



**Finance Committee
Agenda Report**

Meeting Date: April 28, 2009

TO: Finance Committee
 FROM: City Manager (896-7201)
 RE: Monthly Report on Questions and Answers Regarding City Finances

At the February 25, 2009, Finance Committee meeting, members of the public inquired how the City could accommodate a request that all questions to and answers from staff related to City finances be made available to the general public. I indicated that all questions should be directed to the City Manager and that I would then forward to the appropriate staff for a response, with all questions and answers to be included in the Reports and Communications section of the next scheduled Committee meeting and posted to the City's website. At its meeting on March 24, 2009, the Committee established the deadline for communications that would be included in the report as the second Tuesday of each month. Questions answered after that day will be included in the following month's report.

Set forth below is the report of inquiries received as of April 14, 2009. Copies of the correspondence are attached.

Report Covering Inquiries for the Period 03/12/09 Through 04/14/09			
Name	Subject	Date of Initial Request	Date of Final Response
Stephanie Taber	Notice of Funding for Property Acquisition	04/04/09	04/07/09


 David Burkland, City Manager

DISTRIBUTION:
 City Clerk (16)
 Finance Director (w/electronic copy to post to website)

ATTACHMENTS:

E-mail Exchange

FILE: D-11-1-5

Cindy Pierce - Re: Closed Session 4/7/09

From: Cindy Pierce
To: s.l.taber@att.net
Date: 4/7/2009 5:28 PM
Subject: Re: Closed Session 4/7/09
CC: David Burkland; Debbie Presson; Lori Barker

Hi Stephanie,

I'm sorry if you did not receive the e-mail response that the City Clerk sent you Sunday afternoon. I will forward you another copy. Following is some additional information related to the acquisition process:

This closed session agenda item is an example of the issue you raised at the January 27, 2009, Finance Committee meeting wherein you asked how the public is informed about property acquisitions.

As I explained to the Finance Committee, all matters related to negotiations for the potential sale or acquisition of property rights are conducted in closed session pursuant to the provisions of the Brown Act. At such time as a tentative agreement has been reached through confidential negotiations, consideration of formal City Council authorization is placed on the City Council's open session agenda. The minute order (or other authorizing document) that is placed on the agenda includes the pertinent information you are seeking. If the property rights are needed for a capital project, the information includes a description of the project, the purchase price, any other costs, and the funding source. If the acquisition is not related to a capital project, the information includes a justification for the City's need to acquire the property rights, the purchase price, any other costs, and the funding source. In both cases, if adequate funds have not been budgeted, the agenda item would also include a request for a supplemental appropriation.

With regard to the City's agenda annotations for closed sessions, the format set forth in the Brown Act are strictly followed. The Brown Act requires the agenda to specify: (1) the street address or parcel number of the property under negotiation; (2) the name of the City's negotiator; (3) the party with whom the City would be negotiating; and (4) the matter under negotiation (i.e. price and/or terms of payment).

TF: Monthly Report on Q&A

Cindy Pierce
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 E-mail: cpierce@ci.chico.ca.us

>>> <s.l.taber@att.net> 4/7/2009 5:12 PM >>>

Dave:

Have not heard back from anyone. Again, I am not asking about price or terms or any of what should be confidential - just simply "the purpose" ... new road, park, bike path whatever. If the purchase of land is for a public purposed surely that should not be withheld from the public whose funds are being used.
 sltaber

----- Original message from "David Burkland" <DBURKLAN@ci.chico.ca.us>: -----

Stephanie:

I sent a note to our City Attorney asking what we can disclose from Closed session property items other

than what is listed in the agenda. Cindy Pierce or I will get back to you with an answer.
Dave B

>>> <s.l.taber@att.net> 04/04/2009 3:18 PM >>>

David:

Where will I find the purpose and funding for the acquisition of property being discussed in the Closed Session on Tuesday? I understand the negotiating process is not done in public view but the reason we (taxpayers) are purchasing property and where the funds are budgeted must have been made known prior to this closed session - I just don't know where to look.

Would help greatly if the purpose were stated in the agenda thereby alleviating the need to request information.

sltaber

From: Debbie Presson
To: s.l.taber@att.net, David Burkland, Jessica Murgia, Lynda Cameron
Date: 4/5/2009 2:58 PM
Subject: Re: Closed Session 4/7/09

Hi Stephanie.

You won't find the details for property acquisition anywhere on the agenda. The actual documents that are provided to Council in Closed session are Attorney-Client Privileged and are protected by the Brown Act which governs what can and cannot be conducted in open or closed session. Once the Council discusses what they actually want to do and makes a decision, that information is brought back at a future meeting and approved in open session.

And, by law, we have to include on the agenda (which we did) the title of the item, the property(ies) being discussed and the agents/owners with whom we would be negotiating with. We also have to include the title of our negotiator as well.

Hope that helps to clarify our Closed Session items work.

Have a great day.

Debbie

Deborah R. Presson, CMC
City Clerk for City of Chico

530-896-7251 - office
530-895-4825 - fax
>>> <s.l.taber@att.net> 04/04/09 3:18 PM >>>

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