



336 Pacific Avenue, Shafter, CA 93263
Meeting Held In-Person and Via Zoom and Livestream on YouTube.

**AGENDA
SPECIAL MEETING
SHAFTER CITY COUNCIL
THURSDAY, JUNE 12, 2025**

NOTICE TO THE PUBLIC:

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 336 Pacific Avenue, Shafter CA. In addition, such documents will be posted on the City's website at www.shafter.com.

CALL TO ORDER: 4:30 PM

ROLL CALL: Mayor Givens
Mayor Pro Tem Olvera
Council Member Alvarado
Council Member Espinoza
Council Member Prout

APPROVAL OF AGENDA:

PUBLIC COMMENT:

Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the City Council, are invited to speak from the podium and address the City Council. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

MANAGEMENT REPORT:

1. CITY COUNCIL GOVERNANCE POLICIES & PROTOCOLS DISCUSSION:

Council find the action is not defined as a "project" per Section 15378(b)(5) of the CEQA Guidelines; review the attached sample governance policies and protocols and provide direction on the establishment of formal City Council governance policies and protocols.

ROLL CALL

ADJOURNMENT:

Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at

least three (3) days prior to the meeting or time the special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., June 9, 2025.
Yazmina Pallares, S/S, City Clerk

REMOTE PUBLIC PARTICIPATION IS ALLOWED IN THE FOLLOWING WAYS, SEE BELOW FOR INSTRUCTIONS.

1. You are strongly encouraged to observe the City Council meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **4:30 PM on June 12, 2025** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call-in number and code. Please call by 5:00pm on the Monday prior to the City Council meeting to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the City Council and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the City Council meeting.



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**NOTICE OF
SPECIAL MEETING OF THE SHAFTER CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Shafter will be held on **June 12, 2025**. The meeting will convene at **4:30 PM**, in the Council Chamber at Shafter City Hall, 336 Pacific Avenue, Shafter, California and via teleconference and Livestream on YouTube. Said special meeting shall be for the following purpose:

MANAGEMENT REPORT:

- 1. CITY COUNCIL GOVERNANCE POLICIES & PROTOCOLS DISCUSSION:**
Council find the action is not defined as a “project” per Section 15378(b)(5) of the CEQA Guidelines; review the attached sample governance policies and protocols and provide direction on the establishment of formal City Council governance policies and protocols.

ROLL CALL

Yazmina Pallares, City Clerk

Affidavit of Posting Special Meeting Notice

This is to certify that this Special Meeting Notice was posted at City Hall and the Police Department by 5:00 p.m., June 9, 2025. Further information regarding this Agenda Notice is available at City Hall, 336 Pacific Ave., Shafter, CA.

Yazmina Pallares, S/S, City Clerk

Dated: June 9, 2025



CITY OF SHAFTER CITY COUNCIL REPORT

MEETING DATE: June 12, 2025

DEPARTMENT: Lance Lippincott, City Manager

SUBJECT: CITY COUNCIL GOVERNANCE POLICIES & PROTOCOLS
DISCUSSION

RECOMMENDATION

Council find the action is not defined as a “project” per Section 15378(b)(5) of the CEQA Guidelines; review the attached sample governance policies and protocols and provide direction on the establishment of formal City Council governance policies and protocols.

BACKGROUND

Two months ago, the City Council requested that Staff bring forward a discussion item for consideration by the full City Council regarding the possible establishment of governance procedures and protocols, similar to what is in place in other cities. The purpose of this agenda item is to introduce this topic and seek direction from the Council.

DISCUSSION:

The roles and responsibilities of City Councils in California are often diverse and complex. For this reason, various state laws and other established regulations exist which govern the scope and actions of elected bodies. In addition to state laws concerning conflicts of interest and public transparency, it is common for local governments to have in place formalized policies of their own related to City Council governance procedures and protocols (“Governance Protocols”). These Governance Protocols provide members with additional guidance in dealing with each other, dealing with Staff and dealing with the public.

The City of Shafter does not currently have formalized Governance Protocols beyond what is outlined in California law (Conflict of Interest laws, Brown Act) and the City Charter. For example, the Charter includes several provision relating to Council powers and authority. Section 4.02(A) of the Charter describes the general powers of the Council. It provides:

“(A) Duties of the Council: The Council shall make policy for the City. In addition, the Council shall be responsible to the people of Shafter for, but not limited to the following duties and responsibilities:

1. Considering ordinances and resolutions and adopting those which it determines to be

necessary for the governance, proper administration and adequate financing of the City.

2. Providing oversight of the City Manager and all City activities under his/her purview and at least annually evaluate the performance of the City Manager.

3. Ensure all provisions of this Charter, ordinances, and applicable State and federal laws are carried out.

4. Conducting such reviews and taking such actions as may be required for the effective governance and financing of the City, including, without limitation, the preparation of a multi-hazard functional emergency disaster plan.

5. Performing such other duties as may be assigned to the Council, but in no way conflict with the duties of the City Manager as set out in this Charter.”

Section 4.07 describes the limitations on Council authority. It provides:

“Section 4.07 - Prohibitions on Council; No Council Member shall hold any other City office or City employment during the term for which elected or appointed to the Council for two years thereafter. Nothing in this Section shall be construed to prohibit the Council from selecting any current or former Council Member to represent the City on the governing board of any regional or intergovernmental agency.

A. Personnel Restriction. Neither the Council nor any of its members may in any manner control or require the appointment or removal of any City department head or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint.

B. Restriction on Interference With City Manager. Neither the Mayor nor any Council Member shall interfere with the execution of the powers and duties of the City Manager. Except for purposes of inquiry, the Mayor and Council Members shall deal with the administrative service solely through the City Manager. Neither the Mayor nor any Council Member shall give orders to, discipline or threaten any subordinate of the City Manager, either publicly or privately. The Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of City officers, department heads, and employees.”

Finally, Section 9.01 of the Charter prohibits conflicts of interest and encourages the adoption of ordinance(s) to prohibit “[D]efinitions of lapses of ethics in the dealings of City officers and employees with each other, the public, businesses and other governmental agencies and jurisdictions.” (See Section 9.01(C).)

Draft Governance Protocols

Given the complexity of governing and the authorities and the limitations contained in the Charter, the City Council may benefit from the adoption of Governance Protocols to provide the Council and its Board and Commissions with additional guidance concerning their interactions with each other and with Staff. In addition, such Governance Protocols may contain enforcement mechanisms to assure they are being followed. Attached to this report is a draft of Governance Protocols designed to better

fit the local area. The Council should review these and provide direction concerning the following:

1. Whether the City of Shafter should adopt such a governance policy.
2. Whether it should apply only to the Council or whether it should apply to its Board & Commissions.
3. Whether the Governance Protocols should include any additional enforcement mechanisms.

FISCAL IMPACT

None.

CEQA ANALYSIS

The action is not defined as a “project” per Section 15378(b)(5) of the CEQA Guidelines, and therefore, it is organizational and administrative activity that will not result in direct or indirect physical changes to the environment that have not already been previously analyzed and not subject to CEQA.

APPROVED BY THE CITY ATTORNEY

Yes

ATTACHMENTS

1. Shafter_ City Council Governance Protocols (2025)-04252025 Final (Council Roles and Responsibilities)
2. Shafter_ City Council Governance Protocols (2025)-04252025 Final (Discipline-Procedure)

(DRAFT) CITY OF SHAFTER
COUNCIL GOVERNANCE NORMS AND PROTOCOLS

GENERAL RESPONSIBILITIES OF PUBLIC OFFICIALS

These Governance Norms and Protocols are intended to govern the actions and behavior of both elected members of the City Council and all members of the City's Boards and Commission (collectively "Public Officials"). The Public Officials of the City shall endeavor to abide by the following:

1. **Act in the Public Interest.** Public Officials must work for the common good of the residents of the City and not for any private or personal interest. They will assure fair and equal treatment of all persons, claims, and transactions coming before the City Council.
2. **Conduct of the Public Officials .** The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials must refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Public Officials, the public, and City staff. Respect for each other, the institution, the staff, and the public, is critical to maintaining an environment where free and open discussion leads to better decision-making for the City. As such, Public Officials should act respectfully at all times.
3. **Use of Public Resources.** Public Officials must not use public resources unavailable to the public in general, such as City staff time, equipment, supplies, or facilities, for private gain or personal purpose.
4. **Interactions with City Staff.** Public Officials should not direct the City Manager or City staff to initiate any course of action, change a course of action, or prepare any report without the approval of a majority of their body. Further, Public Officials should not reprimand employees directly, nor should they communicate their concerns publicly, but rather use appropriate channels of supervision and communication.
5. **Additional Characteristics.** All Public Officials should:
 - Demonstrate honesty and integrity in every action and statement;
 - Serve as a model of leadership and civility to the community;
 - Strive to ensure fair and equal treatment of all persons, claims and transactions coming before the City;
 - Inspire public confidence in government;
 - Work for the common good, not personal interests;
 - Prepare in advance of meetings and be familiar with issues on the agenda;
 - Fully participate in meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;

- Participate in scheduled activities to increase Council, Board and Commission effectiveness;
- Represent the City at ceremonial functions;
- Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations;
- Respect the proper roles of all elected and appointed officials and City staff in ensuring open and effective government; and
- Represent the official policies or positions of the City when designated as delegates for this Purpose.
- **Conduct on Social Media.** Public Officials should follow general best practices and guidance on social media platforms as they do in their interactions with the general news media as outlined above. Public Officials should clearly indicate if they are making comments that represent their own opinion and not of the City. Public Officials shall also be cognizant of the fact that their stated positions on social media discourse (particularly on social media platforms), may be misconstrued as the voice of the City, and may therefore put the full City at a disadvantage if and when an issue comes before them when extensive discussion and deliberation has already taken place in an informal public social media setting.

GENERAL RESPONSIBILITIES OF PUBLIC OFFICIALS DURING MEETINGS

City Councils, City Commissions and Boards are comprised of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve the City in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Public Officials may "agree to disagree" on contentious issues.

In Public Meetings:

- Use formal titles. Public Officials should refer to one another formally during meetings as Mayor, Mayor Pro Tern, Council Member, City Clerk, City Treasurer, Commissioner or Boardmember followed by the individual's last name.
- Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.
- Honor the role of the presiding officer in maintaining order and equity. Respect the presiding officer's efforts to focus discussion on current agenda items. Objections to the presiding officer's actions should be voiced politely and with reason, following approved parliamentary procedures.
- Demonstrate effective problem-solving approaches. Public Officials have a public stage to show how individuals with disparate points of view can find common ground and

seek a compromise that benefits the community as a whole. Public Officials are role models for residents and other stakeholders involved in public debate.

- Be respectful of other people's time . Stay focused and act efficiently during public meetings.

ROLE OF THE PRESIDING OFFICER

The Presiding Officer's position is as a leader among equals. The Presiding Officer is to preside at all meetings of their individual meeting bodies and perform such other duties consistent with the position as may be imposed by law or by vote of the people. The Presiding Officer does not possess any power of veto. For purposes of the City Council, the Mayor is the presiding officer of the Council. The Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

Authority of the Presiding Officer:

- The Mayor is the presiding officer at all City Council meetings. In the Mayor's absence, the Mayor Pro Tem shall be the presiding officer.
- The Chairperson is the presiding officer of at all Board and Commission meetings. In the absence of the Chairperson, the Vice Chairperson shall be the presiding officer.
- The Presiding Officers shall recognize the Public Officials , City Manager, Staff and speakers desiring to provide public comment. The Presiding Officer should allow other Public Officials to speak first on items before the body and then the Presiding Officer shall comment.
- The Presiding Officer should not permit inappropriate or unauthorized remarks from the audience including applause, stamping of feet, whistles, yells or shouting, and/or similar demonstrations.
- The Presiding Officer should manage the agenda in a manner that seeks to move the meeting along. The Presiding Officer may call for a short recess during a meeting when deemed necessary. The Presiding Officer, with the concurrence of the body, may consider setting reduced time limits for public comment and for adjournment and carrying over certain matters in order to complete the meeting at a reasonable hour, when necessary.
- The Presiding Officer will represent the majority opinion of the Council, Board or Commission on all actions/positions taken by the body.

CONDUCT WITH CITY STAFF

Governance of a City relies on the cooperative efforts of all Public Officials, who set and/or recommend policy, and City staff, who analyze problems and issues, make recommendations, and implement and administer the City's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your colleagues, practice civility and decorum in all interactions with City staff.
- Council-Manager form of government. Public Officials shall respect and adhere to the City's Council-Manager form of government, with the City Council acting as the legislative body of the City, and the City Manager serving as the administrative head of the City responsible for the implementation of Council-majority policies. Council members should always feel free to speak directly with the City Manager on matters of interest or concern. Board and Commission members should feel free to speak directly with their assigned City staff member.
- Channel requests of staff through the City Manager or Assigned Staff Member. Public Officials should work through the City Manager or their assigned Department head in dealing with City staff, when possible. Requests of City staff shall be directed to the City Manager or his/her designee or with notice provided to the City Manager, and shall be in writing. Board and Commission members should work through their assigned Department Head. Public Officials shall not set up meetings with department staff directly, and should avoid staff interactions that may be construed as trying to direct or shape staff recommendations. Public Officials shall refrain from coercing staff in making recommendations to the body as a whole.
- Refrain from public criticism of staff. Public Officials should avoid publicly criticizing Staff, individual employees or other Public Officials. Criticism is differentiated from questioning facts or opinions. All critical comments about staff performance should only be made to the City Manager or assigned Department Head through private correspondence or conversation.
- Consistent and equal sharing of information. All Public Officials should have the same information with which to make decisions. Information requested by an individual Member will be made available to all Public Officials. All information requests should respect the "one hour" rule (See below).
- Respect the "one hour" rule for staff work. Requests for staff support should be made to the City Manager or City Department assigned to a Board or Commission, according to the protocol for channeling communications. Any request, which would require more than one (1) hour of staff time to research a problem and/or prepare a response, will need to be approved by the full body to ensure that staff resources are allocated in accordance with overall Council or Board/Commission priorities. Once notified that a request for information or staff support would require more than one (1) hour, the Public Officials may request that the City Manager or assigned Department head place the item on an upcoming agenda.

DISCIPLINING A DISRUPTIVE MEMBER

If one member engages in disruptive behavior, it is the responsibility of the body to remind the disruptive member about their duties. The failure of the governing body to deal with a misbehaving member can also have legal consequences for the City. For example:

- A Public Official that mistreats staff members by using inappropriate language, asking the staff member to perform personal tasks, hugging or touching staff in an inappropriate manner, etc. may be putting the City at risk for a lawsuit alleging harassment or a hostile work environment. If the governing body does not take appropriate steps to avoid the appearance of agreement with the objectionable behavior of a fellow member or commissioner, the inappropriate behavior may be considered to have been sanctioned by the governing body.

Additionally, a Public Official that leaks a confidential legal opinion provided to the City can result in the loss of the attorney client privilege it is possible the opinion can be used in court against the City. For these reasons, it is appropriate to include enforcement measures for these adopted governance norms and protocols.

MEASURES TO ENFORCE GOVERNANCE NORMS AND PROTOCOLS

Warning to Councilmember. Any Public Official may submit a written complaint alleging a minor violation of these Governance Norms, the Shafter Charter, the Shafter Municipal Code or state law by another Public Official. Such written complaint will be submitted to the City Clerk and immediately forwarded by the City Clerk to the City Manager and City Attorney. Within ten (10) days of the receipt of such complaint, the City Manager and/or City Attorney shall jointly prepare a warning letter to the offending Public Official informing them of the nature of the complaint received and providing information and counsel regarding how to conform their actions and/or behavior in accordance with the Governance Norms, Charter, Municipal Code and/or state law. The City Manager and City Attorney shall not be required to conduct any investigation as to allegations. However, they shall provide copies of the warning letter to the entire City Council

Compliance Demand Letter. The submittal to a particular Public Official of a "Compliance Demand Letter" should be used for cases in which the body determines, based on review of the findings of an investigation, a more significant violation of these Governance Norms, the Charter, Municipal Code or state law have occurred, but the violation is considered not sufficiently serious to warrant censure. The matter will be properly agendized, and the Council will make a motion and vote during a public meeting whether to issue the Compliance Demand Letter. The named Public Official(s) will be provided appropriate notice, and, prior to the vote on the motion, an opportunity to provide a written or verbal response to the complaint(s) received. A Compliance Demand Letter to the named Public Official is distinguished from censure in that it is not punitive.

Censure. The residents of Shafter are entitled to responsible, fair, honest, and ethical City government. It is the Policy of the City of Shafter that all of its Public Officials shall abide by federal and state laws, the City Charter, City Municipal Code and the Governance Norms. Major violations of these provisions can subject the City to liability, affect the City's budget, resources, plans and timelines, injure the good name of the City, and undermine the effectiveness of the City Council, its Board and Commissions as a whole. Such conduct is deemed to be subject to censure. A censure shall be considered an expression

of disapproval by the body, but carries no additional penalty or fine to be imposed. Censure should be used for cases in which the governing body determines, based on the review of the findings of an investigation, the violation constitutes a serious offense or there have been multiple minor violations.

Censure Due Process/Procedure

1. Any two City Public Officials may initiate a censure process by jointly submitting a censure request to the City Clerk. The censure request shall be in writing, specify the name of the Public Official sought to be censured, and specify the alleged misconduct for which censure is sought.
2. Within 10 days of receipt of the censure request, the City Clerk shall inform the City Manager to notify the Public Official who is the subject of the requested censure, and the City Manager shall provide that Public Official with a copy of the written censure request.
3. The City Clerk shall thereafter place the censure request on the next regular agenda for initial consideration of the censure request by the governing body at a meeting occurring no later than 60 days after receipt of the censure request. The initial consideration of the censure may be heard at either a regular or special meeting.
4. At that meeting, the Public Officials who did not submit the complaint and the Public Official who is not the subject of the complaint, may by unanimous vote, direct that the censure hearing not move forward. Absent this unanimous vote, the censure hearing shall move forward.
5. If a censure hearing moves forward, the hearing will be conducted by the presiding officer, so long as the presiding officer is not the subject of the complaint. If the presiding officer is the subject of the complainant, then the hearing shall be presided over by the Public Official that is next in line (e.g. Mayor Pro Tem or Vice Chairperson). In the event the presiding officer or Public Official that is next in line cannot conduct the hearing, then the longest serving Public Official that is not the subject of the complainant shall preside over the censure hearing.
6. Any censure requires a majority of the governing body (minimum of three (3) votes) to enact, and must be approved through resolution.

Forfeiture of Office for City Council. As stated in the City Charter, a councilmember shall be subject to forfeiture of their office if the councilmember:

1. Lacks any qualification for the office prescribed by this Chapter or by law, at any time during the term of office for which elected.
2. Violates any express provision of the Charter or this policy, or fails to execute or abide by any mandatory provision hereof.
3. Is convicted of a crime involving moral turpitude
4. Fails to attend three consecutive regular meetings of the Council without being excused by the Council.

5. Fails to attend 85% (eighty-five percent) of the meetings of the Council during any twelve month period, without having been excused by the council.
6. Is found guilty of violating any other standards for the conduct of Public Officials, as established by ordinance.

Forfeiture Due Process/Procedure

The determination of forfeiture under subsections 1, 2, or 6 of the preceding section shall be made as follows:

1. Any one or more Councilmember shall file a complaint with the City Clerk. The complaint shall:
 - a. Be in writing;
 - b. Specify the name of the Councilmember who is believed to be subject to forfeiture; and,
 - c. Specify the alleged misconduct for which forfeiture is sought.
2. Within 10 days of receipt of the forfeiture complaint, the City Clerk shall inform the City Manager to notify the Councilmember who is the subject of the complaint, and the City Manager shall provide that Councilmember with a copy of the written complaint.
 - a. The City Manager upon receiving notice from the Clerk, shall coordinate with the Human Resource Director to conduct an independent and objective fact finding investigation, the results of which will be provided to all Councilmembers through the City Attorney.
 - b. All records produced shall also be supplied to the Administrative Hearing Officer who will be named at a subsequent meeting.
3. The City Attorney shall thereafter arrange for an independent Administrative Hearing Officer who meets the following minimum requirements to be confirmed or rejected by majority vote of the entire City Council at a meeting held within sixty (60) days of receiving the complaint. At the same meeting at which the Administrative Hearing Officer is selected, the City Council shall also adopt procedures for the conduct of the hearing before the Administrative Hearing Officer. The Administrative Hearing Officer shall conform to the following:
 - a. Active membership with the California State Bar in good standing, not subject to current investigation;
 - b. Minimum of 5-10 years practice experience in California;
 - c. Familiarity with the Administrative Adjudication Code of Ethics;
 - d. Familiarity with the California Code of Judicial Ethics, and,
 - e. Council shall approve the Administrative Hearing Officer through resolution at a special or regular meeting.
4. At a special meeting to deal solely with the complaint, the Administrative Hearing Officer shall have the right to order any investigation, interview witnesses or take any other action that is proper and responsive to the matter at hand.

5. A councilmember will be deemed to have forfeited office as of the date the hearing officer issues an order finding that a councilmember has violated the Charter or this policy.