

NOTICE AND CALL OF A SPECIAL MEETING

OF THE CERES CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Mayor of the City of Ceres has hereby called a **Special City Council Meeting** to be held on **Wednesday, June 30, 2021 commencing at 5:00 p.m.** in the **City Council Chambers** located at 2701 Fourth Street, Ceres, California.

Said Special Meeting shall be for the following purpose:

1. Resolution No. 2021-68, Authorizing Expenditures/Appropriations In Lieu Of 2021-2022 Budget & Continuing Resolution.

CERTIFICATION OF POSTING

I, Diane Nayares-Perez, City Clerk, City of Ceres, do hereby certify that I personally posted the Notice and Call of a Special Meeting to be held on Wednesday, June 30, 2021 at 5:00 p.m. on 6/29/2021 at the following location in Ceres:

Ceres Community Center located at 2701 Fourth Street

Date: June 29, 2021
Time Posted: 3:30 pm



Diane Nayares-Perez, City Clerk
City of Ceres

DETAILED AGENDA AND ZOOM MEETING INFORMATION IS ON THE ATTACHED AGENDA

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT. THIS MEETING WILL BE OPEN TO THE PUBLIC AND ALSO ACCESSIBLE VIA ZOOM.

MEETING INFORMATION: WEBSITE [HTTPS://ZOOM.US/](https://zoom.us/)

JOIN ZOOM MEETING ID: 844 5773 3796; Passcode: 536309

Direct Link to Join from a PC, Mac, iPad, iPhone or Android device:
<https://us02web.zoom.us/j/84457733796?pwd=eURMYlpoSHVlQ3J0cHRVSmd6S2xFZz09>

Or join by phone: (669) 900-6833 Meeting ID: 844 5773 3796; Passcode: 536309

REMOTE PUBLIC COMMENT IS ALSO AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING THE CITY CLERK AT CITYCLERK@CI.CERES.CA.US BY 5:00 PM THE DAY OF THE MEETING. INCLUDE THE AGENDA ITEM NUMBER OR PUBLIC COMMENT PERIOD IN THE SUBJECT LINE OF THE EMAIL. THE CLERK MAY READ WRITTEN COMMENTS INTO THE RECORD, IF SPECIFICALLY REQUESTED TO DO SO AT THE BEGINNING OF YOUR EMAIL. YOUR WRITTEN COMMENT WILL BE DISTRIBUTED TO THE CITY COUNCIL AND KEPT ON FILE AS PART OF THE OFFICIAL RECORD OF THE COUNCIL MEETING.

AGENDA
SPECIAL CITY COUNCIL MEETING
CITY OF CERES, CALIFORNIA
City Council Chambers, 2701 Fourth Street

Wednesday, June 30, 2021
5:00 p.m.

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292
Phone: (209) 538-5700 Fax: (209) 538-5780

Members of the public are advised that all cellular telephones and any other communication devices are to be turned off upon entering the City Council Chambers.

CALL TO ORDER

Mayor Lopez

ROLL CALL

Mayor: Lopez
Vice Mayor: Condit
Council Members: Ryno, Silveira

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mayor Lopez

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (five minutes).

While the City Council welcomes and encourages participation in City Council meetings, adopted rules allow no more than 5 minutes (Resolution No. 2007-106). California law prohibits the City Council from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the City Council. Citizens are entitled to address the City Council **on items described in the agenda for this special meeting.**

NEW BUSINESS

1. **Resolution No. 2021-68**, Authorizing Expenditures/Appropriations In Lieu of 2021-2022 Budget & Continuing Resolution. (Dias/Westbrook)

ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on Monday, July 12, 2021 at 6:00 p.m. in the City Council Chambers located in the Community Center at 2701 Fourth Street, Ceres, CA

Related Materials: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk’s Office at City Hall located at 2720 Second Street, Ceres, CA during normal business hours. Persons with questions concerning any agenda item may call the City Clerk’s Office at (209) 538-5731.

Notice regarding Americans with Disabilities Act:



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting or if you need the agenda and/or the documents in the agenda packet provided in an alternative format, please contact the city clerk’s office at (209) 538-5731 at least 24 hours prior to the meeting to ensure that reasonable arrangements can be made (28CFR 35.102-35.104 ADA TITLE II)

CERTIFICATION OF POSTING

I, Diane Nayares-Perez, City Clerk, City of Ceres, do hereby certify that I personally posted this June 30, 2021 Special Meeting Agenda and Notice and Call of a Special Meeting on 6/29/2021 at 3:30 pm at the following location in Ceres:

Ceres Community Center located at 2701 Fourth Street

Date: June 29, 2021

A handwritten signature in blue ink, appearing to read "Diane Nayares-Perez", written over a horizontal line.

Diane Nayares-Perez, City Clerk
City of Ceres



COUNCIL AGENDA REPORT

CITY COUNCIL

Javier Lopez, Mayor
Vacant, Dist. 1 Linda Ryno, Dist.2
Bret Silveira, Dist. 3 Couper Condit, Dist. 4

MEETING DATE: June 30, 2021

TO: Mayor and City Council

FROM: Tom Westbrook, City Manager

CONTACT: Tom Westbrook, City Manager, tom.westbrook@ci.ceres.ca.us,
(209) 538-5751

Leticia Dias, Finance Director, Leticia.dias@ci.ceres.ca.us,
(209) 538-5764

SUBJECT: **Resolution No. 2021-68, Authorizing Expenditures/
Appropriations In Lieu of 2021-2022 Budget & Continuing
Resolution**

RECOMMENDED COUNCIL ACTION:

The City Manager and Finance Director recommend the Council approve the following:

1. Resolution No. 2021-68, of the City Council of the City of Ceres Authorizing Expenditures/ Appropriations In Lieu of 2021-2022 Budget & Continuing Resolution.

I. BACKGROUND:

On June 14, 2021, the City Manager presented a preview of the draft budget to the City Council at a regular meeting seeking approval on the preliminary draft budget. This followed the May 13, 2021 budget workshop where the Council provided direction to staff on the budget. At the June 14, 2021 meeting the City Council direction to staff was to bring back a resolution adopting an Interim Budget through September 30, 2021. At the June 28, 2021 City Council meeting staff presented an Interim Budget to Council for consideration. The interim Budget did not pass.

II. REASONS FOR RECOMMENDATION:

The purpose of a budget is to appropriate public funds and provide legal authorization from Council as the governing body to expend funds. Adoption of the budget accomplishes both of these objectives. Without a budget, funds may not be spent. If the budget is not adopted by June 30, the Council may adopt a resolution to ensure that the City meets payroll and contractual obligations and continues to provide services to its residents. Attached is a memo from the City Attorney which details the effect of a Resolution Authorizing Expenditures/ Appropriations.

III. FISCAL IMPACTS:

Adoption of the resolution authorizes Expenditures/Appropriations in an amount not to exceed \$14,500,000, in Lieu of 2021-2022 Budget in order to meet labor and contractual obligations.

IV. EXISTING POLICY / RELATIONSHIP TO THE STRATEGIC PLAN:

This project is in conformance with the fifth goal of the Strategic Plan - **Government operations**: Provide quality services to meet community needs, assuring that the City has helpful, well trained, properly equipped and sufficient staff who partners with other public agencies to provide efficient services.

V. STEPS FOLLOWING APPROVAL:

If the resolution is approved, Staff will be able to proceed with processing payroll, meeting contractual obligations and continuing the services of the City.



Approved by: _____
Tom Westbrook, City Manager

Attachments:

1. Resolution No. 2021-68, Authorizing Expenditures/ Appropriations In Lieu of 2021-2022 Budget & Continuing Resolution
2. City Attorney Memorandum

RESOLUTION NO. 2021-68

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES
AUTHORIZING EXPENDITURES/APPROPRIATIONS IN LIEU OF 2021-
2022 BUDGET & CONTINUING RESOLUTION.**

WHEREAS, the City Council duly passed the Fiscal Year 2020/2021 budget; and

WHEREAS, adoption by the City Council of the Fiscal Year 2021/2022 operations budget and capital improvement budget will be delayed to allow for further review; and

WHEREAS, the Fiscal Year 2020/2021 budget ends on June 30, 2021; and

WHEREAS, the City Council deems it appropriate to continue the operation of the City services until the passage of the Fiscal Year 2021/2022 budget.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CERES
RESOLVES AS FOLLOWS:**

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The City Council authorizes Expenditures/Appropriations in an amount not to exceed \$14,500,000, in Lieu of 2021-2022 Budget in order to meet labor and contractual obligations.
3. Upon adoption of a resolution adopting the 2021/2022 Budget, this resolution shall have no further force and effect.

BE IT FURTHER RESOLVED THAT the City Manager or appropriate designee, is hereby authorized to approve payments for payroll, goods or services received by the City of Ceres in accordance with the City's approved budgets, programs, and policies.

PASSED AND ADOPTED this 30th day of June, 2021 at a special meeting thereof by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

Javier Lopez, Mayor

ATTEST:

Diane Nayares-Perez, CMC, City Clerk




CITY COUNCIL

Javier Lopez, Mayor
Vacant, Dist. 1 Linda Ryno, Dist. 2
Bret Silveira, Dist. 3 Couper Condit, Dist. 4

MEMORANDUM

TO: City Council, City Manager and Finance Director

FROM: Tom Hallinan, City Attorney 

DATE: June 29, 2021

SUBJECT: Resolution Authorizing Expenditures/Appropriations In Lieu of 2021-2022 Budget & Continuing Resolution

Without an appropriation, public funds may not be spent. In other words, the City may not make expenditures of any kind including but not limited to, payroll and contractual obligations.

Only the legislative body (in this case the City Council) has the power to appropriate money. The term "appropriation" means an authorization by a legislative body (e.g. city council) that provides legal permission to make expenditures and incur obligations for specific purposes. An "expenditure" is the actual payment of the funds.

The failure of a city council to adopt a budget or Continuing Resolution prior to the beginning of the fiscal year means that there is no legal authorization to spend money in the new fiscal year. Therefore, if the City Council fails either to adopt a budget or to adopt a continuing resolution (to carry forward the prior fiscal year's appropriations), there can be no expenditure of city funds because there is no legal authorization (appropriation) to spend those funds.

Staff is requesting that the City Council authorize necessary expenditures pending the adoption of a budget.

