 6.5.1: Promote housing opportunities for all persons regardless of race, religion, color, ancestry, national origin, sex, marital status, disability, family status, income, sexual orientation, or other barriers that prevent choice in housing.

Policy 6.5.2: Enforce the policies of the State Fair Employment and Housing Commission

Implementation Measures

6.21: **Develop a Plan to Affirmatively Further Fair Housing (AFFH).** The AFFH Plan shall take actions to address significant disparities in housing needs and in access to opportunity for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8, commencing with Section 12900, of Division 3 of Title 2), Section 65008, and any other State and federal fair housing and planning law.

Specific actions will include:

- Implement Measures 6.3, 6.17, and 6.18 to affirmatively further fair housing including targeting community revitalization through place-based programs, enhancing mobility between neighborhoods, and developing strategies to reduce displacement risk for special needs groups and lower income households. Focus particularly in areas of concentrated overpayment (Measures 6.1, 6.4, and 6.11) and facilitate affordable housing in high opportunity areas (Measures 6.6, 6.11, and 6.12)
- Maintain information on fair housing law from the California Department of Fair Employment & Housing and have copies of information available for the public at City Hall. Annually work with Legal Service of Northern California to provide

ACTIONS JURISDICTIONS MUST TAKE

- Address Significant disparities in housing needs and in access to opportunities
- Replace segregated living patterns with integrated and balanced living patterns
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Foster and maintain compliance with civil rights and fair housing laws.

COMPONENTS

1. Outreach
2. Assessment of Fair Housing
3. Site Analysis
4. Identification and Prioritization of Contributing Factors
5. Priorities, Goals and Action



DEMOGRAPHICS

- **Population:** Estimated between 2,058 and 2,407 residents as of 2024–2026.
- **Median Age:** 35.8–38.6 years.
- **Median Household Income:** Approximately (\$42,663) (2024 data).
- **Citizenship:** Approx. 95% are US citizens
- **Race & Ethnicity**
 - **White:** (79% – 89%)
 - **Hispanic:** 10% – 12%)
 - **Two or More Races:** (6% – 9%)
 - **Asian/Black/Native American:** Minor percentages (0% – 3%))

KEY HOUSING FACTORS

- Limited affordable rental housing;
- Rising home prices and insurance costs (fire insurance availability and cost);
- Transportation barriers for lower-income households (no transit opportunities but it does have regional rail such as Amtrak);
- Limited multifamily housing inventory;
- Aging population requiring accessible housing;
- Risk of displacement from escalating housing costs;
- Limited local administrative capacity.

FINDINGS

- According to Placer County's Housing Element Appendix E: Affirmatively Furthering Fair Housing Maps, Colfax is in a Moderate Resource area.
- According to Placer County's Poverty Status map (Figure E-3 Housing Element) Colfax's percent of population whose income is below a poverty level of less than 10 percent.

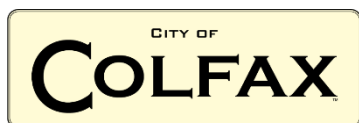
AFFH DRAFT POLICIES

- Encourage missing middle and higher density housing production
- Streamline affordable housing
- Promote housing rehabilitation
- Expand fair housing outreach
- Support housing for seniors and those with disabilities
- Reduce displacement risk
- Look for funding opportunities.

AFFH

Recommend the City Council hold a Public Hearing and approve the resolution adopting the AFFH Plan





Affirmatively Furthering Fair Housing (AFFH) Plan August 2026

1. Introduction

With adoption of Assembly Bill (AB) 686 in September 2018, all housing elements completed on or after January 1, 2019 must include a program that promotes and affirmatively furthers fair housing throughout the community for all persons, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, disability, or any other characteristics that are protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and all other applicable State and Federal fair housing and planning laws. Under state law, affirmatively furthering fair housing means to take “meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”¹

The law also requires housing elements completed on or after January 1, 2021, to include an Assessment of Fair Housing that is consistent with the core elements of the federal Affirmatively Furthering Fair Housing Final Rule from July 2015. This report summarizes key findings from the Assessment of Fair Housing, which was completed in accordance with current HCD guidance regarding the application of AB 686 requirements and the California Government Code. The Housing Element sites inventory must also be consistent with the findings of the fair housing assessment and the jurisdiction’s obligation to affirmatively further fair housing under applicable state law.

Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to affordable housing options based on protected characteristics.

This AFFH (“Plan”) is intended to assist Colfax in meeting its obligations under California Government Code Sections 65580–65589.11, including the requirement to Affirmatively Further Fair Housing (AFFH) pursuant to Assembly Bill AB 686.

The AFFH plan also implements Program 6.21 of the City’s General Plan Housing element and guides the framework for this current AFFH Plan.

The purpose of this Plan is to:

- Promote equitable housing opportunities for all residents;
- Reduce barriers to affordable housing production;
- Prevent housing discrimination and displacement;
- Expand access to opportunity-rich neighborhoods;
- Support compliance with state Housing Element law and HCD guidance.
- Spell out the actions the City has taken, is taking and will take to ensure the actions identified in the Housing Element are impact

This Plan is designed as a practical, low-cost implementation framework appropriate for a small rural Sierra foothill community with limited staffing and fiscal capacity.

Consistent with HCD guidance, this Plan evaluates fair housing conditions through the required AFFH topic areas, including patterns of integration and segregation, racially and ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, disproportionate housing needs, displacement risk, and the relationship between the Housing Element sites inventory and fair housing conditions. The Plan also identifies contributing factors and pairs them with concrete, place-based actions, timelines, responsible parties, and monitoring measures suitable for Colfax’s limited staffing and fiscal capacity.

2. Background

The Fair Employment and Housing Act (FEHA) provides broad protections to California residents, prohibiting housing discrimination through public or private land-use practices, decisions, and authorizations based upon “race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information.” Also, Government Code section 65008 prohibits discrimination against affordable housing based on financing or occupancy by low- and moderate-income households. With the passage of AB 686, state and local public agencies are required to affirmatively further fair housing through deliberate action to explicitly address, combat, and relieve disparities resulting from past and current patterns of segregation to foster more inclusive communities. Importantly, AB 686 also creates new housing element requirements applying to all housing elements after January 1, 2021.

These requirements include:

- An assessment of fair housing practices,
- An analysis of the relationship between available sites and areas of high or low resources, and
- Actions in the form of programs/policies to affirmatively further fair housing.
- Identify barriers to fair housing choice

Protected Characteristics include but are not limited to:

- Race
- Color
- Religion
- National origin
- Gender
- Familial status
- Disability, including physical or mental disability
- Age
- Medical condition

3. Community Context

Colfax is a small historic rail town located in the rural foothills of the Sierra Nevada in Placer County. The City covers approximately 1.3 square miles and is bisected by Interstate 80. It has limited developable land, aging housing stock, wildfire constraints, including Very High and High Fire Hazard Severity Zones, constrained municipal resources, and limited staff capacity.

Key demographics include the following:

- **Population:** Estimated between 2,058 and 2,407 residents as of 2024–2026.
- **Median Age:** 35.8–38.6 years.
- **Median Household Income:** Approximately \$42,663, based on 2024 data.
- **Citizenship:** Approximately 95 percent of residents are U.S. citizens.

Race & Ethnicity

- **White:** 79%–89%
- **Hispanic:** 10%–12%
- **Two or More Races:** 6%–9%
- **Asian, Black, and Native American residents:** Minor percentages, generally 0%–3%.

Housing & Households

- **Households:** ~862 households (2020 census), with about 29% having children under 18.
- **Occupancy:** ~93.6% of housing units are occupied.
- **Average Household Size:** 2.31 people.
- **Housing Market:** Features a mix of older homes and new developments (e.g., Sierra Oaks), with a slight seller's advantage. According to Redfin (<https://www.redfin.com/city/3763/CA/Colfax/housing-market>) the Colfax housing market is somewhat competitive. The median sale price of a home in Colfax was \$350,000 down 14.7 percent from 2025.

Key fair housing considerations include:

- Limited affordable rental housing;
- Rising home prices and insurance costs (fire insurance availability and cost);
- Transportation barriers for lower-income households, including limited local transit options, while recognizing regional rail service such as Amtrak;
- Limited multifamily housing inventory;
- Aging population requiring accessible housing;
- Risk of displacement from escalating housing costs;
- Limited local administrative capacity. The City has no permanent planning, building, or public works administrative staff. These functions are provided one to two days per week by consultant staff because funding is not available to hire full-time staff. As a result, Housing Element implementation occurs as staff time and resources allow, in addition to all other City functions.

The City recognizes that fair housing issues in rural communities often differ from larger urban jurisdictions and therefore require scalable and cost-effective implementation strategies.

Actions recently taken to address Housing Element Implementation Measures

- Zoning amendments to be consistent with state law (2024-present)
 - Accessory Dwelling Units (approved 2024)
 - Residential Care facilities by right (approved 2026)
 - SB 35 Streamlined Approval Policy (approved 2025)
- Preparation of this AFFH Plan (in progress 2026)
- Maintain copies of information on fair housing law from the California Department of Fair Employment & Housing and have copies of information available for the public at City Hall. (links to Fair Housing website recently added to City's website)

Actions the City is taking and will be taking to address Housing Element Implementation Measures

- Continue to work with HCD staff to revise documents, policies and ordinances to be consistent with state law.
- Monitor legislation to ensure the city responds to new requirements in a timely manner.
- Look for grant opportunities to fund public outreach, construction of new affordable units etc.

Implement Housing Element Policies:

- Policy 6.1 Support Affordable Housing Development

Status: Ongoing. ADUs appear to be popular in the city and the city has processed them ministerially consistent with state law. City provides outreach to developers to encourage investment in its high-density vacant sites.

- Policy 6.3 First time homebuyer program. Continue to promote the Placer County First time homebuyers' program, which is available to all Placer County residents, by maintaining brochures at City Hall and on the City's website.

Status: Recently posted link on County's First Time Homebuyers website.

- Policy 6.4 Work with the Alta California Regional Center to implement an outreach program.

Status: City staff reached out to the Grass Valley Alta California Regional Center on July 30, 2026 to coordinate outreach efforts.

- Policy 6.6 Incentives for the Development of Affordable Housing

Status: Ongoing, outreach to development community, process density bonuses and other incentives, flexibility in development standards etc.

- Policy 6.11 Amend zoning ordinance to allow single room occupancy units in the R-M zone.

Status: Completed zoning ordinance amendment in 2024.

- Policy 6.12 Amend the zoning ordinance to comply with Government Code Section 65852.2 for Accessory Dwelling Units (ADUs)

Status: Completed zoning ordinance amendment in 2024.

- Policy 6.18 Environmental Justice. Each time a housing project is proposed that may have an effect on a particular group or neighborhood, the City will make efforts to distribute information on the project to ensure that the group or neighborhood is made aware of the project and the process and has the opportunity to respond.

Status: Ongoing No housing developments have been proposed recently, but City will provide outreach at the time development is proposed.

- Policy 6.17 Develop AFFH Plan

Status: Draft Completed May 2026, City Council consideration for adoption August/September 2026

4. Public Outreach

The City will proactively engage individuals and organizations that represent lower-income households, people in protected classes, and households with special needs to support open and ongoing communication. Outreach should solicit input and provide information on a regular basis, not only during formal public comment periods.

City Outreach

The City held a public workshop on June 11, 2026.

Notices were sent to affordable housing developers, affordable housing stakeholders and advocates, and Placer County Housing. The notice was published in the newspaper and posted on the City's website.

Staff reached out to the Placer County Housing Department for assistance with contacts and mailing lists.

Approximately two members of the public and two City Council members attended the community meeting. Comments from the community meeting included:

- Concern that additional housing will increase traffic in the area
- Additional housing was needed.
- Natural resources should be taken into consideration.
- The AFFH Plan included too many acronyms. In response, the Plan has been revised to include definitions and reduce unnecessary acronyms.
- Several formatting issues were identified, including numbering inconsistencies. These have been updated.

Ongoing

- The City shall maintain mailing lists of stakeholders and affordable housing developers.
- Maintain a list of organizations contacted and consulted.
- The City shall maintain information on its AFFH Plan on the City's website
- On a yearly basis the City shall keep stakeholders and individuals informed and provide opportunities for public workshops or other outreach mechanisms.

5. Fair Housing Goals

The City establishes the following AFFH goals:

Goal 1 — Expand Affordable Housing Opportunities

Increase opportunities for affordable and workforce housing for extremely low-, very low-, low-, and moderate-income households.

Goal 2 — Remove Regulatory Constraints

Reduce zoning, procedural, and parking barriers that unnecessarily constrain housing production.

Goal 3 — Promote Inclusive Housing Access

Support housing opportunities regardless of race, ethnicity, disability, familial status, age, gender, religion, source of income, or other protected characteristics.

Goal 4 — Prevent Displacement and Housing Instability

Support tenant stability, housing rehabilitation, and anti-displacement policies appropriate for a small city context.

Goal 5 — Improve Accessibility and Housing Choice

Encourage accessible housing and aging-in-place strategies for seniors and persons with disabilities.

6. Assessment of Fair Housing Conditions

Analysis

According to federal Housing and Urban Development (HUD) data, there are no identified racially or ethnically concentrated areas of poverty or concentrated segregation in Placer County based on HUD R/ECAP data from November 2017.

According to Placer County's Housing Element Appendix E, Affirmatively Furthering Fair Housing Maps, Colfax is located in a Moderate Resource area.

For purposes of this Plan, the City's fair housing analysis is intended to supplement, and be read together with, the adopted Housing Element and available regional AFFH mapping resources. Because Colfax is a small jurisdiction with limited census geographies, the City recognizes that tract-level indicators may mask localized conditions. Therefore, the City will consider both

quantitative data and local knowledge, including public comments, development constraints, infrastructure capacity, transportation access, and the location of affordable and special-needs housing opportunities.

Housing Element Section 6.2.10 provides

Poverty Rate

According to Placer County's Poverty Status map in Figure E-3 of the Housing Element, less than 10 percent of Colfax's population has income below the poverty level.

The City's Housing Element at the time it was adopted identified approximately 13.2 percent of all Colfax families with children under age 18 were in poverty, according to the 2014–2018 ACS data. This figure is higher than for the County overall, which has a rate of 7.5 percent. The percentages of female-headed families in poverty in Colfax are almost double the percentage of married families. Similarly, female-headed families in poverty in Placer County are more than double the rate of married Placer County families in poverty. Colfax does not have any female-headed families with children under five in poverty, relative to 20.2 percent of female-headed households with children under five in Placer County. Although poverty status is not available for male-headed households, data on receipt of public assistance through supplemental security income (SSI), cash public assistance income, or food stamps/SNAP is provided in American Community Survey Table B09010. There were no male headed households that received such assistance in contrast to 70 female-headed households that received public assistance.

Affordability

A total of 164 owner households, representing 18.0 percent of total households, were paying more than 30 percent of their income for housing in 2016. In contrast, 224 renter households, representing 24.6 percent of total households, were paying more than 30 percent of their income for housing.

According to Placer County (Figure E-7 Housing Element) Colfax renters were overpaying by less than or equal to 40 percent of the population.

Housing Mix

According to the Department of Finance, in 2020, just over two-thirds (70.6 percent) of the city's housing stock was made up of single-family homes, approximately one-quarter (27.1 percent) were multifamily units, and the remaining 2.3 percent were mobile homes (see Table 17). Placer County had higher percentages of single-family homes (80.8 percent) but a lower percentage of multifamily units (16.6 percent).

Special Needs Groups

Certain groups encounter greater difficulty finding decent, affordable housing due to their special needs and/or circumstances. Special circumstances may be related to one's employment and income, family characteristics, medical condition or disability, and/or household characteristics.

State housing element law identifies the following “special needs” groups: the disabled, large households, seniors, farmworkers, female heads of households, and the homeless. An important role of the Housing Element is to ensure that persons from all segments of the community can find suitable housing.

Senior Housing

As the population of seniors in the City increases, so do their collective needs. In 2010, 21.0 percent of the population in Colfax was aged 65 or older; in 2018, that age group had increased to make up 25.3 percent of the City’s population. The Housing Element has included Implementation Measures 6.1 and 6.6 to address the growing housing needs for this group by working with developers to incentivize and support the development of affordable and accessible housing for special needs groups, including seniors.

In 2010, 54.5 percent of all senior citizen households had incomes below \$25,000 (see Table 25). By 2018, this percent has decreased to 42.8 percent. There was also a decrease in the percent of seniors earning over \$50,000. In 2010, there were 35 senior households (21.0 percent) who earned over \$50,000 annually; by 2018 that had dropped to 29 households (13.2 percent). The greatest gains were in the \$35,000 to \$49,999 range, with an increase from 6.6 percent of seniors to 29.1 percent of seniors.

Currently, there is one senior complex, Canyon View Apartments, within the City. This complex is a 67-unit project with 66 low-income units, which currently has a 5-year waiting list.

Race and Ethnicity

The population that identifies as Hispanic or Latino remained relatively steady in the City between 2010 and 2018, increasing by 0.3 percent, according to ACS estimates. Recent studies have suggested that Hispanics and/or Latinos differ in attitudes toward housing densities and household size, as well as cultural practices of living with extended families; thus, housing needs tend to vary and should be an important factor in determining local housing needs. According to the 2014–2018 ACS, 81.2 percent of the Colfax population categorize themselves as White, as compared to 73.2 percent of the Placer County population. In the City, 9.4 percent of the population categorizes themselves as Hispanic origin.

Overcrowding

Overcrowding is not a significant housing problem in Colfax. According to 2014–2018 ACS data, there were a total of 27 overcrowded households, representing only 3.1 percent of all households in 2018 (see Table 10). Of the 27 overcrowded households, approximately 81 percent (22 households) are renter households. At the same time, overcrowded renter households represent 4.8 percent of all renter households, which is significantly less than 13.4 percent for the State of California.

Sites Inventory and Access to Opportunity

The City will continue to evaluate Housing Element sites and future rezoning opportunities for consistency with AFFH objectives. In reviewing candidate sites, the City will consider whether sites expand housing choice for lower-income households, avoid undue concentration of affordable units in areas with fewer resources or higher environmental constraints, provide reasonable access to schools, services, jobs, transit or regional transportation connections, and can be served by infrastructure without creating disproportionate burdens. Where affordable housing opportunities are located in areas with moderate resources or infrastructure limitations, the City will prioritize complementary actions such as infrastructure planning, grant pursuit, pedestrian safety improvements, fair housing outreach, and coordination with regional service providers.

7. Factors Influencing Fair Housing Access

Consistent with HCD AFFH guidance, and Table 35 in the City’s General Plan Housing Element (Fair Housing Issues in Colfax) the City identifies the following contributing factors affecting fair housing access:

Issue	Local Condition
Displacement of residents due to access to services	Proximity of services for persons with disabilities proximity to homeless services Lack of subsidized housing units Unaffordable rents and home prices
Displacement of residents due to economic burden	Cost of rehabilitation or repair Lack of partnerships with affordable housing developers Low vacancies for existing housing
Small corporate boundary	Limited opportunities for growth
Limited housing supply	Small inventory of multifamily and affordable housing
Cost burden	Increasing housing and insurance costs
Transportation limitations	Rural area with limited transit access to employment centers
Housing condition	Older housing stock requiring rehabilitation
Accessibility gaps	Limited ADA-accessible units Wildfire risk, including Very High and High Fire Hazard Severity Zones; infrastructure constraints, including sewer capacity and roads; and topographic limitations
Development constraints	
Housing diversity	Predominance of single-family detached housing

Issue	Local Condition
Limited investment	Lack of developer interest and investment
Lack of services	No local police or fire, supported by County Sheriff and Cal Fire
Limited public funds	Limited funding available for affordable housing construction
No public staff	Part-time consultant staff provide services on a limited basis

The City does not identify patterns of intentional segregation based on available information; however, AFFH obligations require more than the absence of intentional discrimination. The City recognizes that economic barriers, limited housing types, limited rental opportunities, transportation constraints, disability-accessibility gaps, infrastructure limitations, wildfire risk, and the age and condition of the housing stock may restrict housing choice and may disproportionately affect lower-income households, seniors, persons with disabilities, families with children, and other protected classes. These contributing factors are addressed through the policies and implementation actions below.

8. Affordable Fair Housing Policies

The following are new policies to help address Affirmatively Furthering Fair Housing in Colfax.

Policy A — Encourage Missing Middle Housing

Consistent with recently adopted Senate Bill 1123, which provides for ministerial approval of missing middle type housing, Missing Middle housing or mid-density housing provides diverse housing options that bridge the gap between conventional single-family homes and higher-density apartments, typically in the range of 8 to 12 dwelling units per acre. The City shall encourage duplexes, triplexes, fourplexes, ADUs, and multifamily projects in residential areas where infrastructure capacity exists.

Actions:

- Accessory Dwelling Units (ADUs) are processed ministerially consistent with state law;
- Review parking requirements for small multifamily housing, recognizing that parking is exempt in the Downtown Historic District;
- Encourage adaptive reuse of underutilized commercial properties.

Policy B — Streamline Affordable Housing

The City shall prioritize administrative efficiency for affordable and mixed-income housing developments.

Actions:

- Establish ministerial review procedures where allowed by law;
- Develop a simple affordable housing checklist;
- Coordinate with Placer County and regional housing agencies.

Policy C — Promote Housing Rehabilitation

The City shall support rehabilitation of aging housing stock to preserve affordability and habitability.

Actions:

- Pursue grant funding for rehabilitation programs;
- Coordinate with nonprofit housing organizations;
- Promote energy-efficiency retrofits for low-income households.

Policy D — Expand Fair Housing Outreach

The City shall improve public awareness of fair housing protections and resources.

Actions:

- Publish fair housing information on the City website;
- Provide annual links to fair housing complaint resources;
- Partner with regional fair housing service providers.

Relevant HCD guidance states that AFFH requires jurisdictions to proactively address barriers to fair housing access and opportunity.

The City will maintain fair housing information in accessible formats, including website posting and hard copies at City Hall, and will update referral information at least annually. Outreach will prioritize renters, lower-income households, seniors, persons with disabilities, families with children, housing service providers, affordable housing developers, and community organizations serving protected classes. When feasible, the City will use plain-language materials and reduce reliance on technical acronyms to improve public understanding.

Policy E — Support Housing for Seniors and Persons with Disabilities

The City shall encourage housing accessibility and supportive housing opportunities.

Actions:

- Encourage universal design standards;
- Facilitate reasonable accommodation procedures;
- Support accessible ADU development.

Policy F — Reduce Displacement Risk

Although displacement pressures remain moderate relative to urban California communities, the City recognizes increasing affordability pressures.

Actions:

- Encourage preservation of naturally affordable housing;
- Monitor short-term rental impacts;
- Prioritize rehabilitation over demolition where feasible.

9. Implementation Program

Program	AFFH Objective	Timeline	Lead Agency	Measurable Outcome
Maintain ADU and residential care facility compliance with state law	Expand housing choice and support housing for seniors, persons with disabilities, and smaller households	Ongoing; review annually	Planning Consultant and Building Official	Track ADU applications, permits, and inquiries annually
Evaluate missing middle housing opportunities	Increase housing type diversity and reduce overreliance on single-family detached housing	1–3 years, subject to staffing and funding	City Planning	Prepare zoning options or identify constraints for Council consideration
Affordable housing and rehabilitation funding pursuit	Preserve naturally affordable housing and reduce displacement risk	Annual grant review	City Administration	Document grants reviewed, applications submitted, and partnerships pursued

Program	AFFH Objective	Timeline	Lead Agency	Measurable Outcome
Fair housing outreach and complaint referral	Improve access to fair housing information and reduce barriers to reporting discrimination	Update annually	City Administration	Maintain website links, City Hall materials, stakeholder list, and annual outreach record
AFFH progress review	Ongoing monitoring to ensure implementation actions respond to contributing factors and Housing Element objectives	Annual, with Housing Element APR	Colfax City Council and Planning Consultant	Include AFFH status summary in annual progress reporting
Respond to fair housing discrimination inquiries and refer complaints to appropriate enforcement and legal assistance resources, including the California Civil Rights Department, HUD's Office of Fair Housing and Equal Opportunity, and Legal Services of Northern California.	Ensure residents have access to fair housing complaint information, reduce barriers to reporting discrimination, and support enforcement of fair housing protections for protected classes.	Ongoing	Colfax City Administration	Maintain complaint referral information at City Hall and on the City website; track number of inquiries and referrals annually.
Provide fair housing information to landlords and property owners on avoiding discriminatory	Increase landlord and property-owner understanding of fair housing obligations, reduce	Ongoing, as resources are available	Colfax Planning Consultant	Post or distribute fair housing materials at least annually; document outreach completed and any partner organizations contacted.

Program	AFFH Objective	Timeline	Lead Agency	Measurable Outcome
practices based on source of income and other protected characteristics, and on the obligation to consider reasonable accommodation requests.	discriminatory practices, and improve access to reasonable accommodations for persons with disabilities.			
Develop targeted outreach to connect lower-income residents with affordable homeownership and rental resources within the City and evaluate incentives that encourage construction of affordable housing.	Expand housing choice for lower-income households and improve access to affordable rental, homeownership, and assistance resources.	Ongoing	Colfax Planning Consultant	Maintain and update resource information annually; document referrals, outreach materials, incentives reviewed, and any affordable housing inquiries received.
Meet with multifamily and affordable housing developers to identify potential sites for higher-density housing and address barriers to development.	Increase developer interest, expand multifamily and affordable housing opportunities, and reduce constraints to higher-density housing production.	Initiate outreach within one year of Plan adoption and continue at least every two years thereafter, subject to staffing and funding.	City Administration and Planning Consultant	Maintain a developer contact list; document outreach meetings, sites discussed, barriers identified, and follow-up actions.
Outreach	Increase communications	Ongoing	City Administration	The City shall maintain

Program	AFFH Objective	Timeline	Lead Agency	Measurable Outcome
	to public and development community to support affordable housing opportunities		and Planning Consultant	mailing lists of stakeholders and affordable housing developers. • Maintain a list of organizations contacted and consulted. • The City shall maintain information on its AFFH Plan on the City's website • On a yearly basis the City shall keep stakeholders and individuals informed and provide opportunities for public workshops or other outreach mechanisms.

10. Funding Strategy

Recognizing fiscal limitations, the City shall prioritize low-cost and grant-supported implementation approaches, including:

- California HCD funding opportunities;
- SB 2 Planning Grants;
- CDBG partnerships;
- Regional collaborations;

- State and federal infrastructure grants.

The City will prioritize regulatory reform and administrative streamlining as cost-effective AFFH implementation tools.

11. Monitoring and Reporting

The City shall annually review:

- Housing production by income category;
- ADU permits issued;
- Housing complaints or fair housing referrals;
- Housing rehabilitation activities;
- Progress toward Housing Element objectives.

Findings shall be incorporated into annual Housing Element progress reports submitted to California HCD.

The annual review will assess whether implementation actions are producing meaningful progress toward fair housing objectives. At minimum, the City will review available information on housing production by affordability level, ADU activity, rehabilitation or code-enforcement assistance, fair housing inquiries or referrals, outreach completed, grant funding pursued, and any known displacement pressures. If monitoring shows that actions are not advancing housing choice or reducing identified barriers, the City will consider adjusting timelines, outreach methods, partnerships, or program priorities within available staffing and funding.

To date, the City has not received any housing complaints. Code Enforcement works with homeowners on rehabilitation activities, and Planning Consultant staff monitors progress toward meeting Housing Element objectives.

12. Conclusion

Colfax is committed to fostering an inclusive, equitable, and affordable community consistent with California fair housing law and HCD guidance. This Plan establishes a realistic framework for advancing fair housing while recognizing the unique scale, geography, infrastructure constraints, wildfire risk, and fiscal capacity of a small rural city. Through targeted outreach, continued coordination with HCD and regional partners, implementation of Housing Element programs, and annual monitoring of measurable outcomes, the City will take meaningful actions to expand housing choice, reduce barriers to opportunity, and respond to fair housing conditions over time.

Key References

- [California HCD AFFH Guidance](#)
- [California Housing Element Law Overview](#)
- [California AFFH Resources](#)
- Placer County Housing Element [2021-2029 Housing Element | Placer County, CA](#)
- Colfax General Plan Housing Element [Housing Element Update 2021-2029 - City of Colfax](#)

City of Colfax

City Council

Resolution №__-2026

THE CITY COUNCIL OF THE CITY OF COLFAX HEREBY ADOPTS THE 2026 AFFIRMATIVELY FURTHERING FAIR HOUSING PLAN

WHEREAS, Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” and is Federally mandated by the 1968 Fair Housing Act; and

WHEREAS, as required by the City of Colfax 2021-2029 General Plan Housing Element Implementation Measure 6.21 Develop a Plan to Affirmative Further Fair Housing;

WHEREAS, planning staff has prepared the City of Colfax Affirmatively Furthering Fair Housing Plan consistent with state law and;

WHEREAS, the City conducted extensive public outreach including noticing, outreach to affordable housing advocates and stakeholders, posted the document for a 30-day review period, held a Town Hall meeting June 11, 2026 to solicit comments and conducted a City Council public hearing on August 26, 2026; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax voted to approve the 2026 AFFH Plan.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 26th of August 2026 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Caroline McCully, Mayor

ATTEST:

Gabrielle Christakes, City Clerk



Staff Report to City Council

FOR THE AUGUST 26, 2026, REGULAR CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Kathy Pease, AICP, Planning Consultant
Subject: Housing Element Professional Services Agreement and Budget

Budget Impact Overview:

N/A:	Funded:	Un-funded: ✓	Amount:	Fund(s):
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RECOMMENDED ACTION: Resolution authorizing the City Manager, or designee, to execute a Professional Services Agreement and Budget with PlaceWorks for Planning, Project Management and Report Preparation of the next 7th Cycle General Plan Housing Element Update and Safety Element Update for an amount not to exceed \$224,391.

Summary/Background

This is a request to fund a professional services agreement with PlaceWorks to prepare the next General Plan Housing Element (cycle 7 2029-2037) and Safety Element.

1. Approve a Professional Services Agreement with PlaceWorks for an amount not to exceed \$224,391 to meet the requirements of the 7th Cycle General Plan Housing Element (2029-2037) and also update the City's General Plan Safety Element as required by state law
2. Authorize the City Manager or designee to execute all documents incident to this agreement.

Discussion

Preparation of the General Plan Housing Element

The Housing Element is a state-required chapter of the General Plan. It identifies the housing need in the community, particularly the availability, affordability and adequacy of housing. It must be updated every eight years. State law requires the City to update and submit its Housing Element every eight years. It must be approved by the State Department of Housing and Community Development (HCD) for state certification by October 2029. This requires the City to first review and evaluate current housing programs and assess housing needs for the community and then identify the existing and new programs that will meet the community needs for the next eight year. As indicated in the attached scope of work, this is a huge technical effort which briefly includes the following:

- New State requirements.
- Consistency and compliance with any draft General Plan elements and community goals.
- Development controls and regulatory incentives.
- Parcel identification analysis

- Underutilized sites
- Electronic Housing Element Site inventory
- Housing opportunities for all residents, including the elderly, those with disabilities, the homeless, and other special-needs groups.
- Fair housing programs.
- Sources of affordable housing funding.
- Preservation and improvement of existing affordable housing.
- Development of adequate housing and infrastructure to meet the needs of low- and moderate-income households, in keeping with the regional fair-share allocation.
- Mitigation of governmental constraints to providing and improving housing.

The Housing Element must also address the Regional Housing Needs Allocation (RHNA) that is distributed by the Sacramento Area Council of Governments (SACOG). The City must show that it has adequate capacity to accommodate the new units. If not, residential zoning must be changed to meet the RHNA to the satisfaction of HCD. SACOG is kicking off the RHNA process this month with monthly technical advisory committee staffed by planners in the region.

Also required by state law is the requirement that the General Plan Safety Element must be updated in conjunction with the Housing Element cycle.

Staff recommends hiring PlaceWorks based on their extensive Housing Element preparation experience, relationship with HCD, and the fact that they are familiar with Colfax, having prepared the City's previous Housing Element and Safety Element.

Preparation of Safety Element Update

PlaceWorks will review the existing Safety Element and summarize recommendations for revisions (electronic, draft and final)

- Updates to Vulnerability Assessment scoring, as needed (electronic, draft and final)
- Revised maps and underlying geo-datasets (electronic, draft and final)
- Updated Safety Element (electronic, administrative draft, screencheck draft, public draft, and final draft)
- Coordinate review with the state

Both the Housing Element and Safety Element will require public outreach. The scope includes support for staff reports and presentations for up to three public hearings/study sessions

Fiscal

In the past the City was able to use grant funding to pay for the updates. Unfortunately, there are no identified grants. Staff has applied for a CalFire Wildfire Planning Grant, that could fund the Safety Element but there is no assurance the City will be successful in getting the \$100,000 needed to fund the Safety Element effort. Therefore, it is anticipated that the City will need to fund the

entire consultant effort with General Funds. In addition, Planning Consultant staff will oversee the effort. This is an unfunded mandate.

Environmental Review

Approval of a professional services agreement is not subject to the California Environmental Quality Act (CEQA) Feasibility and Planning Studies (Statutory Exemption Section 15262): Environmental Review will be required for adoption of the General Plan Housing Element and Safety Element at the time it is considered by the City Council.

Attachments

1. Professional Services Agreement
Attachment A PlaceWorks Scope of Work

PROFESSIONAL SERVICES AGREEMENT HOUSING AND SAFETY ELEMENT UPDATE

The Housing Continuum



HOUSING ELEMENT

1. Establishes the City's priorities for housing in an 8-year cycle.
2. Mandated by state law and requires approval by the state Housing and Community Development Department (HCD)
3. Jurisdictions in our region are currently implementing their 6th Cycle plans (2021–2029) and gearing up for the 7th Cycle (2029–2037)

MANDATED TOPICS?

HOUSING ELEMENT OVERVIEW: MANDATED TOPICS ADDRESSED IN THE HOUSING ELEMENT

Public
Participation
Process

Review of
Previous Housing
Element Progress

Housing Needs
Assessment

Adequate Sites
Inventory

Financial
Inventory

Constraints
Analysis

Affirmatively
Furthering Fair
Housing

Goals, Policies,
and Programs

PROCESS

- Sacramento Area Council of Governments (SACOG) is kicking off technical working group this month to determine regional housing needs allocation (RHNA).
- SACOG develops a methodology to distribute this target among the region's 28 cities and 6 counties across four income categories (very low, low, moderate, and above moderate).
- Housing Element must be adopted by 2029.

SAFETY ELEMENT

- Required to be updated every 8-years in conjunction with Housing Element schedule.
- New Requirements- (SB 1035) must address climate adaptation and resilience and fire hazards



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PROFESSIONAL SERVICES CONTRACT

1. Placeworks prepared the last Housing Element and is familiar with Colfax.
2. Expert in their field.
3. Limited consultants available so important to get them on board early.



PROPOSED SCOPE OF WORK

- General Plan Housing Element
- General Plan Safety Element
- For an Amount not to Exceed \$224,391.
- No identified grants available for the Housing Element.
- Staff has applied for a Calfire Grant to potentially fund the Safety Element but likely both will be funded by General Fund.



RECOMMENDATION

- Approve a Professional Services Agreement with PlaceWorks for an amount not to exceed \$224,391 to meet the requirements of the 7th Cycle General Plan Housing Element (2029-2037) and also update the City's General Plan Safety Element as required by state law
- Authorize the City Manager or designee to execute all documents incident to this agreement.



April 28, 2026

Kathy Pease, AICP
Planning Consultant
City of Colfax
33 S. Main Street
Colfax, CA 95713

Subject: Proposal to assist the City of Colfax with their 7th Cycle Housing Element and Safety Element updates

Please accept the following submittal as PlaceWorks' proposal to prepare the 7th Cycle Housing Element update and Safety Element update for the City of Colfax.

PlaceWorks is a 100 percent employee-owned planning, design, and environmental consulting firm, with approximately 150 employees in six offices. Serving both public- and private-sector clients throughout the state, PlaceWorks provides comprehensive planning, environmental review, urban design, landscape architecture, community outreach, and Geographic Information Systems (GIS) services. Our talented, multidisciplinary team thrives on working with communities to tackle complex problems and develop workable solutions.

The project team, led by Jennifer Gastelum, bring over 25 years of experience managing Housing Element preparation. Ms. Gastelum will oversee the Housing Element update, with Cynthia Walsh serving as your day-to-day project manager.

PlaceWorks assisted with the City's most recent General Plan, including the 6th cycle Housing Element update and Safety Element update. As a result, we are familiar with Colfax's policies, resources, and opportunities. We will build on this knowledge to ensure the Housing Element and Safety Element update processes are smooth and the final documents reflect the needs and priorities of the community.

The scope, budget, and schedule outlined in this proposal are targeted at ensuring the updated Housing Element meets the required deadline, incorporates new State laws, and will identify adequate sites to accommodate Colfax's 7th Cycle Regional Housing Needs Allocation (RHNA), which has not been determined yet. The Safety Element will reflect the same objectives and a concurrent schedule. We are flexible in our approach and look forward to working with you to refine and finalize our work plan.

Respectfully submitted,

PLACEWORKS

Jennifer Gastelum
Principal



Housing Element Scope of Work

Task 1. Project Management and Kick-Off

TASK 1.1 PROJECT KICK-OFF MEETING

PlaceWorks will prepare for and attend a virtual kick-off meeting to exchange information, refine the scope and schedule, and initiate work. At the meeting we will:

- Determine staff contact protocol
- Review and finalize the scope of work and schedule
- Review Housing Element legal requirements, California Department of Housing and Community Development (HCD) practices, and facilitate responses from HCD review
- Identify stakeholders
- Provide a list of data needs

Task 1.1 Deliverables:

- Kick-off meeting agenda, data needs list, and a list of stakeholders (electronic copies).
- Agenda and notes for subsequent calls with staff (electronic copies).

TASK 1.2 PROJECT MANAGEMENT AND COORDINATION

PlaceWorks will communicate with City staff via phone and email throughout the project. In addition, PlaceWorks' project team will:

- Lead Zoom check-in discussions bimonthly in the early stages, moving to monthly as the project progresses.
- Provide an internet-based folder for all project materials accessible to the City and consultants.
- Reallocate remaining funds to other tasks within the scope when tasks are completed under budget.
- Send draft documents through quality control in advance of submitting to the City for review.
- Act as a liaison to ensure successful communication and coordination with HCD over the course of the project.

Task 1.2 Deliverables:

- Project discussion monthly via Zoom for the first six months then bimonthly for the remaining meetings (assumed 12 check-in meetings).

Task 2. Housing Element Preparation

TASK 2.1 REVIEW OF EXISTING HOUSING ELEMENT

PlaceWorks will work closely with City staff to determine the status, effectiveness, and appropriateness of the 2021-2029 housing programs. We will gather and document all available information regarding specific accomplishments. In addition to reviewing the policy programs for results achieved, we will evaluate each program for compliance with State housing laws and identify and document any omissions or deficiencies.

Findings from the evaluation will be detailed in a table to be included in the draft Housing Element and used as a basis for program revisions for the new planning period.

Task 2.1. Deliverables:

- Review of housing programs will be a section in the administrative draft Housing Element.

TASK 2.2 HOUSING NEEDS ASSESSMENT

PlaceWorks will update the needs analysis pursuant to Government Code Section 65583 with data from the U.S. Census data, American Community Survey, and other relevant sources.

The updated needs analysis will include the following.

- **Population and Demographics:** Population trends and projections, race and ethnicity, and population age.
- **Household Characteristics:** Number, size, and type of existing households and characteristics of lower-income households (including extremely low).
- **Employment and Income:** Employment by industry, occupation of employed residents, and income trends.
- **Housing Stock Characteristics:** Housing types and conditions, overcrowded households, and vacancy rates.
- **Housing Costs and Affordability:** Home sale price trends, rental costs, affordability for households at all income levels, and overpayment.
- **Special Housing Needs:** Special housing needs of persons with disabilities (including persons with developmental disabilities), seniors, large households, and female-headed households.
- **At-Risk Housing:** Inventory and analysis of existing affordable units at risk of converting to market rate during the planning period.
- **Opportunities for Energy Conservation:** Pursuant to Senate Bill (SB) 375 and Assembly Bill (AB) 32, an inventory and analysis of opportunities to encourage the incorporation of energy-saving features, energy-saving materials, and energy-efficient systems and design for residential development.

TASK 2.3 AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) ASSESSMENT

AB 686 requires each city or county to take actions to overcome patterns of segregation, address disparities in housing needs and access to opportunity, and foster inclusive communities. Colfax will need to update their assessment of fair housing practices, examine the relationship of available sites to areas of high opportunity, and include actions to affirmatively advance fair housing. The California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Maps will be included as well as approved HCD maps that are intended to display the areas, according to research, that offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health. Based on these maps, it will be important to demonstrate adequate sites throughout the city and strategies to combat barriers to fair housing for current residents.

TASK 2.4 HOUSING RESOURCES AND OPPORTUNITIES (SITES INVENTORY)

While the RHNA for the Sacramento Area Council of Governments is not currently available, we assume that the City will have sufficient sites to meet the 6th-cycle RHNA. *This scope and budget assume that rezones will not be required to meet the City's RHNA. If rezones are required and the City would like assistance with that process, PlaceWorks can provide a separate scope and budget.* We will work with City staff to create an HCD-approved land inventory that includes current vacant sites.

Task 2.4.1 Housing Parcel Identification Analysis

PlaceWorks will start with the City's 6th cycle sites inventory to determine the remaining sites available for the development of housing. Since the last update, state requirements have become more restrictive so we will focus our efforts on sites larger than 0.5 acres and smaller than 10 acres. We will also inventory approved projects and specific plans that may have available capacity to meet the RHNA.

PlaceWorks will prepare an inventory, map, and analysis clearly illustrating the City's capacity to accommodate the RHNA. In keeping with State law, PlaceWorks will document the realistic development capacity of each site and will prepare a map showing all identified sites.

PlaceWorks will work with the city to determine if the sites identified in the inventory are located throughout the community in a manner that affirmatively furthers fair housing.

Task 2.4.2 Alternative RHNA Opportunities

PlaceWorks will also explore alternative RHNA credits. This will include identifying accessory dwelling unit (ADU) capacity, preservation of existing at-risk affordable housing projects, and other nontraditional RHNA credit opportunities.

PlaceWorks will work with the City to determine if the sites identified in the inventory are located throughout the community in a manner that affirmatively furthers fair housing.

Task 2.4.3 Underutilized Sites Analysis

PlaceWorks will complete an analysis of nonvacant/underutilized sites (these are sites that may currently have an existing structure but have additional capacity to include housing) to address a portion of the RHNA. As part of this analysis, we will analyze the realistic development potential within the planning period by considering the extent that an underutilized/nonvacant site's existing use impedes additional residential development, the jurisdiction's past experience converting existing uses to higher-density residential development, market trends and conditions, and regulatory or other incentives or standards that encourage additional housing development on any nonvacant sites.

Task 2.4.4 Infrastructure Analysis

PlaceWorks will work to determine if parcels in the inventory have sufficient water, sewer, and dry utilities available and accessible to support housing development. We will review existing General Plan programs or other mandatory programs or plans to secure sufficient water, sewer, and dry utilities supply to support

housing development on the site. The analysis will include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient and have capacity to accommodate development on all identified sites to accommodate the RHNA.

Task 2.4.5 Electronic Housing Element Site Inventory Form

Pursuant to SB 6 (Chapter 667, Statutes of 2019), jurisdictions adopting a Housing Element on or after January 1, 2021, must prepare an electronic copy of the final inventory of parcels using HCD-approved Excel spreadsheets that must be submitted to HCD with the adopted Housing Element. PlaceWorks will prepare the electronic land inventory and submit it to HCD upon adoption of the Housing Element.

Task 2.4.6 Financial and Programmatic Resources

PlaceWorks will update financial, physical, and programmatic resources available for affordable housing programs, including local and state funding programs and private-sector resources. We will assess current and potential housing programs to recommend future programs that will support the City's housing objectives.

TASK 2.5 HOUSING CONSTRAINTS

PlaceWorks will update the analysis of potential and actual governmental and nongovernmental constraints to meeting housing needs, including constraints to maintenance, improvement, and development of housing (pursuant to California Government Code Section 65583(a)(4,5)). Potential constraints to be reviewed include any land use controls, fees and exactions, permit processing procedures, building codes and code enforcement, land and construction costs, and the availability of financing. We will identify potential programs and strategies to reduce or remove identified constraints. This task will include all the analysis needed to comply with recent updates to State housing law.

TASK 2.6 HOUSING GOALS, POLICIES, PROGRAMS, AND QUANTIFIED OBJECTIVES

PlaceWorks will rely on the City's existing programs as a starting point and update goals, policies, programs, and quantified objectives (pursuant to California Government Code Sections 65583 et seq.) to address identified housing needs and constraints based on conversations with City staff, information received through public outreach, the analysis of constraints, and findings from the needs assessment. Programs will describe specific steps for implementation and will identify a time frame and responsible department. Programs will address:

- New State requirements.
- Consistency and compliance with any draft General Plan elements and community goals.
- Development controls and regulatory incentives.
- Housing opportunities for all residents, including the elderly, those with disabilities, the homeless, and other special-needs groups.
- Fair housing programs.
- Sources of affordable housing funding.
- Preservation and improvement of existing affordable housing.

- Development of adequate housing and infrastructure to meet the needs of low- and moderate-income households, in keeping with the regional fair-share allocation.
- Mitigation of governmental constraints to providing and improving housing.

Task 2 Deliverables:

- Administrative Draft Housing Element
- Electronic Sites Inventory

Task 3. Public Outreach

Focused and meaningful community engagement is an important part of the Housing Element Update process. Government Code Section 65583(c)(7) requires: “The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” PlaceWorks recommends a community outreach program consistent with State and federal laws to solicit input from all segments of the community, including housing development professionals, residents, businesses, service groups, youth, seniors, and various stakeholders. Flexibility regarding community participation is essential. *PlaceWorks will collaborate with City staff to adjust and customize our community involvement strategy during our initial kick-off meeting.*

TASK 3.1 STAKEHOLDER INTERVIEWS

PlaceWorks has been conducting virtual stakeholder interviews with organizations representing different socioeconomic members of the community to identify housing needs. We have found these consultations to be a valuable way of getting targeted input. We will work with City staff to develop a list of organizations, and we will conduct five phone or email surveys to discuss the issues and housing-related needs of their clients.

Task 3.1 Deliverables:

- Five completed consultations to be included in the Housing Element.

TASK 3.2 COMMUNITY MEETING/CITY COUNCIL STUDY SESSION

The PlaceWorks team proposes one community meeting/City Council study session during the initial drafting of the Housing Element. We will work with staff to determine the best approach for the community meeting, but typically, we hold the meeting to educate the public on the Housing Element process and provide initial findings. We will prepare meeting materials, including PowerPoint presentations, and handout/questionnaire. This presentation will be designed to inform and to ask questions for residents and stakeholders to respond to. Our scope assumes City staff will prepare all staff reports.

Task 3.2 Deliverables:

- Prepare a presentation and a handout/questionnaire for the meeting.
- Summary of findings to incorporate into the Housing Element

TASK 3.3 PUBLIC HEARINGS

We propose holding three public hearings. One meeting with the Planning Commission or City Council prior to submitting the draft Housing Element to HCD and two hearings for adoption, one with Planning Commission and one with the City Council. Our scope assumes City staff will prepare all staff reports.

Task 3.3 Deliverables:

- Attendance at three public meetings
- Information for the staff report
- PowerPoint presentations

Task 4. Draft and Final Housing Element

TASK 4.1 ADMINISTRATIVE DRAFT

PlaceWorks will incorporate the feedback received during the community meetings and stakeholder consultations into a comprehensive, formatted Administrative Draft Housing Element. PlaceWorks will submit the Administrative Draft Housing Element to City staff for review as an electronic copy in Microsoft Word. Any outstanding data still needed from the City will be flagged so it can be addressed during City staff's review. We request that we receive one consolidated set of City comments on the Administrative Draft.

Task 4.1 Deliverables:

- One electronic copy (in MS Word) of the Administrative Draft Housing Element.

TASK 4.2 PUBLIC REVIEW DRAFT

PlaceWorks will address staff comments on the Administrative Draft and reply to any questions. We will incorporate comments and revisions from staff's review of the Administrative Draft, as directed. PlaceWorks will then prepare a Public Review Draft Housing Element to present to City Council. The draft will be posted on the City's website for a 30-day public review period prior to submittal to HCD. If comments are received during that 30-day period, PlaceWorks will take the required 10 days to review and consider all comments received.

Task 4.2 Deliverables:

- One electronic copy (in MS Word and PDF) of the Public Review Draft Housing Element to be posted on the City's website for 30 days at a minimum.

TASK 4.3 HCD REVIEW DRAFT 1

PlaceWorks will address public comments and incorporate them into the Public Review Draft and prepare a draft for submittal to HCD for a 90-day review.

PlaceWorks staff maintain strong working relationships with HCD reviewers. Our staff is very familiar with HCD's processes, staff, and what steps need to be taken to ensure Housing Element certification.

Task 4.3 Deliverables:

- One electronic copy (in MS Word and PDF) and one hard copy of the HCD review draft to send to HCD with a cover letter for review.

TASK 4.4 HCD REVIEW DRAFT 2

PlaceWorks will work with City staff to address HCD's comments and incorporate them into the third Public Review Draft for posting on the City's website for seven days and then for submittal to HCD for an additional 60-day review.

Task 4.4 Deliverables:

- One electronic copy (in MS Word and PDF) and one hard copy of track changes of the HCD Review draft to send to HCD with a cover letter for their 60-day review.

TASK 4.5 ADDRESSING PUBLIC COMMENT

During each release of the document, PlaceWorks will also review public comments and incorporate revisions into the Housing Element as necessary. The budget assumes eight hours of PlaceWorks' time to review and respond to public comments. The budget does not assume preparing a formal response to the commenter.

Task 4.5 Deliverables:

- Eight hours to review and respond to public comments in the Housing Element.

TASK 4.6 FINAL DRAFT AND CERTIFICATION

PlaceWorks will prepare a final Housing Element that incorporates changes to the HCD Draft from City staff, HCD, or public comments. PlaceWorks will submit the final Housing Element to HCD for final certification.

The City will be responsible for submitting the Housing Element to the water/sewer district and Governor's Office of Land Use and Climate Innovation.

Task 4.6 Deliverables:

- Electronic copies and one hard copy of each version (in MS Word and web-supported PDF) of the final draft to the City and to HCD with a cover letter for their 60-day certification review. One clean version and one including all changes made.

TASK 4.7 STATE CERTIFICATION

PlaceWorks staff maintains strong working relationships with HCD reviewers, and because our office is near the HCD office, staff can meet with HCD staff in person as needed. Our staff is very familiar with HCD's processes, HCD staff, and what steps need to be taken to ensure Housing Element certification.

PlaceWorks will serve as the City's liaison to HCD, which will include:

- Responding to comments on the first draft Housing Element from HCD (90-day initial review).
- Responding to comments on the second draft Housing Element from HCD (60-day review).
- Calls and emails with HCD staff to discuss comments.

Task 4. Deliverables:

- One hard copy and one electronic submittal to HCD, including cover letters of the Housing Element with highlighted changes and additions (and printed copies, required by HCD).
- Emails and memoranda to address HCD questions and comments, as needed.
- Memos with proposed revisions to the Housing Element resulting from HCD comments incorporated into the Housing Element in a tracked-changes format for review and approval by City staff.

Task 5. CEQA Compliance**TASK 5.1 EXEMPTION**

Because the changes to the Housing Element and Safety Element are limited to procedural changes and updates to policies necessary to meet State requirements, there are no direct or indirect physical changes to the environment. The California Environmental Quality Act allows an agency to adopt an exemption for projects when it can be seen with certainty that there is no physical change to the environment. In this instance, the changes to the Housing Element are minor, and all future construction is subject to the existing regulations, ordinances, and laws that affect all construction.

Because there is no change to the environment, the commonsense exemption would apply. Section 15061(3) of the CEQA Guidelines states “The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” In this context, the local jurisdiction would determine that the proposed Housing Element is a project as defined by CEQA, but that there is no possibility that the project would result in a significant effect on the environment and therefore qualifies for the commonsense exemption. PlaceWorks would provide a short memorandum to accompany the exemption explaining the changes proposed in the Housing Element and why there would be no impact. The memorandum and the exemption would accompany the staff report for the project. One administrative draft and one public draft of the document will be prepared.

TASK 5.2 SB 18 TRIBAL CONSULTATIONS

PlaceWorks will complete the California Native American Heritage Commission (NAHC) online form requesting a tribal contact list. Using the addresses on the list from NAHC, PlaceWorks will draft letters (on City letterhead) to each of the tribes on the NAHC list inquiring whether they want consultation. City staff will be responsible for completing any requested consultations. Completion of the SB 18 process is needed prior to acting on the project.

Task 5.2. Deliverables:

- SB 18 Tribal Consultation Letters

Safety Element Scope of Work

Task 6. Safety Element Update

PlaceWorks will prepare an update to the Colfax Safety Element, which was adopted in 2023 and which PlaceWorks helped the City to prepare. Colfax must review and update its Safety Element as needed upon revisions to the Housing Element or local hazard mitigation plan, or at least once every eight years, per California Government Code Section 65302(g)(6). Given the recent nature of the adopted Safety Element, we expect that this update will be limited and focused to incorporate recent changes in State law, updated local and regional plans that are relevant to safety and hazard issues, and any changes in community needs and priorities.

TASK 6.1 REVIEW OF EXISTING SAFETY ELEMENT

We will begin by conducting a detailed review of the adopted Safety Element to check it against current State requirements, and to confirm the relevance and status of the adopted policies and implementation measures. Our review and recommendations will be provided as Word documents with tracked changes.

TASK 6.2 UPDATES TO VULNERABILITY ASSESSMENT

We will review and update the Climate Change Vulnerability section of the Safety Element and the underlying Vulnerability Assessment, to incorporate new information from the California Fifth Climate Change Assessment, expected out in 2026. Any updates are expected to be minor, as we do not expect the overall nature of the findings and results to change.

TASK 6.3 ADMINISTRATIVE DRAFT SAFETY ELEMENT

Based on a preliminary review of the adopted Safety Element, we expect to make the following changes:

- We will review and update references to the Hazard Mitigation Plan, as needed, to incorporate the latest version of the Placer County Hazard Mitigation Plan and the City of Colfax Annex. This document is currently in draft form and is set to be adopted by the end of 2026.
- We will incorporate any relevant findings, policy recommendations, and mapping changes from the Placer County Evacuation & Transportation Resiliency Plan, to meet the requirements of Section 65302.15 of the California Government Code and ensure continued compliance with California Government Code Section 65302(g)(5). This plan is currently in development, led by the Placer County Transportation Planning Agency and Placer County Office of Emergency Services, with Colfax as a key stakeholder and member of the project development team, and is expected to be finalized in 2026.
- We will review the discussions of natural hazards and update as needed to account for hazard events and new data since 2023.
- We will update the Fire Hazard Severity Zone discussion and mapping to incorporate changes to Local Responsibility Area mapping adopted by the City in 2025.

Scope of Work

- We will review any other recent updates to hazard mapping and other datasets, and incorporate new mapping data as needed since 2023.
- We will revise text and policies to treat extreme heat as a separate hazard rather than grouping it under the “Additional Climate Change Hazards” section. We feel that this approach will better support the City to comply with the requirements of California Government Code Section 65302.01, which becomes effective on January 1, 2028.
- Finally, we will review all policies and implementation measures and update as needed to reflect changes since 2023 and to ensure conformance with California Government Code requirements. As described previously, these revisions will include incorporating any policy concepts informed by the Placer County Evacuation & Transportation Resiliency Plan, adding and revising wildfire policies and implementation measures to match current CAL FIRE recommendations and changes to the Local Responsibility Area map, expanding the extreme heat policies and implementation measures, addressing any changes to the Vulnerability Assessment, and making other changes in response to community priorities and recent best practices.

Based on the results of these analyses and updates, we will prepare a revised version of the Safety Element, including any mapping changes. We will prepare an administrative draft for City staff review.

TASK 6.4 SCREENCHECK AND PUBLIC REVIEW SAFETY ELEMENT

We will prepare a screencheck and public review draft of the updated Safety Element.

TASK 6.5 FINAL SAFETY ELEMENT

We will prepare a final version of the Safety Element. We will also prepare a redline version showing changes from the adopted draft along with a “clean” draft.

TASK 6.6 STATE AND REGIONAL AGENCY REVIEW

Sections of Colfax are currently identified as a Very High Fire Hazard Severity Zone, and so State law requires that Colfax submit its draft Safety Element to CAL FIRE for review at least 90 days prior to adoption. Additionally, State law requires that the City submit the draft element to the California Geological Survey and to the California Governor’s Office of Emergency Services for their review at least 45 days prior to adoption. PlaceWorks will submit the draft element to these agencies, likely at the time that the draft is released for public review, and will coordinate with City and State staff on any recommended edits. PlaceWorks can also assist with review by local and regional agencies, such as the Placer County Fire Department, the Placer County Sheriff’s Office, Placer County Flood Control & Water Conservation District, and others as appropriate.

TASK 6.7 SUPPORT FOR ADOPTION HEARINGS AND STUDY SESSIONS (3)

PlaceWorks staff can also support study sessions and hearings for the Safety Element, which we expect would occur in conjunction with the Housing Element. We anticipate up to three meetings, which would allow for a public hearing by the Planning Commission and City Council, along with a third meeting that could be used for

an additional hearing or study session in advance of the public hearings. We can prepare or review materials for these meetings, such as presentations and staff reports, and can participate in these meetings to give a presentation and answer questions. We anticipate that the Safety Element project manager will participate in three in-person meetings.

TASK 6.8 PROJECT MANAGEMENT

PlaceWorks will communicate with City staff via phone and email throughout the project.

Task 6 Deliverables:

- Review of adopted Safety Element and memo summarizing recommendations for revisions (electronic, draft and final)
- Updates to Vulnerability Assessment scoring, as needed (electronic, draft and final)
- Revised maps and underlying geo-datasets (electronic, draft and final)
- Updated Safety Element (electronic, administrative draft, screencheck draft, public draft, and final draft)
- Support for staff reports and presentations for up to three public hearings/study sessions

Task 7. Community Engagement

While we expect that the Housing Element will attract the majority of attention and interest from members of the public, we believe that it is important to inform community members about the Safety Element update and to ensure that the Safety Element reflects their input, goals, and priorities. Members of the Safety Element team can assist with community engagement activities.

TASK 7.1 COMMUNITY ENGAGEMENT MATERIAL SUPPORT

We can prepare materials on the Safety Element update, such as workshop boards and interactive materials, flyers and handouts, website and social media content, and presentations.

TASK 7.2 COMMUNITY ENGAGEMENT MEETING ATTENDANCE

We expect that any community meetings on the Safety Element will occur as joint workshops with the Housing Element, and that one member of the Safety Element team will attend along with members of the Housing Element team and City staff. We anticipate that there will be two in-person workshops, but are able to participate virtually if preferred. We can participate in additional workshops if desired on a time-and-materials basis.

Task 7 Deliverables:

- Materials for workshops
- Attendance of one staff member at up to two workshops

Cost Estimate

As shown in Table 1, the estimated cost to complete the scope of work described in this proposal is \$224,391. The billing rates for each team member are included in Table 2. PlaceWorks bills for its work on a time-and-materials basis with monthly invoices.

The proposed budget assumes that the Safety Element update occurs in parallel with the update to the Housing Element, and that the workshops and public hearings/study sessions are joint efforts. This approach allows us to be more efficient by conducting some work for both documents at the same time and lets the two documents better inform each other (for example, by screening the housing opportunity sites for exposure to hazards and any evacuation constraints).

This scope of work and cost estimate assumes that:

- Our cost estimate includes the meetings described previously. Additional meetings would be billed on a time-and-materials basis.
- All products will be submitted to the City in electronic (PDF) format.
- City staff will be responsible for meeting logistics, including schedule coordination, document production, printing notices, mailing costs, room reservations, room set-up and take-down, and refreshments.

Table 1. Cost Estimate

TASK		COST
HOUSING ELEMENT		
TASK 1. Project Management and Kick-off		
1.1	Project Kick-off	\$2,770
1.2	Project Management and Coordination	\$15,810
Task 1. Subtotal		\$18,580
TASK 2. Housing Element Preparation		
2.1	Review of Existing Housing Element	\$4,410
2.2	Housing Needs Assessment	\$7,600
2.3	Fair Housing Assessment	\$10,760
2.4	Housing Resources and Opportunities	--
2.4.1	Housing Parcel Identification Analysis	\$7,260
2.4.2	Alternative RHNA Opportunities	\$1,560
2.4.3	Underutilized Sites Analysis	\$3,495
2.4.4	Infrastructure Analysis	\$2,470
2.4.5	Electronic Housing Element Site Inventory	\$2,135
2.4.6	Financial and Programmatic Resources	\$1,030
2.5	Housing Constraints	\$4,920
2.6	Housing Goals, Policies, Programs, and Quantified Objectives	\$5,330
Task 2. Subtotal		\$50,970

Schedule and Cost Estimate

Table 1. Cost Estimate

TASK		COST
TASK 3. Public Outreach		
3.1	Stakeholder Interviews (5)	\$3,860
3.2	Community Meeting/City Council Study Session	\$9,130
3.3	Public Hearings (3)	\$8,860
<i>Task 3. Subtotal</i>		<i>\$21,850</i>
TASK 4. Prepare and Finalize Housing Element		
4.1	Administrative Draft	\$8,220
4.2	Public Review Draft	\$6,300
4.3	HCD Review Draft 1	\$4,740
4.4	HCD Review Draft 2	\$4,930
4.5	Addressing Public Comment	\$2,570
4.6	Final Adoption and Certification	\$4,320
4.7	State Certification	\$11,420
<i>Task 4. Subtotal</i>		<i>\$42,500</i>
TASK 5. Environmental Review		
5.1	Exemption	\$5,520
5.2	SB 18 Tribal Consultation	\$1,595
<i>Task 5. Subtotal</i>		<i>\$7,115</i>
HOUSING ELEMENT TOTAL		<i>\$141,015</i>
SAFETY ELEMENT		
TASK 6. Safety Element		
6.1	Review of Existing Safety Element	\$3,110
6.2	Updates to Vulnerability Assessment	\$3,690
6.3	Administrative Draft Safety Element	\$13,550
6.4	Screencheck and Public Review Safety Element	\$8,250
6.5	Final Safety Element	\$3,940
6.6	State and Regional Agency Review	\$3,660
6.7	Support for Adoption Hearings and Study Sessions (3)	\$15,280
6.8	Project Management	\$10,840
<i>Task 1. Subtotal</i>		<i>\$62,320</i>
TASK 7. Community Engagement		
7.1	Community Engagement Material Support	\$15,000
7.2	Community Engagement Meeting Attendance (2)	\$3,040
<i>Task 2. Subtotal</i>		<i>\$18,040</i>
SAFETY ELEMENT TOTAL		<i>\$80,360</i>
<i>Expenses</i>		<i>\$3,016</i>
GRAND TOTAL		\$224,391

Schedule and Cost Estimate

Table 2. PlaceWorks – 2026 Standard Fee Schedule

STAFF LEVEL	HOURLY BILL RATE
Principal	\$210-\$345
Associate Principal	\$220-\$295
Senior Associate II	\$200-\$280
Senior Associate I	\$160-\$240
Associate II	\$165-\$210
Associate I	\$150-\$195
Project Planner	\$125-\$185
Planner	\$90-\$165
Graphics Specialist	\$90-\$175
Administrator	\$145-\$250
Clerical/Word Processing/Technical Editor	\$75-\$175
Intern	\$80-\$135

Subconsultants are billed at cost plus 10%.

Mileage reimbursement rate is the standard IRS-approved rate.

Possible Yearly Increase of 5% on bill rates.

Proposed Schedule

PlaceWorks assumes the following schedule to prepare the Housing Element for Colfax, the Safety Element will follow the same schedule and be adopted at the same time. This assumes two rounds of review with HCD prior to adoption of the Housing Element. We anticipate a total project timeframe of approximately 18 months, as a longer timeframe may require additional budget for project administration and coordination.

Tasks	2027			2028												2029				
	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May
Task 1. Project Management and Kick off																				
1.1 Project Kick off	*																			
1.2 Project Management																				
Task 2. Housing Element Preparation																				
2.1 Review of the Existing Housing Element																				
2.2 Housing Needs Assessment																				
2.3 Fair Housing Assessment																				
2.4 Housing Resources and Opportunities																				
2.4.1 Housing Parcel Identification Analysis																				
2.4.2 Alternative RHNA Opportunities																				
2.4.3 Underutilized Sites Analysis																				
2.4.4 Infrastructure Analysis																				
2.4.5 Electronic Housing Element Site Inventory Form																				
2.4.6 Financial and Programmatic Resources																				
2.5 Housing Constraints																				
2.6 Goals, Policies, Programs, and Quantified Objectives																				
Task 3. Public Outreach																				
3.1 Stakeholder Interviews (5)																				
3.2 Community Meeting/City Council Study Session					*															
3.3 Public Hearings (3) in-person									*										*	*
Task 4. Draft and Final Housing Element																				
4.1 Administrative Draft																				
4.2 Public Review Draft																				
4.3 HCD Review Draft 1																				
4.4 HCD Review Draft 2																				
4.5 Addressing Public Comment																				
4.6 Final Draft and Certification																				
4.7 State Certification											*			*			*			
Task 5. Environmental Review																				
5.1 Exemption																				
5.2 SB 18 Tribal Consultations																				
Task 6. Safety Element Update																				
6.1 Review of Existing Safety Element																				
6.2 Updates to Vulnerability Assessment																				
6.3 Administrative Draft Safety Element																				
6.4 Screencheck and Public Safety Element																				
6.5 Final Safety Element																				
6.6 State and Regional Agency Review																				
6.7 Support for Adoption Hearings and Study Sessions (3)					*										*				*	*
6.8 Project Management																				
Task 7. Community Engagement																				
7.1 Community Engagement Material Support																				
7.2 Community Engagement Meeting Attendance					*														*	*

Agreement No

Project Title:

Fiscal Year:

PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES

(City of Colfax / PlaceWorks)

1. IDENTIFICATION

This PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Colfax, a California municipal corporation (“City”), and PlaceWorks Inc., a California corporation (“Consultant”) (collectively, “parties”).

2. RECITALS

- 2.1. City has determined that it requires the professional services from a consultant for preparation of the state-mandated General Plan Housing Element and Safety Elements as described further in **Exhibit A** to this agreement.
- 2.2. Consultant was selected by the City to perform those services.
- 2.3. Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.
- 2.4. Consultant represents that it has no known relationships with third parties, City Council members, or employees of City which would (1) present a conflict of interest with the rendering of services under this Agreement under California Government Code Section 1090, the Political Reform Act (Government Code Section 81000 *et seq.*), or other applicable law, (2) prevent Consultant from performing the terms of this Agreement, or (3) present a significant opportunity for the disclosure of confidential information.
- 2.5. CITY has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant shall perform in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant’s work by City shall not operate as a waiver or release. Consultant represents and warrants to City that (a) it has all licenses, permits, qualifications, insurance and approvals of whatever nature which are legally required for Consultant to practice its profession, and (b) it shall, at its sole cost, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for Consultant to practice its profession. Consultant shall

indemnify and hold harmless the City from and against any and all claims or expenses caused or occasioned directly or indirectly by Consultant's failure to so perform.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

3. DEFINITIONS

- 3.1. "Scope of Services": Such professional services as are set forth in Consultant's **April 28, 2026**, proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2. "Agreement Administrator": The Agreement Administrator for this project is Kathy Pease, AICP Planning Consultant. The Agreement Administrator shall be the principal point of contact at the City for this project. All services under this Agreement shall be performed at the request of the Agreement Administrator. The Agreement Administrator will establish the timetable for completion of services and any interim milestones. City reserves the right to change this designation upon written notice to Consultant.
- 3.3. "Approved Fee Schedule": Consultant's compensation rates are set forth in the fee schedule shown in Table 1 of the Scope of Services and incorporated herein by this reference. This fee schedule shall remain in effect for the duration of this Agreement unless modified in writing by mutual agreement of the parties.
- 3.4. "Maximum Amount": The highest total compensation and costs payable to Consultant by City under this Agreement. The Maximum Amount under this Agreement is two hundred twenty-four thousand, three hundred ninety-one dollars (\$224,391)
- 3.5. "Commencement Date": September 1, 2026
- 3.6. "Termination Date": July 30, 2029

4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Termination Date unless extended by written agreement of the parties or terminated earlier under Section 16 ("Termination") below. Consultant may request extensions of time to perform the services required hereunder. Such extensions shall be effective if authorized in advance by City in writing and incorporated in written amendments to this Agreement.

5. CONSULTANT'S DUTIES

- 5.1. **Services.** Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such

changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement.

- 5.2. **Coordination with City.** In performing services under this Agreement, Consultant shall coordinate all contact with City through its Agreement Administrator. All changes and/or extra work shall be performed and paid for in accordance with the following:

5.2.1. Only the City Manager or City Council may authorize extra and/or changed work. Consultant expressly recognizes that other City personnel are without authorization to either order extra and/or changed work or waive contract requirements. Failure of Consultant to secure the Council's or City Manager's authorization for such extra and/or changed work shall constitute a waiver of any and all right to adjustment in contract price due to such unauthorized work and Consultant thereafter shall be entitled to no compensation whatsoever for performance of such work.

5.2.2. If the Consultant is of the opinion that any work s/he has been directed to perform is beyond the scope of this Agreement and constitutes extra work, s/he shall promptly notify the City of the fact. The City shall make a determination as to whether or not such work is, in fact, beyond the scope of this Agreement and constitutes extra work. In the event that the City determines that such work does constitute extra work, it shall provide extra compensation to the Consultant on a fair and equitable basis. A Supplemental Agreement providing for such compensation for extra work shall be negotiated between the City and the Consultant. Such Supplemental Agreement shall be executed by the Consultant and be approved by the City Manager.

5.2.3. In the event City determines that such work does not constitute extra work, Consultant shall not be paid extra compensation above that provided herein and if such determination is made by City staff, said determination may be appealed to the City Council as long as a written appeal is submitted to the City Manager within five (5) days after the staff's determination is received by the Consultant. Said written appeal shall include a description of each and every ground upon which Consultant challenges the staff's determination. The City Council's decision shall be final.

- 5.3. **Budgetary Notification.** Consultant shall notify the Agreement Administrator, in writing, when fees and expenses incurred under this Agreement have reached eighty percent (80%) of the maximum amount. Consultant shall concurrently inform the Agreement Administrator, in writing, of Consultant's estimate of total expenditures required to complete its current assignments before proceeding, when the remaining work on such assignments would exceed the Maximum Amount.

- 5.4. **Business License.** Consultant shall obtain and maintain in force a City business license for the duration of this Agreement.
- 5.5. **Professional Standards.** Consultant shall perform all work to the highest standards of Consultant's profession and in a manner reasonably satisfactory to City. Consultant shall keep itself fully informed of and in compliance with all local, state, and federal laws, rules, and regulations in any manner affecting the performance of this Agreement, including all Cal/OSHA requirements, the conflict-of-interest provisions of California Government Code Section 1090 and the Political Reform Act (Government Code § 81000 et seq.).
- 5.6. **Campaign Contributions.** This Agreement is subject to Government Code section 84308, as amended by Senate Bill 1439 (2022), Senate Bill 1181 (2024), and Senate Bill 1243 (2024). Consultant shall disclose any contribution to an elected or appointed City official's campaign or committee in an amount of more than five hundred dollars (\$500) made within 12 months preceding the Commencement Date, by Consultant, its, her, or his agent, or another party affiliated with Consultant. Consultant shall provide a signed copy of the attached Campaign Contribution Disclosure Form to City prior to, or concurrent with, Consultant's execution of this Agreement and no later than the Commencement Date.
- 5.7. **Avoid Conflicts.** During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if such work would present a conflict interfering with performance under this Agreement. However, City may consent in writing to Consultant's performance of such work.
- 5.8. **Appropriate Personnel.** Consultant has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. Kathy Pease, Planning Consultant, Management Advisory Services shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.
- 5.9. **Prevailing Wages.** This Agreement is subject to the Prevailing Wage Laws, as more fully set forth in Section 8 (Labor Code), for all work performed under this Agreement for which the payment of prevailing wages is required under state law. In particular, Consultant acknowledges that prevailing wage determinations are available for work performed under this Agreement.
- 5.10. **Substitution of Personnel.** Any persons named in the proposal or Scope of Services constitutes a promise to the City that those persons will perform and coordinate their respective services under this Agreement. Should one or more such personnel become

unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. If City and Consultant cannot agree to the substitution of key personnel, City may terminate this Agreement for cause.

- 5.11. **Permits and Approvals.** Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary, if any, for Consultant's performance of this Agreement including, but not limited to, professional licenses and permits.
- 5.12. **Notification of Organizational Changes.** Consultant shall notify the Agreement Administrator, in writing, of any change in name, ownership or control of Consultant's firm or of any subconsultant. Change of ownership or control of Consultant's firm may require an amendment to this Agreement.
- 5.13. **Inspection Services.** In the event Consultant will perform inspection services, City or authorized representatives of the City shall have the right to inspect the work of such services whenever such representatives may deem such inspection to be desirable or necessary. Inspections by the City do not in any way relieve or minimize the responsibility of Consultant to conduct the inspections Consultant has expressly agreed to perform pursuant to this agreement. Consultant shall be solely liable for said inspections performed by Consultant. Consultant shall certify in writing to the City as to the completeness and acceptability of each inspection of improvement or construction which Consultant agrees to inspect hereunder.
- 5.14. **Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of City. In addition, pursuant to California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under this Agreement.

6. SUBCONTRACTING

- 6.1. **General Prohibition.** This Agreement covers professional services of a specific and unique nature. Except as otherwise provided herein, Consultant shall not assign or transfer its interest in this Agreement or subcontract any services to be performed without amending this Agreement.
- 6.2. **Consultant Responsible.** Consultant shall be responsible to City for all services to be performed under this Agreement.

Professional Services Agreement – Consultant
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Approved for Use: 1/1/2025

- 6.3. **Identification in Fee Schedule.** All subconsultant shall be specifically listed and their billing rates identified in the Approved Fee Schedule, shown in Table 1 of the Scope of Services. Any changes must be approved by the Agreement Administrator in writing as an amendment to this Agreement.
- 6.4. **Compensation for Subconsultants.** City shall pay Consultant for work performed by its subconsultants, if any, only at Consultant's actual cost plus an approved mark-up as set forth in the Approved Fee Schedule, shown in Table 1 of the Scope of Services. Consultant shall be liable and accountable for any and all payments, compensation, and federal and state taxes to all subconsultants performing services under this Agreement. City shall not be liable for any payment, compensation, or federal and state taxes for any subconsultants.

7. COMPENSATION

- 7.1. **General.** City agrees to compensate Consultant for the services provided under this Agreement and Consultant agrees to accept payment in accordance with the Approved Fee Schedule, as shown in Table 1 in the Scope of Services in full satisfaction for such services. Compensation shall not exceed the Maximum Amount. Consultant shall not be reimbursed for any expenses unless provided for in this Agreement or authorized in writing by City in advance.
- 7.2. **Invoices.** Consultant shall submit to City an invoice, on a monthly basis or as otherwise agreed to by the Agreement Administrator, for services performed pursuant to this Agreement. Each invoice shall identify the Maximum Amount, the services rendered during the billing period, the amount due for the invoice, and the total amount previously invoiced. The City will seek to pay the invoice within 30 days of receipt and processing.
- 7.3. **Taxes.** City shall not withhold applicable taxes or other payroll deductions from payments made to Consultant except as otherwise required by law. Consultant shall be solely responsible for calculating, withholding, and paying all taxes.
- 7.4. **Disputes.** The parties agree to meet and confer at mutually agreeable times to resolve any disputed amounts contained in an invoice submitted by Consultant.
- 7.5. **Additional Work.** Consultant shall not be reimbursed for any expenses incurred for work performed outside the Scope of Services unless prior written approval is given by the City through a fully executed written amendment. Consultant shall not undertake any such work without prior written approval of the City.
- 7.6. **City Satisfaction as Precondition to Payment.** Notwithstanding any other terms of this Agreement, no payments shall be made to Consultant until City is satisfied that the services are satisfactory.

- 7.7. **Right to Withhold Payments.** If Consultant fails to provide a deposit or promptly satisfy an indemnity obligation described in Section 11, City shall have the right to withhold payments under this Agreement to offset that amount.

8. PREVAILING WAGES

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects including, but not limited to, the design and preconstruction phases of a covered public works project. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

9. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material, including without limitation copies thereof, digital originals, and digital copies (“written products” herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City except as provided by law. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

10. RELATIONSHIP OF PARTIES

- 10.1. **General.** Consultant is, and shall at all times remain as to City, a wholly independent contractor.
- 10.2. **No Agent Authority.** Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Consultant, its officers, employees and agents shall not have any power to bind or commit the City to any decision or course of action, and Consultant, its officers, employees and agents shall not represent to any person or party that it or they are acting as agents of the City or that it or they have the power to bind or commit the City. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant’s employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.
- 10.3. **Independent Contractor Status.** Under no circumstances shall Consultant or its employees look to the City as an employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this independent contractor relationship on Consultant’s previously earned California Public Employees Retirement System (“CalPERS”) retirement benefits, if any, and Consultant

specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation, and other applicable federal and state taxes.

- 10.4. **Indemnification of CalPERS Determination.** In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Consultant or its employees, agents, or subconsultants, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

11. INDEMNIFICATION

- 11.1 **Definitions.** For purposes of this Section 11, "Consultant" shall include Consultant, its officers, employees, servants, agents, or subconsultants, or anyone directly or indirectly employed by either Consultant or its subconsultants, in the performance of this Agreement. "City" shall include City, its officers, agents, employees and volunteers.
- 11.2 **Consultant to Indemnify City.** To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and defend City from and against any and all claims, losses, costs or expenses for any personal injury or property damage arising out of or in connection with Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or failure to comply with any provision in this Agreement.
- 11.3 **Scope of Indemnity.** Personal injury shall include injury or damage due to death or injury to any person. Property damage shall include injury to any personal or real property. Consultant shall not be required to indemnify City for such loss or damage as is caused by the negligence or willful misconduct of the City. Subconsultant's obligation to defend any indemnified parties from claims covered by professional liability shall mean subconsultant's legal obligation is to reimburse the indemnified parties for their reasonable defense costs to the extent caused by subconsultant's negligence.
- 11.4 **Attorneys Fees.** Such costs and expenses shall include reasonable attorneys' fees for counsel of City's choice, expert fees and all other costs and fees of litigation. Consultant shall not be entitled to any refund of attorneys' fees, defense costs or expenses in the event that it is adjudicated to have been non-negligent.
- 11.5 **Defense Deposit.** The City may request a deposit for defense costs from Consultant with respect to a claim. If the City requests a defense deposit, Consultant shall provide it within 15 days of the request.

- 11.6 **Waiver of Statutory Immunity.** The obligations of Consultant under this Section 11 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City.
- 11.7 **Indemnification by Subconsultants.** Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 11 from each and every subconsultant or any other person or entity involved in the performance of this Agreement on Consultant's behalf.
- 11.8 **Insurance Not a Substitute.** City does not waive any indemnity rights by accepting any insurance policy or certificate required pursuant to this Agreement. Consultant's indemnification obligations apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

12. INSURANCE

- 12.1. **Insurance Required.** Consultant shall maintain insurance as described in this Section and shall require all of its subconsultants, consultants, and other agents to do the same. Approval of the insurance by the City shall not relieve or decrease any liability of Consultant. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.
- 12.2. **Documentation of Insurance.** City will not execute this agreement until it has received a complete set of all required documentation of insurance coverage. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. Consultant shall file with City:
- Certificate of Insurance, indicating companies acceptable to City, with a Best's Rating of no less than A:VII showing. The Certificate of Insurance must include the following reference: City of Colfax Housing and Safety Element Update.
 - Documentation of Best's rating acceptable to the City.
 - Original endorsements effecting coverage for all policies required by this Agreement.
 - Complete, certified copies of all required insurance policies, including endorsements affecting the coverage.
- 12.3. **Coverage Amounts.** Insurance coverage shall be at least in the following minimum amounts:

Professional Liability Insurance: \$1,000,000 per occurrence \$2,000,000 aggregate

General Liability:	\$1,000,000 per occurrence \$2,000,000 aggregate \$2,000,000 Products Comp/Op Aggregate \$1,000,000 Personal & Advertising Injury \$ 50,000 Fire Damage (any one fire) \$ 5,000 Medical Expense (any 1 person)
Workers' Compensation:	\$1,000,000 EL Each Accident \$1,000,000 EL Disease - Policy Limit \$1,000,000 EL Disease - Each Employee
Automobile Liability	\$1,000,000 Any vehicle, combined single limit

Any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be the greater of (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured

- 12.4. **General Liability Insurance.** Commercial General Liability Insurance shall be no less broad than Insurance Services Office (ISO) Form CG 00 01. Coverage must be on a standard Occurrence form. Claims-Made, modified, limited or restricted Occurrence forms are not acceptable.
- 12.5. **Worker's Compensation Insurance.** Consultant is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to carry Workers' Compensation (or to undertake equivalent self-insurance), and Consultant will comply with such provisions before commencing the performance of the work of this Agreement. If such insurance is underwritten by any agency other than the State Compensation Fund, such agency shall be a company authorized to do business in the State of California.
- 12.6. **Automobile Liability Insurance.** ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9).
- 12.7. **Professional Liability Insurance or Errors & Omissions Coverage.** The deductible or self-insured retention may not exceed \$50,000. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work. Coverage shall be continued for two years after the completion of the work by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement. In the event Consultant's policy is a "claims made" policy only covering those claims made during the policy period, then

Consultant agrees to maintain the professional liability insurance required hereunder and with respect to this project in effect for at least three (3) years after acceptance of the work.

- 12.8. **Claims-Made Policies.** If any of the required policies provide coverage on a claims-made basis the Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work. Claims-Made Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase “extended reporting” coverage for a minimum of five (5) years after completion of contract work.
- 12.9. **Additional Insured Endorsements.** The City, its City Council, Commissions, officers, and employees of the City of Colfax must be endorsed as an additional insured for each policy required herein, other than Professional Errors and Omissions and Worker’s Compensation, for liability arising out of ongoing and completed operations by or on behalf of the Consultant. Consultant’s insurance policies shall be primary as respects any claims related to or as the result of the Consultant’s work. Any insurance, pooled coverage or self-insurance maintained by the City, its elected or appointed officials, directors, officers, agents, employees, volunteers, or consultants shall be non-contributory. All endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. General liability coverage can be provided using an endorsement to the Consultant’s insurance at least as broad as ISO Form CG 20 10.
- 12.10. **Failure to Maintain Coverage.** In the event any policy is canceled prior to the completion of the project and the Consultant does not furnish a new certificate of insurance prior to cancellation, City has the right, but not the duty, to obtain the required insurance and deduct the premium(s) from any amounts due the Consultant under this Agreement. Failure of the Consultant to maintain the insurance required by this Agreement, or to comply with any of the requirements of this Section, shall constitute a material breach of this Agreement.
- 12.11. **Notices.** Consultant shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. Consultant shall provide no less than 30 days’ notice of any cancellation or material change to policies required by this Agreement. Consultant shall provide proof that cancelled or expired policies of insurance have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages. The name and address for Additional Insured Endorsements, Certificates of Insurance and Notices of Cancellation is: City of Colfax, Attn: Catrina Olsen, Accounting 33 S. Main Street, Colfax, CA 95713.

- 12.12. **Consultant's Insurance Primary.** The insurance provided by Consultant, including all endorsements, shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 12.13. **Waiver of Subrogation.** Consultant hereby waives all rights of subrogation against the City. Consultant shall additionally waive such rights either by endorsement to each policy or provide proof of such waiver in the policy itself.
- 12.14. **Report of Claims to City.** Consultant shall report to the City, in addition to the Consultant's insurer, any and all insurance claims submitted to Consultant's insurer in connection with the services under this Agreement.
- 12.15. **Premium Payments and Deductibles.** Consultant must disclose all deductibles and self-insured retention amounts to the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within retention amounts. Ultimately, City must approve all such amounts prior to execution of this Agreement.
- City has no obligation to pay any premiums, assessments, or deductibles under any policy required in this Agreement. Consultant shall be responsible for all premiums and deductibles in all of Consultant's insurance policies. The amount of deductibles for insurance coverage required herein are subject to City's approval.
- 12.16. **Duty to Defend and Indemnify.** Consultant's duties to defend and indemnify City under this Agreement shall not be limited by the foregoing insurance requirements and shall survive the expiration of this Agreement.

13. MUTUAL COOPERATION

- 13.1. **City Cooperation in Performance.** City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.
- 13.2. **Consultant Cooperation in Defense of Claims.** If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

14. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to

such other addresses as the parties may, from time to time, designate in writing); or (iii) the day of delivery if emailed to the email address listed below and simultaneously deposited in the U.S. mail, postage prepaid, to the address(es) listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

City of Colfax
Planning Division
33 S. Main Street
Colfax, CA 95713
Telephone: (530) 346-2313
Email: planning@colfax-ca.gov

If to Consultant:

Jennifer Gastelum, Principal
[101 Parkshore Drive, Suite 200
Folsom, CA 95630
Telephone: (916) 245-7500
Email: jgastelum@placeworks.com

With courtesy copy to:

Conor W. Harkins, City Attorney
Colantuono, Highsmith & Whatley, PC
420 Sierra College Drive, Suite 140
Grass Valley, CA 95945-5091
Phone (530) 432-7357
Email: CHarkins@chwlaw.us

15. SURVIVING COVENANTS

The parties agree that the covenants contained in Section 5.11 (Records), Section 10.4 (Indemnification of CalPERS Determination), Section 11 (Indemnification), Section 12.8 (Claims-Made Policies), Section 13.2 (Consultant Cooperation in Defense of Claims), and Section 18.1 (Confidentiality) of this Agreement shall survive the expiration or termination of this Agreement, subject to the provisions and limitations of this Agreement and all otherwise applicable statutes of limitations and repose.

16. TERMINATION

- 16.1. **City Termination.** The City may, in its sole and unfettered discretion and without cause, terminate this Agreement at any time prior to completion by Consultant of the services required. Notice of Termination of this Agreement shall be given in writing to Consultant and shall be sufficient and complete when same is emailed to Consultant and simultaneously deposited in the United States mail postage prepaid and certified, addressed as set forth in Section 14 of this Agreement. The Agreement shall be terminated upon receipt of the Notice of Termination by Consultant. If City should terminate this Agreement, the Consultant shall be compensated for all work satisfactorily performed prior to time of receipt of termination notice, and shall be compensated for materials ordered by the Consultant or his/her employees, or services of others ordered by the Consultant or his/her employees prior to receipt of Notice of

Termination whether or not such materials or final instruments of services of others have actually been delivered, provided that the Consultant or its employees are not able to cancel such orders for materials or services of others. Compensation for the Consultant in the event of termination by the City shall be determined by the City Manager in accordance with the percentage of project completed. In the event that this Agreement is terminated pursuant to this Section 16.1, Consultant shall not be entitled to any additional compensation over that provided herein; nor shall Consultant be entitled to payment for any alleged damages or injuries (including lost opportunity damages) purportedly caused by the termination of this Agreement by the City pursuant hereto.

- 16.2. **Consultant Termination.** Consultant may terminate this Agreement upon thirty (30) days written notice to the City only for good cause. Consultant's written notice of termination shall contain a full explanation of the facts and circumstances constituting good cause. In the event of termination, all notes, sketches, computations, drawings and specifications, or other data, whether complete or not, produced through the time of the City's last payment shall be relinquished to the City. The City may, at its own expense, make copies or extract information from any such notes, sketches, computations, drawings, and specifications, or other data whether complete or not.
- 16.3. **Consultant Failure to Perform.** Should the Consultant fail to perform any of its obligations hereunder, within the time and in the manner provided or otherwise violate any of the terms of this Agreement, the City may terminate this Agreement by giving written notice of such termination, stating the reasons for such termination in such event. Consultant shall be compensated as above, provided, however, there shall be deducted from such amount the amount of damage if any, sustained by City by virtue of the Consultant's breach of this Agreement.
- 16.4. **Compensation Following Termination.** Upon termination, Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement. The City shall have the benefit of such work as may have been completed up to the time of such termination.
- 16.5. **Remedies.** City retains any and all available legal and equitable remedies for Consultant's breach of this Agreement.

17. INTERPRETATION OF AGREEMENT

- 17.1. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 17.2. **Integration of Exhibits.** All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy

between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed on by City and Consultant.

- 17.3. **Headings.** The headings and captions appearing at the commencement of the Sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the Section or Subsection thereof at the head of which it appears, the language of the Section or Subsection shall control and govern in the construction of this Agreement.
- 17.4. **Pronouns.** Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 17.5. **Severability.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to the extent necessary to, cure such invalidity or unenforceability, and shall be enforceable in its amended form. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 17.6. **No Presumption Against Drafter.** Each party had an opportunity to consult with an attorney in reviewing and drafting this agreement. Any uncertainty or ambiguity shall not be construed for or against any party based on attribution of drafting.

18. GENERAL PROVISIONS

- 18.1. **Confidentiality.** All data, documents, discussion, or other information developed or received by Consultant for performance of this Agreement are deemed confidential and Consultant shall not disclose it without prior written consent by City. City shall grant such consent if disclosure is legally required. All City data shall be returned to City upon the termination or expiration of this Agreement except as noted in Sections 5 and 9, above.
- 18.2. **Conflicts of Interest.** Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making

- of this Agreement. Consultant further agrees to file, or shall cause its employees or subconsultant to file, a Statement of Economic Interest with the City's Filing Officer if required under state law in the performance of the services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.
- 18.3. **Non-assignment.** Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
 - 18.4. **Binding on Successors.** This Agreement shall be binding on the successors and assigns of the parties.
 - 18.5. **No Third-Party Beneficiaries.** Except as expressly stated herein, there is no intended third-party beneficiary of any right or obligation assumed by the parties.
 - 18.6. **Time of the Essence.** Time is of the essence for each and every provision of this Agreement.
 - 18.7. **Non-Discrimination.** Consultant shall not discriminate against any employee or applicant for employment because of race, sex (including pregnancy, childbirth, or related medical condition), creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition (cancer-related), marital status, ancestry, or sexual orientation. Employment actions to which this provision applies shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; or in terms, conditions or privileges of employment, and selection for training. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, the provisions of this nondiscrimination clause.
 - 18.8. **Waiver.** No provision, covenant, or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing signed by one authorized to bind the party asserted to have consented to the waiver. The waiver by City or Consultant of any breach of any provision, covenant, or condition of this Agreement shall not be deemed to be a waiver of any subsequent breach of the same or any other provision, covenant, or condition.
 - 18.9. **Excused Failure to Perform.** Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.

- 18.10. **Remedies Non-Exclusive.** Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance from the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any or all of such other rights, powers or remedies.
- 18.11. **Attorneys' Fees.** If legal action shall be necessary to enforce any term, covenant or condition contained in this Agreement, each party shall pay its own costs, including any accountants' and attorneys' fees expended in the action.
- 18.12. **Venue.** The venue for any litigation shall be in the Superior Court of California for the County of Marin and Consultant hereby consents to jurisdiction in that court for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.
- 18.13. **Counterparts; Electronic Signatures.** This Agreement may be signed in one or more counterparts, each of which shall be deemed an original, but all of which together shall be deemed one and the same instrument. The parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed or emailed versions of an original signature, electronically scanned and transmitted versions (e.g., via pdf) of an original signature, or a digital signature.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City” City of Colfax	“Consultant” PlaceWorks, Inc.
By: _____ <i>Signature</i>	By: _____ <i>Signature</i>
Printed: _____	Printed: _____
Title: _____	Title: _____
Date: _____	Date: _____
Attest:	By: _____ <i>Signature</i>
By: _____	Printed: _____
Gabrielle Christakes, City Clerk	Title: _____
Date: _____	Date: _____
Approved as to form:	
By: _____	
Conor W. Harkins, City Attorney	
Date: _____	

WORKER’S COMPENSATION INSURANCE ACKNOWLEDGEMENT

I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract. If any class of employees engaged in work under this contract at the site of the Project is not protected under any Worker’s Compensation law, Contractor shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. Contractor shall indemnify and hold harmless City for any damage resulting from failure of either Contractor or any subcontractor to take out or maintain such insurance.

Date: _____

Signature

Printed Name

Title

EXHIBIT A
(Scope of Services)

Professional Services Agreement – Consultant
Page 20 of 22

Approved for Use: 1/1/2025

451941.2

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

Cities are subject to the campaign disclosure provisions detailed in Government Code Section 84308.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to the City with your application.

1. No City councilmember or commissioner shall accept, solicit, or direct a contribution of more than \$500 from any party,¹ financially interested participant,² or agent³ while a proceeding is pending or for 12 months subsequent to the date a final decision is rendered by the City. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.
2. A party to a City proceeding shall disclose on the record of the proceeding any contribution of more than \$500 made to any councilmember or commissioner by the party, or agent, during the preceding 12 months. No party to or participant in a City proceeding shall make a contribution of more than \$500 to a councilmember or commissioner during the proceeding and for 12 months following the date a final decision is rendered by the City. No agent to a party or participant shall make a contribution in any amount to a councilmember or commissioner during the proceeding and for 12 months following the date a final decision is rendered by the City.
3. Prior to rendering a decision on a City proceeding, any councilmember or commissioner who received contribution of more than \$500 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any councilmember or commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of making the decision, or knowing about the contribution and the relevant proceeding, whichever comes last, that councilmember or commissioner shall be permitted to participate in the proceeding.

¹ "Party" is defined as any person who files an application for, or is the subject of, a proceeding.² "Participant" is defined as any person who actively supports or opposes a particular decision in a proceeding.

³ "Agent" is defined as a person who represents a party in connection with a proceeding for compensation who appears before or otherwise communicates with the City for the purpose of influencing the proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than \$500 has been made by you or your agent to a councilmember or commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current City councilmembers and commissioners are available on the City's website. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact the City Clerk.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Document:

- ☐ License
- ☐ Lease
- ☐ Permit
- ☐ Franchise
- ☐ Other Contract
- ☐ Other Entitlement

Name and address of any party, participant, or agent who has contributed more than \$500 to any councilmember or commissioner within the preceding 12 months:

1. _____
2. _____
3. _____

(b) Date and amount of contribution:

Date _____ Amount \$ _____

Date _____ Amount \$ _____

Date _____ Amount \$ _____

(c) Name of councilmember or commissioner to whom contribution was made:

1. _____
2. _____
3. _____

(d) I certify that the above information is provided to the best of my knowledge.

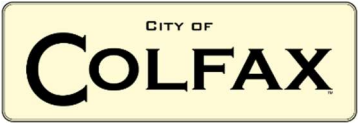
Printed Name _____

Signature _____

Date _____ Phone _____

To be completed by City:

Document No: _____



Staff Report to City Council

FOR THE AUGUST 26, 2026 REGULAR COUNCIL MEETING

From: Conor Harkins, City Attorney
Prepared by: Conor Harkins, City Attorney
Subject: Adoption of City Council Policy Manual

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt City Council Policy Manual By Resolution

Summary/Background

The City Council Policy Manual recommended for adoption by the City Council provides procedures and guidelines for members of the City Council. This manual is necessary to fill gaps in state and local law. It was prepared by the City Attorney and has been reviewed by the City Manager and the City Council’s Policy Review Committee.

The Policy Manual addresses concerns raised by both councilmembers and staff. In particular, it establishes policies for:

- Selection of Mayor and Mayor Pro Tem (Policy 1-2)
- Councilmember Compensation (Policy 1-4)
- Councilmember training; conflicts code (Policies 1-7, 1-8, and 1-9)
- Rules of parliamentary procedure (Policy 2-1)
- Decorum (Policy 2-2)
- Unfinished business (Policy 2-8)
- Preparation of Council agenda (Policies 2-5, 3-1, 3-2, and 3-3)
- Council-Manager and Council-Attorney communications (Policies 4-4, 4-5)

Recommendation

Adopt City Council Policy Manual as the policies and procedures of the City Council of the City of Colfax

Fiscal Impacts

Staff time

Attachments:

Resolution Adopting City Council Policy Manual

City of Colfax

City Council

Resolution № __-2026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX ADOPTING A CITY COUNCIL POLICY MANUAL

WHEREAS, Government Code section 36813 authorizes the City Council to establish rules for the conduct of its proceedings;

WHEREAS; the City does not currently have a policy manual describing rules and procedures of the City Council; and

WHEREAS, the City Council directed staff to recommend policies for its self-governance;

WHEREAS, the City Attorney, City Manager, and the City’s Policy Review Committee recommend the City Council Policy Manual attached to this Resolution as Exhibit A (“Policy Manual”), which reflects a review of applicable state law and of council policy manuals adopted by comparable California cities;

WHEREAS, the Policy Manual supplements, and does not supersede, the California Constitution, state and federal law, and the Colfax Municipal Code, and is intended to be interpreted and applied consistently with them;

NOW THEREFORE, the City Council of the City of Colfax does hereby resolve, declare, determine and order as follows:

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein.

SECTION 2. Adoption of Policy Manual. The City Council Policy Manual attached to this resolution is adopted as the policies of the City Council of the City of Colfax.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on August 26, 2026, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Caroline McCully, Mayor

ATTEST:

Gabrielle Christakes, City Clerk

DRAFT

CITY COUNCIL OF THE CITY OF COLFAX POLICY MANUAL

TABLE OF CONTENTS

Policy	Title	Adopted	Revised
0-0	City Council Policy Manual		
Section 1	Council Organization and Administration		
1-1	New Members		
1-2	Selection of Mayor and Mayor Pro Tem		
1-3	Duties of Mayor		
1-4	Councilmember Compensation		
1-5	Expense Reimbursement		
1-6	Committee Assignments		
1-7	Conflicts of Interest Code (Financial Disclosures)		
1-8	Financial Literacy and Ethics Training		
1-9	Sexual Harassment Prevention Training		
Section 2	Meeting Procedures		
2-1	Rules of Procedure		
2-2	Decorum		
2-3	Meeting Schedule and Attendance		
2-4	Teleconferencing Procedures		
2-5	Order of Business		
2-6	Consideration of Agenda Items		
2-7	Public Hearings		
2-8	Unfinished Business		
2-9	Public Participation		
2-10	Disruptions by the Public		
Section 3	Meeting Agenda		
3-1	Agenda Preparation		
3-2	Placing Items on Future Agendas		
3-3	Requests for Staff Analysis		
3-4	Meeting Minutes		
Section 4	Communications		
4-1	Representing the City		
4-2	Use of City Letterhead and Seal		
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Policy 0-0: City Council Policy Manual

Purpose. This Policy Manual establishes procedures and guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner. It supplements, but does not replace, the Colfax Municipal Code, the Ralph M. Brown Act (Government Code § 54950 et seq.), and other applicable laws. Where this manual conflicts with state law or the municipal code, those laws control.

Amendment. A majority of the City Council may amend this manual by resolution. The City Clerk, in consultation with the City Attorney, is authorized to update this manual to conform to changes in the law. The City Clerk shall notify the City Council and the City Manager of any required updates. City staff shall monitor legal developments and propose discretionary updates to keep this manual current.

Distribution. The City Manager shall provide a copy of this manual to each councilmember upon taking office and maintain the current version on the City's website.

SECTION 1: COUNCIL ORGANIZATION AND ADMINISTRATION

Policy 1-1: New Members

Oath of Office. Each newly elected or appointed councilmember shall take the oath of office required by the California Constitution and Government Code section 1360 et seq. before assuming the duties of office. The City Clerk shall administer the oath at the first regular meeting following certification of election results, or as soon thereafter as practicable. The standard oath of office is included in this manual as appendix 1-1.

Orientation. The City Manager shall arrange an orientation for each new councilmember, which shall include:

- a. A meeting with the City Manager to review current City operations, pending projects, and the operating budget.
- b. A meeting with the City Attorney to review legal obligations, including the Brown Act, conflict of interest laws, the City Council Handbook, and this Policy Manual.
- c. A tour of City facilities.
- d. Distribution of this Policy Manual, the Ralph M. Brown Act, the current budget, the City Council Handbook, and any other relevant documents.

Policy 1-2: Selection of Mayor and Mayor Pro Tem

Annual Selection. At the first regular meeting following the certification of the results of the municipal election, or at the first regular meeting in December of each year in which no election is held, the City Council shall select a Mayor and a Mayor Pro Tem from among its members.

Procedure. The City Council shall select a Mayor and Mayor Pro Tem by two separate motions. Any member may move to appoint herself or any other member Mayor or Mayor Pro Tem. A majority of the City Council (three of the five members) must vote to adopt the motion — a majority of a quorum (two out of three members present) is not sufficient.

Term. The Mayor and Mayor Pro Tem shall serve from the date of their appointment through the date of the appointment of their successor. The City Council may select a new Mayor or Mayor Pro Tem at any time before the end of their terms by directing the City Manager to add the selection to an upcoming agenda in accordance with Section 3 of this manual.

Policy 1-3: Duties of Mayor

The Mayor shall:

- a. Preside at all meetings of the City Council, enforce rules of parliamentary procedure, preserve order and decorum, and announce the Council's decisions.
- b. Sign ordinances, resolutions, contracts, and other documents on behalf of the City as authorized by the Council.
- c. Serve as the official representative of the City for ceremonial purposes and in communications with other governmental agencies, unless the Council designates another representative.
- d. Have the same voting rights as any other councilmember. The Mayor has no veto power.

In the absence of the Mayor, the Mayor Pro Tem shall perform the duties of the Mayor. If both the Mayor and Mayor Pro Tem are absent, the councilmembers present shall select a temporary presiding officer by majority vote.

Policy 1-4: Councilmember Compensation

Under Colfax Municipal Code section 2.24.030, the salary for the Mayor is \$150 per month, and the salary for other city councilmembers is \$100 per month. The City Council may increase their salary by amending this ordinance in accordance with Government Code section 36516.

Policy 1-5: Expense Reimbursement

City Council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. If an expense requires City Council approval to be eligible for reimbursement, the expense must be approved before it is incurred.

Expense Budget. To ensure responsible stewardship of public funds, the following fiscal controls apply:

- **Annual Appropriation.** Each councilmember is entitled to an equal share of an appropriation for conferences, training, and travel established by the City Council during the annual budget process. The City Manager shall track individual expenditures.
- **Per-Event Cap.** No single conference, seminar, training, or event shall result in total reimbursable costs (registration, travel, lodging, and meals combined) exceeding \$1,500 per councilmember without prior City Council approval.
- **Out-of-State Travel.** All out-of-state travel requires advance approval by the City Council.
- **Budget Exhaustion.** Once a councilmember's share of the expense budget is fully expended, that councilmember may only incur additional expenses with City Council approval. Funds may not be transferred between councilmembers.

Reimbursable activities:

- Attending meetings of the City Council, or of a board, commission, or committee to which the councilmember has been appointed or designated by the City Council.
- Attending conferences, educational seminars, or organized training programs directly related to the councilmember's municipal duties.
- Participating in activities of regional, state, or national organizations in which the City holds membership or in which the councilmember participates at the direction of the City Council (e.g., Sacramento Metropolitan Chamber of Commerce's Cap-to-Cap program; League of California Cities' annual conference).
- Communicating with representatives of regional, state, or federal government on policy matters officially adopted or directed by the City Council.
- Meeting with City staff on matters relating to City business when travel is required.
- Attending City-sponsored or City-endorsed events in an official capacity.

Reimbursable Expenses:

Registration and Tuition Fees. Conference registration fees, seminar tuition, and similar event fees directly related to a reimbursable activity are reimbursable.

Transportation.

- **Mileage.** Personal vehicle mileage shall be reimbursed at the current IRS standard mileage rate. This rate covers gasoline, insurance, maintenance,

and depreciation. Bridge and road tolls are separately reimbursable with receipts.

- **Airfare.** Coach/economy class only. The most economical fare reasonably available shall be used.
- **Car Rental.** Standard or compact class only. Fuel for rental vehicles is reimbursable with receipts.
- **Taxis, Rideshare, and Shuttles.** Reimbursable when the cost is equal to or less than car rental, gasoline, and parking combined, or when necessary for time efficiency. A gratuity of up to 15% per fare is reimbursable.
- **Parking.** Airport long-term parking must be used for travel exceeding 24 hours. Other parking at the most economical rate reasonably available.

Lodging. Councilmembers shall select the most cost-effective lodging reasonably available.

- If lodging is associated with a conference, the councilmember shall use the conference hotel at the published group rate, if available at the time of booking.
- If no conference-associated lodging exists, lodging shall not exceed the applicable U.S. General Services Administration (GSA) per diem rate for the location. The GSA cap applies to the room rate only; applicable taxes and mandatory fees are separately reimbursable.
- Government rates shall be requested when available.
- Only standard single-room rates are reimbursable. Upgrades and additional charges for non-business purposes are the councilmember's personal responsibility.

Meals. Meals during authorized travel are reimbursable up to the applicable GSA per diem rate for the location. Meals included in a conference registration shall be deducted from the per diem. Because meal reimbursement is limited to the GSA per diem, itemized meal receipts are not required; however, the councilmember shall report per diem amounts claimed on the expense report. **Alcohol is not reimbursable under any circumstance.**

Communications. Actual telephone, cellular, fax, and internet access charges incurred on City business while traveling are reimbursable. Telephone records must identify which charges relate to City business.

Non-Reimbursable Expenses. The City shall not reimburse any of the following:

- The personal portion of any trip.
- Expenses of family members or companions, including incremental hotel charges for additional occupants.

- Political contributions or expenses related to political events.
- Entertainment expenses, including movies, sporting events, or cultural events not part of an authorized conference program.
- Alcoholic beverages.
- Non-mileage personal automobile expenses, including vehicle repairs, traffic citations, insurance, or gasoline for personal vehicles (these are covered by the IRS mileage rate).
- Expenses exceeding the rates or caps established by this policy that have not been approved in advance by the City Council pursuant to Government Code section 53232.2, subdivision (f).
- Any expense when the councilmember is not in compliance with policies 1-8 (requiring financial literacy and ethics training) or 1-9 (requiring sexual harassment prevention training).

Pre-Approval. For conferences, seminars, and training events, the councilmember shall submit a request to the City Manager in advance of registration. The request shall include the name, date, and location of the event; a description of its relevance to the councilmember's duties; and an itemized estimate of anticipated expenses. Events within the councilmember's remaining annual allocation and within the per-event cap may be approved administratively by the City Manager. Events exceeding the per-event cap, the councilmember's remaining allocation, or requiring out-of-state travel require City Council approval.

Reimbursement Procedures.

- **Timing.** Reimbursement requests must be submitted within 30 calendar days after the expense is incurred.
- **Form.** Expense reports must be submitted on the form attached to this Policy Manual as Appendix 1-5.
- **Receipts.** Itemized receipts are required for all expenses except meals reimbursed at the GSA per diem rate.
- **Oral Report.** Councilmembers shall provide a brief oral report on each meeting or conference attended at City expense at the next regular meeting of the City Council.
- **Public Records.** All expense reports and supporting documentation are public records subject to disclosure under the California Public Records Act.

Policy 1-6: Committee Assignments

Assignment. The City Council shall review assignments to the City's standing and ad-hoc committees and to regional boards and committees every year in January. The City Manager and the Mayor shall recommend committee assignments to the City Council, and the City Council may adopt the recommendation or make a different assignment.

Removal and Termination. The City Council may remove any committee member at any time. A councilmember's committee assignment terminates automatically when the councilmember's term of office expires.

Reporting. Any councilmember may ask a standing committee formed by the City Council to report on its activities.

Current Assignments. A list of current Council committee assignments and regional body assignments is attached to this Policy Manual as Appendix 1-6. The City Manager shall circulate an updated appendix following assignments under this policy.

Policy 1-7: Conflicts of Interest Code (Financial Disclosures)

Adoption of FPPC Regulation. The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (California Code of Regulations, title 2, section 18730 ("section 18730")) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the City of Colfax (City).

Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the City.

The version of section 18730 in effect when this policy was last amended is included in this policy manual as Appendix 1-7(A). A more recent regulation adopted by the FPPC supersedes Appendix 1-7(A). The City Clerk or his or her designee may update Appendix 1-7(A) with the current version of the FPPC's standard code.

Persons Subject to City's Conflicts Policy. The officials, employees, and contractors listed in Appendix 1-7(B) to this policy are "Designated Persons." It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Disclosure Categories. The persons designated in Appendix 1-7(B) shall disclose the information listed in Appendix 1-7(C) to this policy to the City Clerk (persons designated under this policy) or to the FPPC (persons listed in Gov. Code, § 87200). The City Clerk shall maintain a public database of statements of economic interest for a minimum of five (5) years.

Policy 1-8: Financial Literacy and Ethics Training

Ethics Training. The Designated Persons listed in Appendix 1-7(B) shall complete two hours of AB 1234 ethics training required under Government Code sections 53234–53235.2 and two hours of fiscal and financial training required under Government Code sections 53238–53238.4.

Tracking. The City Clerk shall:

1. Provide written notice of training deadlines to all individuals subject to this Section;
2. Track completion dates; and
3. Maintain a database of proof-of-completion certificates for a minimum of five (5) years.

Financial Disclosures. Financial disclosure forms (FPPC form 700) shall be filed:

- Upon assuming office (within 30 days),
- Annually (by April 1), and
- Upon leaving office (within 30 days)

as set forth in section 18730(b)(5) of title 2 of the California Code of Regulations.

Penalties. At the first regular Council meeting of each calendar year, the City Clerk shall present to the City Council a report summarizing Form 700 filing, ethics training compliance, and fiscal and financial training compliance for the prior year. The report shall identify any delinquent filings or training and the status of corrective action. If any Designated Person fails to complete the required training or file a statement of economic interest on time, the City Manager shall:

1. Issue a formal written warning to the individual;
2. Withhold compensation, stipend, or expense reimbursement until the filing is complete;
or
3. For appointed officials, recommend removal from the board or commission to the City Council.

Policy 1-9: Sexual Harassment Prevention Training

Training Requirement. Government Code sections 53237 through 53237.5 (AB 1661) require local agency officials, including City Councilmembers, to receive at least two hours of sexual harassment prevention training and education if the agency provides any type of compensation, salary, or stipend to those officials.

Training opportunities are available through the City, the League of California Cities, the Institute for Local Government, the California Civil Rights Department, and other qualified providers identified by the City Clerk. Training through a councilmember's employer or another public agency that meets the requirements of Government Code section 53237.1, subdivision (d), satisfies this policy if the councilmember provides the City Clerk with a certificate of completion.

Deadlines. Each Councilmember shall complete sexual harassment prevention training and education that complies with Government Code section 53237.1 within six (6) months of taking office and every two (2) years thereafter.

Certificate of Completion. Upon completing the required training, each Councilmember shall provide a certificate or other written proof of completion to the City Clerk. The certificate shall state the date the councilmember completed the training and the entity that provided the training. Certificates of completion are public records.

Clerk's Duties. The City Clerk shall recommend in writing training to councilmembers once before assuming a new position and every two years thereafter. The City Clerk shall maintain training records for five years in accordance with Government Code section 53237.2.

Policy Scope. This Section addresses the sexual harassment prevention training requirement for City Councilmembers under Government Code sections 53237 through 53237.5. The City's separate citywide anti-harassment policy in the Employee Handbook governs the substantive standards of conduct, prohibited behavior, reporting, and complaint procedures applicable to all City officials and employees.

Section 2: Meeting Procedures

Policy 2-1: Rules of Procedure

The City Council adopts Rosenberg's Rules of Order, Revised 2011 (or the most current edition), as the parliamentary authority for the conduct of Council meetings. A copy of Rosenberg's Rules shall be kept by the City Clerk and made available at all Council meetings.

For purposes of counting votes, the City Council adopts a "present and voting" rule: only councilmembers present and voting are counted to determine whether a motion pending before the City Council passes or fails. Councilmembers who abstain from voting are counted for determining a quorum, but not for determining whether the motion passes. When a state law or City ordinance requires action by a majority of the whole Council, not just a majority of members present and voting, abstentions are counted as "no" votes.

Where Rosenberg's Rules are silent, the presiding officer shall rule on questions of procedure, subject to appeal to the full Council by any member. An appeal requires a majority vote to overturn the ruling of the chair.

The Council may, by two-thirds majority vote, suspend any procedural rule in this manual for the duration of a single meeting, except where the rule implements a requirement of state law.

The current edition of Rosenberg's Rules is attached to this Policy Manual as Appendix 2-1. The City Clerk shall maintain Appendix 2-1 with the current version of Rosenberg's rules.

Policy 2-2: Decorum

Councilmembers, staff, and members of the public shall conduct themselves with courtesy and respect during Council meetings in a manner that maintains the dignity and integrity of the City Council.

Councilmembers.

- Councilmembers shall address their remarks to the Mayor and not directly to other councilmembers, staff, or audience members during formal deliberation.
- A councilmember who wishes to speak shall be recognized by the Mayor before speaking.
- Councilmembers shall refrain from personal attacks, impugning the motives of other members, or disruptive behavior.

Staff. Staff members attending City Council meetings shall respond to questions through the Mayor or as directed. Staff shall provide objective, factual information and professional recommendations. Staff shall not be expected to express personal opinions on policy matters.

All City Representatives. All City officials, employees, and agents appearing at City Council meetings on behalf of the City shall:

- Maintain a professional demeanor and appearance while seated at the dais or addressing the Council and the public. Dress and personal hygiene shall meet the standards expected of professionals conducting serious affairs on behalf of the public. Business casual clothing is preferred.
- Refrain from chewing, smoking, vaping, or using other tobacco or nicotine products;¹ drinking alcohol; or eating at the dais. Nonalcoholic beverages in appropriate containers are permitted provided they do not disrupt proceedings.

¹ Lab. Code, § 6404.5; Health & Saf. Code, § 118950; Cal. Code Regs., tit. 8, § 5148.

Policy 2-3: Meeting Schedule and Attendance

Regular Meetings. Regular meetings of the City Council are held on the second and fourth Wednesdays of each month, or on such other days and times as established by resolution of the Council, as provided in Colfax Municipal Code § 2.04.010.

Attendance. Councilmembers are expected to attend all regular and special meetings. Absences shall be governed by Colfax Municipal Code § 2.04.020. A councilmember who will be absent shall notify the Mayor or City Manager as far in advance as practicable.

Quorum. Three members of the City Council constitute a quorum for the transaction of business. In the absence of a quorum, no business may be transacted, and the meeting shall be adjourned.

Rule of Necessity. When enough councilmembers are disqualified (e.g. by a conflict of interest) that a quorum cannot be met, the disqualified councilmembers shall draw lots to rehabilitate a sufficient number of members to permit Council action. Those rehabilitated members may only participate to the minimum extent necessary for the City Council to act. Direction from the City Attorney should be sought to determine that real conflict exists to necessitate invoking the Rule of Necessity.

Policy 2-4: Teleconferencing Procedures

Applicability. This policy applies to all meetings of the City at which remote public participation is offered or required under the Brown Act. Consistent with the Brown Act, this policy shall not apply to the following meetings:

1. Meetings held to attend a judicial or administrative proceeding to which the City is a party.
2. Meetings held to inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.
3. Meetings held to meet with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting the City and over which the federal or state officials have jurisdiction.
4. Meetings held to meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.
5. Meet in an emergency situation pursuant to Government Code section 54956.5.

If a legislative body of the City other than the City Council holds a meeting subject to this policy, “City Council” shall refer to the legislative body holding the meeting; “councilmember” shall refer to a member of the subject body; “Mayor” shall refer to the chair of the meeting; and “City Clerk” shall refer to the clerk, secretary, or other person responsible for keeping minutes of the legislative body.

Remote Attendance. Members of the City Council shall attend all regular and special meetings of the City Council in person unless the member notifies the City Manager of his or her absence or the member qualifies for one of the following teleconferencing exceptions:

Remote Meeting Exceptions	Traditional Exception (GC 54953(b))	Disability Exception (GC 54953(c))	State of Emergency Exception (GC 54953.8.2)	Just Cause Exception (GC 54953.8.3)	Eligible Subsidiary Body Exception (GC 54953.8.6)	Eligible Multijurisdictional Body Exception (GC 54953.8.7)
Reason for Teleconferencing	No reason required	Disability or reasonable accommodation	Proclaimed State of Emergency or local emergency	- childcare or caregiving need, - contagious illness, - physical or mental condition, - physical or family medical emergency - agency-related travel - military service - immunocompromised family member	No reason required	No reason required

Remote Meeting Exceptions	Traditional Exception (GC 54953(b))	Disability Exception (GC 54953(c))	State of Emergency Exception (GC 54953.8.2)	Just Cause Exception (GC 54953.8.3)	Eligible Subsidiary Body Exception (GC 54953.8.6)	Eligible Multijurisdictional Body Exception (GC 54953.8.7)
Teleconferencing Member Counts Toward Quorum	No	Yes	Yes	No	No	No
Method of Teleconferencing	Audio or Audio-Visual	Audio-Visual only	Audio or Audio-Visual	Audio-Visual Only	Audio-Visual only	Audio-Visual only
Requires Opportunity for Public Participation	Yes, in-person at each teleconference location	No	Yes, call-in or internet-based	Yes, call-in or internet-based and in-person	Yes, call-in or internet-based and in-person	Yes, call-in or internet-based and in-person
Teleconferencing Approved by the Legislative Body	No	No	Yes	No	Yes, approved by legislative body that created subsidiary body	Yes
Votes Taken by Roll Call	Yes	Yes	Yes	Yes	Yes	Yes
Teleconference Location Included on Agenda/Posting Requirements	Yes	No	No	No	No	No, unless member is compensated
Disruption in Teleconferencing	Meeting proceeds	No further action taken	No further action taken	No further action taken	No further action taken	No further action taken

Remote Meeting Exceptions	Traditional Exception (GC 54953(b))	Disability Exception (GC 54953(c))	State of Emergency Exception (GC 54953.8.2)	Just Cause Exception (GC 54953.8.3)	Eligible Subsidiary Body Exception (GC 54953.8.6)	Eligible Multijurisdictional Body Exception (GC 54953.8.7)
Limits on the Number of Times Teleconferencing May be Used	None	For the duration of the disability	For the duration of the emergency, to be reauthorized every 45 days	2 meetings per calendar year (if body meets once per month) 5 meetings per year (if body meets twice per month) 7 meetings per year (if body meets three or more times per month)	For the duration of the legislative body's approval, to be reauthorized every 6 months	2 meetings per calendar year (if body meets once per month) 5 meetings per year (if body meets twice per month) 7 meetings per year (if body meets three or more times per month)

Recusal During Teleconferenced Meetings. Any member of the City Council who has a conflict of interest, or who is required to recuse himself or herself under Government Code section 87100, shall comply with the following procedures during a teleconferenced or otherwise remote public meeting:

- **Public Identification of the Conflict.** Immediately before consideration of the affected agenda item, the member shall publicly identify the conflict of interest on the record and disclose the circumstances giving rise to the conflict in sufficient detail to be understood by the public.
- **Non-Participation.** The member shall recuse himself from all discussion, deliberation, and action on the matter by turning off his or her audio and video feed and shall not attempt to influence the decision in any manner.
- **Rejoining Meeting.** Upon conclusion of a discussion, vote, and any other disposition of the matter, the Mayor shall announce that the member may turn on his or her audio and video feed to rejoin the meeting.

Policy 2-5: Order of Business

The order of business at regular meetings shall be as set forth in the posted agenda. The standard order of business shall be:

1. Call to Order
 - a. Pledge of Allegiance
 - b. Roll Call
 - c. Approval of Agenda
 - d. Statement of Conflicts of Interest
2. Consent Calendar
3. Agency Reports
4. Presentations
5. Public Hearings
6. Public Comment
7. Council and Staff Reports
 - a. Committee Reports
 - b. City Operations Update
8. Unfinished Council Business
9. New Council Business
10. Future Agenda Item Requests
11. Good of the Order
12. Closed Session
13. Adjournment

Policy 2-6: Consideration of Agenda Items

For agenda items requiring deliberation, the standard procedure is:

1. Mayor introduces the item as described on the agenda
2. Staff presentation
3. Questions from the Council to staff
4. Public comment
5. Motion, second
6. Council deliberation
7. Vote

The Mayor may modify this sequence as the circumstances of a particular item require.

Policy 2-7: Public Hearings

When the law requires the City Council to hold a public hearing on an agenda item, the hearing shall proceed as follows:

1. The presiding officer opens the public hearing and states the matter under consideration
2. Staff presents the item and any staff recommendation
3. The applicant or proponent presents (if applicable)
4. Public testimony is received
5. The applicant or proponent may respond to public testimony (if applicable)
6. Staff responds to testimony and questions from the City Council
7. The presiding officer closes the public hearing
8. Council deliberates and takes action

Once the public hearing is closed, no further public testimony shall be received unless the Council votes to reopen the hearing.

Policy 2-8: Unfinished Business

If the Council does not complete action on an agenda item during the meeting at which it is considered, the item is automatically continued to the next regular meeting and shall appear under “Unfinished Business” on the agenda for that meeting. This default rule applies unless:

1. The Council votes to continue the item to a specific future date; or
2. The Council votes to remove the item from further consideration.

An item that has been automatically continued twice without action shall be placed on the agenda for discussion of whether to continue, reschedule, or remove the item.

Policy 2-9: Public Participation

Public Comment on Non-Agenda Items. Members of the public may address the Council on any matter within the Council's jurisdiction that is not on the agenda during the public comment period. Speakers shall be limited to three (3) minutes. The Council may not discuss, deliberate, or take action on matters raised during public comment that are not on the posted agenda, except as permitted by the Brown Act.

Public Comment on Agenda Items. Members of the public may comment on any item on the agenda when that item is called for discussion. Speakers shall be limited to three (3) minutes per item, unless the Mayor adjusts the time limit due to the number of speakers or the complexity of the issue. The Mayor may extend an individual's time for public comment if dialog with the City Council or staff prevent the person from speaking for their entire three minutes. Councilmembers may, but are not required to, respond to public comment.

Written Communications. Written communications received regarding an agenda item shall be distributed to the Council and made part of the public record. Written communications received after the agenda packet has been distributed shall be provided to the Council as soon as practicable and made available to the public at the meeting.

Policy 2-10: Disruptions by the Public

DEFINITIONS

“Meeting Disruption” means behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, the following:

- A failure to comply with reasonable and lawful regulations adopted by City or the City Council;
- Engaging in behavior that constitutes use of force or a true threat of force.

“True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

“Service Disruption” means any failure, outage, or other interruption to the City’s remote access services that prevents members of the public from participating in a legislative body’s meeting through the remote access service.

“Remote access services” means the two-way telephonic service and/or two-way audiovisual platform used to provide real-time remote public attendance and observation of meetings.

“Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.

“Two-way telephonic platform” means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

MEETING DISRUPTION

Individual Disruption. The Mayor is responsible for maintaining order during City Council meetings. The Mayor shall respond to public disruptions as follows:

1. Warn the person(s) that continued disruption will result in removal.
2. Order a recess.
3. Order the person removed from the meeting.

General Disruption. If a general disruption makes the orderly conduct of business impossible, the Mayor may order the meeting room cleared. Representatives of the press shall be allowed to remain unless they are participating in the disruption.

Remote Disruption. If the Mayor or City Clerk becomes aware of a member of the public who is attending through remote access services and is disrupting in a manner that impedes the orderly conduct of the meeting or prevents other members of the public from attending or observing the meeting remotely or in-person:

1. The Mayor or City Clerk shall warn the person who is participating through remote access services that he or she is disrupting the meeting and his or her failure to cease that behavior may result in his or her removal.
2. If the person to whom the Mayor or City Clerk gave the above warning persists in disrupting the meeting, the Mayor shall order staff to:
 - a. mute the individual's audio feed, if the disruption is auditory;
 - b. turn off the individual's video feed, if the disruption is visual; or
 - c. remove the individual from the meeting if paragraphs (a) & (b) do not address the disrupting behavior.

SERVICE DISRUPTION

If the Mayor or City Clerk becomes aware of a service disruption:

1. The Mayor or City Clerk shall immediately announce the disruption to the public.
2. The Mayor shall call for a recess of the open session and may convene the legislative body in closed session, consistent with the Brown Act. The recess shall last for one hour or until service is restored, whichever is earlier.

During the recess, agency staff shall make a good faith effort to diagnose and restore the disrupted service.

Reconvening the Open Session. After the expiration of the hour, if service has not been restored, the Mayor or City Clerk shall report on the status of staff's efforts to restore remote access services, and the City Council may reconvene to:

1. Adjourn the meeting;
2. Extend the recess to allow staff more time to make a good faith effort to restore remote access services; or
3. Continue the meeting in open session by adopting, by roll call vote, the following or a substantially similar finding:

"The [Agency Name] has made good faith efforts to restore telephonic or internet service in accordance with its adopted policy, and the public interest in continuing the meeting outweighs the public interest in remote public access."

Upon adoption of the finding, the legislative body may continue the meeting in open session despite the fact that remote access services have not been restored.

Recordkeeping. The Clerk shall enter a brief statement into the meeting minutes, including:

- The nature and time of the service disruption;
- The time the meeting was reconvened (if applicable);
- Any findings.

REVIEW AND UPDATES.

This policy may only be amended by the City Council at a noticed public meeting in open session. Amendments may not be placed on the consent calendar.

Section 3: Meeting Agenda

Policy 3-1: Agenda Preparation

The City Manager is solely and exclusively responsible for preparing the agenda for all meetings of the City Council. The City Manager shall coordinate with the Mayor, the City Clerk, the City Attorney, and department heads in preparing agenda items and supporting materials.

Each agenda item shall include a staff report describing the matter, the relevant background, available options, a staff recommendation (where appropriate), and any fiscal impact.

Policy 3-2: Placing Items on Future Agendas

City Manager Sets Agenda. The City Manager may place items on the agenda as necessary for the conduct of City business without Council pre-approval. This includes items required by law, time-sensitive matters, routine administrative items, and matters the City Manager determines require Council action.

Agenda Item to Discuss Future Agendas. Each regular meeting agenda shall include a standing item titled "Future Agenda Item Requests." During this item, any councilmember may move to add an item to a future agenda. A simple majority of councilmembers present may approve the motion.

Motions directing staff to develop future agenda items should be as specific as possible so that staff has enough information to analyze and respond to questions and further direction on the item. The City Council should focus on policies and outcomes councilmembers would like to achieve rather than the process by which staff implements Council direction. Councilmembers should refrain from debating the merits of the proposal and vote on whether the proposal is an appropriate item of business for the City Council to consider.

When the Council approves a future agenda item, the City Manager shall place the item on the earliest regular meeting agenda that allows staff adequate time to respond to the item, unless the Council specifies a date. The City Manager shall inform the requesting councilmember of the anticipated date the item will appear on the Council's agenda.

Requests to City Manager For Future Agenda Items. Any councilmember may ask the City Manager to place an item on a future agenda. The City Manager, at his or her sole, exclusive, and absolute discretion, may:

- Act on the request administratively;
- Place the item on future agenda;
- Add the request under "Future Agenda Item Requests" so that the Council can decide whether to consider the request as a future agenda item; or
- Take no action on the request.

Neither the Mayor, Mayor Pro Tem, nor any individual councilmember may dictate future agenda items.

Requests from the Public. Members of the public may ask the City Council to consider an agenda item via public comment. Public comments may be made in writing to the City Clerk or orally to the City Council during the general public comment period at a regular City Council meeting.

Policy 3-3: Requests for Staff Analysis

A councilmember may ask the City Manager to prepare a memorandum, analysis, or report on a particular matter. Councilmembers may request information from City staff, but they may not require staff to prepare an analysis or report, or otherwise direct City staff.

Requests that require significant staff time or resources are subject to the agenda request process in policy 3-2. The City Manager shall determine whether a request will require significant staff time requiring City Council approval. The City Manager may prioritize requests for memoranda from staff in light of existing workload.

The City Manager shall ensure that any request, analysis, or report is communicated to all councilmembers. The City Manager shall ensure these communications do not lead to a discussion that violates the Brown Act's notice requirements.

Policy 3-4: Meeting Minutes

The City Clerk shall keep an accurate record of the substance of the City Council's proceedings. These minutes are the official record of the City Council's actions. A councilmember may ask the Clerk to enter councilmembers' votes on a motion in the record.

The City Clerk shall submit draft minutes to the City Manager for approval by the City Council during a subsequent meeting. Any councilmember may propose corrections to the meeting minutes either by contacting the City Clerk directly or by moving to correct the minutes during the agenda item for approval of previous meetings' minutes.

Section 4: Communications

Policy 4-1: Representing the City

Official Spokesperson. The Mayor, or in the Mayor's absence the Mayor Pro Tem, is the official spokesperson for the City Council. When speaking or writing in an official capacity, the Mayor shall represent the positions adopted by the Council as a body.

Individual Councilmembers. Individual councilmembers may express their personal views on any matter of public concern. When doing so, a councilmember shall clearly state that the views expressed are personal and do not represent the official position of the City of Colfax or the City Council, unless the Council has expressly authorized the communication.

Communications with Other Agencies. Councilmembers who serve as the City's representative on regional bodies or intergovernmental organizations shall represent the official positions of the City Council. On matters where the Council has not taken a position, the representative shall either seek Council direction before the vote or, if time does not permit, exercise independent judgment and report back to the Council.

Any councilmember may communicate with other legislative bodies, agencies, or officials on matters of personal interest. When doing so, the councilmember shall clearly identify the communication as reflecting personal views and not the official position of the City.

Designated Representatives. The Council may, by majority vote, designate any councilmember or the City Manager to speak on behalf of the City on a specific matter or before a specific body.

Policy 4-2: Use of City Letterhead and Seal

City letterhead and the City seal shall be used only for official City business. A councilmember may use City letterhead only when:

- Communicating the official position of the City as authorized by the Council; or
- Conducting routine correspondence in the councilmember's official capacity, such as responding to constituent inquiries.

City letterhead and the City seal shall not be used to express personal opinions, endorse candidates or ballot measures (unless the Council has taken an official position on a ballot measure), or for any private purpose.

Policy 4-3: Resident Complaints

When a councilmember receives a complaint from a resident about City services or employees, the councilmember shall refer the complaint to the City Manager. Councilmembers shall not attempt to resolve operational complaints directly or direct staff to take action in response to individual complaints.

The City Manager shall investigate the complaint, take appropriate action, and report back to the referring councilmember. If the councilmember is dissatisfied with the City Manager's response, the councilmember may request that the matter be placed on a future agenda through the process described in policy 3-2.

Policy 4-4: Communications Between Council and Staff

General Principle. The City operates under a council-manager form of government: the City Council sets policy and appoints a City Manager to supervise staff in carrying out that policy. Individual councilmembers do not supervise, direct, or manage City employees. The City Manager is the sole direct report to the City Council for administrative matters.

Information Requests. Councilmembers may contact the City Manager or department heads to request information within the scope of their responsibilities. Requests for information that require significant staff time or the preparation of new analysis shall be directed to the City Manager. The City Manager shall ensure that information provided to one councilmember is shared with the full Council.

Prohibited Conduct. Councilmembers shall not:

- Give direction to any City employee other than the City Manager or City Attorney.
- Attempt to influence the City Manager's hiring, firing, promotion, discipline, or assignment of specific employees.
- Interfere with the City Manager's administration of departments, including the scheduling of work, development of staff recommendations, or execution of departmental priorities.
- Create the appearance of directing staff action through requests that, by their nature or frequency, function as de facto instructions.

Nothing in this policy prevents a councilmember from interacting socially with City employees or asking brief factual questions of staff members encountered in the normal course of City business.

Staff Obligations. City employees who receive direction from an individual councilmember that appears to conflict with this policy shall advise the councilmember of this policy and notify the City Manager.

Policy 4-5: Communications with City Attorney

The City Attorney represents the City Council as a body, not individual councilmembers, the City Manager, or individual staff members.

A councilmember may contact the City Attorney to ask questions about legal matters affecting the City. The City Attorney shall inform the City Manager of material requests from individual councilmembers and shall share any written legal opinion or significant legal advice provided to one councilmember with the full Council and the City Manager.

Requests that require substantial legal research or the preparation of a formal opinion shall be directed through the City Manager so that the work can be coordinated with other City priorities. The City Manager shall forward such requests to the City Attorney and keep the requesting councilmember informed of the timeline.

APPENDIX 1–1: Oath of Office

OATH OF OFFICE
FOR PUBLIC OFFICERS AND EMPLOYEES
(State Constitution, Art. XX, Sec. 3 as amended)

STATE OF CALIFORNIA
COUNTY OF PLACER

I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of [OFFICE] upon which I am about to enter into in and for the City of Colfax, County of Placer, State of California, according to the best of my ability.

[OFFICE], [NAME]

Subscribed and sworn to before me this [DATE]

[NAME], City Clerk

APPENDIX 1–5: Expense Reimbursement Form

CITY OF COLFAX
COUNCILMEMBER EXPENSE REIMBURSEMENT REPORT

Appendix 1-5 to the City Council Policy Manual • Policy 1-5 (Expense Reimbursement)

Government Code sections 36514.5, 53232.2 and 53232.3

Submit this report, with itemized receipts attached, to the City Manager within 30 calendar days after the expense is incurred. Meals reimbursed at the GSA per diem rate do not require receipts. This report and all supporting documentation are public records subject to disclosure under the California Public Records Act.

1. Councilmember Information

Name		Date Submitted	
-------------	--	-----------------------	--

2. Event or Activity

Event / Activity		Date(s)	
Location		Out-of-State?	☐ Yes ☐ No

Reimbursable activity (check the category under Policy 1-5 that applies):

- ☐ Meeting of the City Council, or of a board, commission, or committee to which the councilmember was appointed or designated by the City Council
- ☐ Conference, educational seminar, or organized training program directly related to municipal duties
- ☐ Activity of a regional, state, or national organization in which the City holds membership or in which the councilmember participates at the direction of the City Council
- ☐ Communication with representatives of regional, state, or federal government on policy matters officially adopted or directed by the City Council
- ☐ Meeting with City staff on City business requiring travel
- ☐ City-sponsored or City-endorsed event attended in an official capacity

3. Pre-Approval (conferences, seminars, and training events)

Pre-approval obtained from:	Approval required by Council?	Date approved
☐ City Manager ☐ City Council	☐ Exceeds \$1,500 per-event cap ☐ Exceeds remaining annual allocation ☐ Out-of-state travel	

4. Itemized Expenses

List each expense separately. Attach an itemized receipt for every expense except meals claimed at the GSA per diem rate. Alcohol is not reimbursable under any circumstance.

Category	Date	Description	Amount	Receipt attached?
Registration / tuition fee			\$	☐ Yes ☐ N/A
Mileage (____ miles × IRS rate of \$____/mile)			\$	☐ Yes ☐ N/A
Tolls / parking			\$	☐ Yes ☐ N/A
Airfare (coach/economy only)			\$	☐ Yes ☐ N/A
Car rental / rental fuel (standard or compact class)			\$	☐ Yes ☐ N/A
Taxi / rideshare / shuttle (incl. gratuity ≤ 15%)			\$	☐ Yes ☐ N/A

Category	Date	Description	Amount	Receipt attached?
Lodging (room rate ≤ GSA per diem or conference group rate)			\$	☐ Yes ☐ N/A
Lodging taxes and mandatory fees			\$	☐ Yes ☐ N/A
Communications (phone / internet on City business)			\$	☐ Yes ☐ N/A
Other (describe)			\$	☐ Yes ☐ N/A

5. Meals (GSA Per Diem)

Meals are reimbursed up to the applicable GSA per diem rate for the location. Meals included in the conference registration must be deducted. Itemized meal receipts are not required, but per diem amounts claimed must be reported below.

GSA per diem rate for location	No. of days	Gross per diem	Less: meals provided by conference	Meals claimed
\$ /day		\$	(\$)	\$

6. Total Reimbursement Requested

TOTAL (Sections 4 and 5 combined)	\$
--	----

7. Councilmember Certification

By signing below, I certify under penalty of perjury that:

1. The expenses listed above are actual and necessary expenses incurred in the performance of my official duties, and each expenditure complies with Policy 1-5 of the City Council Policy Manual;
2. This report is submitted within 30 calendar days after the expenses were incurred, and itemized receipts are attached for all expenses other than meals claimed at the GSA per diem rate;
3. No amount claimed includes alcoholic beverages, the personal portion of any trip, expenses of family members or companions, political or entertainment expenses, or any other non-reimbursable expense under Policy 1-5;
4. Any expense exceeding the rates or caps established by Policy 1-5 received advance approval of the City Council pursuant to Government Code section 53232.2, subdivision (f);
5. I have completed the ethics training required by Government Code section 53234 et seq.; and
6. I will provide a brief oral report on this meeting or event at the next regular meeting of the City Council, as required by Government Code section 53232.3, subdivision (d).

Councilmember Name	Councilmember Signature	Date

8. For Administrative Use Only

☐ Report submitted within 30 days	☐ Pre-approval on file (if required)
☐ Receipts verified	☐ Ethics training current (AB 1234)
☐ Rates and caps verified (IRS / GSA / \$1,500 per-event)	☐ Charged to correct budget account
Councilmember's annual allocation remaining before this claim: \$ _____	Remaining after this claim: \$ _____
Amount approved for reimbursement	\$ _____
City Manager (or designee) signature / date	

**APPENDIX 1–6: Committee Assignments
(Updated 2026)**

Board or Committee	2026	Meeting Information	Meeting Location	Stipend
Placer County Economic Development Board (PCEDB)	Larry Hillberg Alt: Trinity Burruss	11:30 AM 3rd Thursday 4x/yr (Jan., Apr., July, Sept.)	Auburn City Hall, 1225 Lincoln Way Room 10 and Via Zoom	No Stipend
Bianchini Advisory Board	Sean Lomen Larry Hillberg			No Stipend
Colfax Schools Liaison	Trinity Burruss Alt: Sean Lomen			No Stipend
Colfax Skate Park	Sean Lomen Alt: Caroline McCully	As Needed	To Be Announced	No Stipend
Colfax Youth Commission	5 Students (3 Highschool, 2 Sixth–Eighth Graders)	Once Per Month	Colfax Elementary School	TBA
Council Policy Ad Hoc	Caroline McCully Trinity Burruss	As Needed	To Be Announced	No Stipend
Economic Development Committee	Sean Lomen Larry Hillberg	As Needed	To Be Announced	TBA
Emergency Services	Trinity Burruss Sean Lomen	As Needed	To Be Announced	No Stipend
League of California Cities Sacramento Valley Division Liaison	Kim Douglas Alt: Sean Lomen	See website		No Stipend
Local Agency Formation Commission	Sean Lomen Alt Trinity Burruss	4:00 PM 2nd Wednesday Every Month	BOS Chambers 175 Fulweiler Ave Auburn	\$100

Board or Committee	2026	Meeting Information	Meeting Location	Stipend
Pioneer Community Energy	Sean Lomen Alt: Kim Douglas	3:00 PM 3rd Thursday	2510 Warren Drive, Suite B Rocklin, CA 95677	No Stipend
Placer County Air Pollution Control District (PCAPCD)	Caroline McCully Alt: Kim Douglas	2:30 PM 2nd Thursday 6x/yr	BOS Chambers 175 Fulweiler Ave Auburn	\$100 Stipend Pending
Placer County Flood Control and Water Conservation District (Board of Directors)	Sean Lomen Alt: Caroline McCully	4:00 PM 2nd Monday Every Month	Rocklin City Council Chambers 390 Rocklin Rd.	\$100 Stipend
Placer County Selection Committee	Mayor	Yealy		No Stipend
Placer County Transportation Planning Agency (PCTPA)	Trinity Burruss Alt: Caroline McCully	9:00 Am 4th Wednesday /Every Month	BOS Chambers 175 Fulweiler Ave Auburn	\$100 Stipend
Placer Mosquito & Vector Control District (PMVCD)	Will Stockwin Alt: Larry Hillberg	4:30 PM 3rd Monday/Every Month	2021 Opportunity Dr. Roseville	\$100 Stipend
Placer Sierra Fire Safe Council	Sean Lomen Alt: Kim Douglas	6:00 PM 4th Thursday/Every Month	City of Colfax Council Chambers Location TBA	No Stipend
Project Go	Kim Douglas Alt: Sean Lomen	5:30 PM 3rd Thursday	801 Vernon St. Roseville	No Stipend
Sacramento Area Council of Governments (SACOG) Board of Directors	Caroline McCully Alt: Trinity Burruss	9:30 AM 3rd Thursday	1415 L. Street Suite 300 Sacramento and Via Zoom	\$100 Stipend
Shady Glenn Sewer	Trinity Burruss Sean Lomen	As Needed	To Be Announced	TBA

Board or Committee	2026	Meeting Information	Meeting Location	Stipend
Integration Project				
Sierra Vista Community Center Liaison	Larry Hillberg Alt: Sean Lomen	6:00 PM 3rd Wednesday	Community Center	No Stipend
Small City Organized Rick Effort (SCORE) Representative	ASO Alt: Ron Walker	Jan 23 @ 9AM March 27 @ 9AM June 12 @ 9AM Aug 21 @ 9AM Oct 22 & 23 @ 9AM	Gaia Hotel & Spa 4125 Riverside PL, Anderson Ca 96007	No Stipend
Solid Waste Taskforce	Kim Douglass Alt: Sean Lomen	9:00 Am 1st Thursday 4x/yr Feb, May, Aug, Nov	CRDC Cypress Room, 2091 County Center Dr. Suite 170 Auburn	No Stipend
Weimar, Applegate, Colfax Municipal Advisory Council (WAC/MAC)	Larry Hillberg Alt: Kim Douglas	6:00PM 3rd Wednesday every other month - Jan, Mar, May/July/Sept /Nov	Colfax City Hall	No Stipend
Youth Commission Selection Committee	TBA, 2-Elementary Teachers, 2-Highschool Teachers	TBA	City Hall, Colfax Elementary, Colfax High School	No Stipend

**APPENDIX 1-7(A): California Code of Regulations, title 2, section 18730
(as of April 7, 2026)**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code or with the Fair Political Practices Commission using the Commission's electronic filing system as required under Section 87500.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is

designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to

influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure.

When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure.

When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$630.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$630 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or

local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph

has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$630 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Footnotes

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.
2. See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
4. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
5. A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

APPENDIX 1-7(B): Designated Persons

The following persons are subject to the City's Conflicts of Interest Code:

Government Body or City Department	Position
City Council	Councilmember
Local and Regional Boards and Commissions	All officers appointed by the City Council under policy 1-6 of this policy manual (Director, Commissioner, Board Member, etc.)
Appointed officials	Any official appointed by the City Council who, as part of their official duties, makes decisions or recommendations regarding financial administration, budgeting, or the use of public resources
City Administration	City Manager
	City Attorney
	City Clerk
	Administrative Services Officer
	Finance Director
City Planning Department	Planning Director
City Public Works Department	Public Works Director
	City Engineer
	Plant Manager

APPENDIX 1-7(C): Disclosure Categories

Each Designated Person listed in Appendix 1-7(B) shall disclose the following financial interests:

- Any business entity in which the Designated Person has a direct or indirect investment worth at least \$2,000
- Any real property in which the Designated Person has a direct or indirect interest of at least \$2,000, except the Designated Person's principal residence
- Any source of income amounting to a total of at least \$500, provided or promised to, and received by the Designated Person within 12 months before the date of disclosure
- Any business entity in which the Designated Person is a director, officer, partner, trustee, employee, or holds any position of management
- Any donor of, or any intermediary or agent for a donor of, a gift or gifts amounting to a total of at least \$630 provided to, received by, or promised to the Designated Person within 12 months before the date of disclosure

These disclosures are intended to be coextensive with the Political Reform Act's disclosure requirements for public officials under Government Code sections 87200–87211 and California Code of Regulations, title 2, sections 18722 to 18740. Any exceptions to those disclosure requirements apply equally to Designated Persons under the City's Conflict of Interest Code.

APPENDIX 2-1: Rosenberg's Rules of Order



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.

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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.

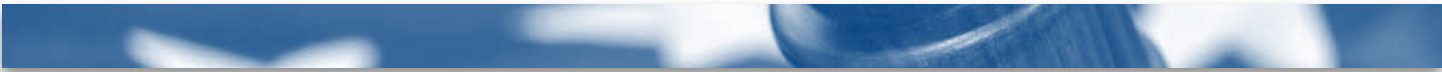


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INTRODUCTION

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.



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