



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**PREPARED BY:** Doug Schulze, City Manager  
**MEETING DATE:** December 10, 2024  
**SUBJECT:** City Attorney Performance Evaluation

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### **RECOMMENDATION:**

Determine, by consensus, if discussion of City Attorney Performance Evaluation should be added to the January 14, 2025, Closed Session agenda.

### **BACKGROUND:**

A request has been submitted by Councilmember Flynn to add Evaluation of City Attorney Performance to a future closed session agenda. The process for adding items to the agenda is established by Section 3.5 of the Banning Procedural Manual, which was adopted by the City Council in 2012 and has been amended several times, most recently, by Resolution 2024-164 on October 8, 2024. Section 3.5 reads, as follows:

"Any Legislative Body member may have the City Manager place any business on the agenda that should be discussed under the item of the regular meeting agenda titled "New Items." Any Legislative Body member desiring to present a subject for the Legislative Body's consideration shall advise the City Manager's office of that fact not later than 12:00 noon on the Tuesday of the week preceding the meeting at which the member wishes the subject to be considered. The matter shall then be listed on the next agenda for discussion under Item 11 (New Items) of the regular meeting agenda. The Legislative Body shall then determine whether the proposed item should be a future agenda item for discussion and deliberation by consensus. The City Manager shall advise the Legislative Body member of constraints affecting staff's ability to produce an agenda report, and when the matter should be scheduled.

Notwithstanding the foregoing, the City Manager generally has responsibility for setting the agenda for the Legislative Body (except for any other legislative body where the responsibility may be assigned to the City Manager's designee) and may place matters on the agenda in accordance with the City Manager's evaluation of administrative priorities and resource capacities of the City."

### **JUSTIFICATION:**

Newly elected City Council discussion of City Attorney performance. The City Attorney is one of two employees of the Legislative Body (City Council).

### **FISCAL IMPACT:**

None.

### **ALTERNATIVES:**

Do not add City Attorney Performance Evaluation to the January 14, 2025, Closed Session Agenda.

**BUDGETED?:**

No

**CONTRACT/AGREEMENT:**

No