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3. Continuance of Hearing. Any hearing being held, noticed, or ordered to be held by the Council at any meeting of the Council may, by order, notice, or continuance, be continued or re-continued to any subsequent hearing..... 3226

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4. Communications and Petitions. Written communications and petitions concerning the subject matter of the hearing will be noted and summarized by the Mayor/Presiding Officer. A reading in full shall take place where a majority of the Council votes to have that correspondence read into the record..... 3326

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5. Ex-Parte Contacts. Should a Councilmember and one (1) or more members of the public make contact outside of the hearing process regarding a matter which is, or may be, before the Council for a quasi-judicial hearing, as soon as the Council is informed that the matter will come before it as a quasi-judicial hearing, that Councilmember must disclose the substance of the contact and the names of the parties on the record at the beginning of the Council's quasi-judicial hearing. Visits by Councilmembers to sites or properties that are the subject of such pending hearings, shall also be disclosed at the beginning of the Council's quasi-judicial hearing. 3326

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6. Resolutions. A resolution is generally adopted by the Council to deal with temporary or special matters, such as when the Council makes only a factual determination or certification that certain necessary conditions or requirements set by statute or ordinance have been met. Resolutions can also express opinions of the legislative body or set temporary standards (i.e. amount of permit processing fees that may be changed again by future resolutions). Resolutions are recorded and kept on file with the City Clerk. A resolution is less formal than an ordinance because it does not become part of the municipal code..... 3327

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7. Ordinances. An ordinance is a law that the Council adopts and in most cases is codified into formal law by means of the published municipal code. An ordinance is the most binding and permanent type of Council action and usually may only be repealed or amended by a subsequent ordinance. Ordinances must be publically read aloud at two (2) Council meetings: introduced at one (1) meeting and adopted at the subsequent meeting (most often at the next meeting). Ordinances may not be passed within five (5) days of introduction unless they are urgency ordinances. A public hearing notice must be published at least ten (10) days prior to the first reading of the ordinance. 3327

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PART I: ADMINISTRATIVE GUIDELINES

A. Purpose of Angels Procedures Manual

The City of Angels (the “City”) has prepared this City Officials’ Handbook (the “Handbook”) to assist Councilmembers and other City Officials (collectively, “City Officials”) by documenting accepted practices and clarifying expectations. This Handbook should serve as a reference on adopted practices and procedures pertaining to Angels City Council (“Council”) meetings, meetings of Boards, Commissions, or Advisory Groups, provide an overview of City operations, Council powers and responsibilities, expected behavior and decorum from Councilmembers and other elected or appointed officials, and related matters.

The Handbook supersedes any other handbooks which govern the Council, Boards, Commissions, or Advisory Groups.

B. Overview of Basic Documents

This Handbook is a summary of important aspects of City Officials’ activities. However, it cannot incorporate all materials and information necessary for understanding the business of City Officials. Many other laws, plans and documents exist which bind the City Officials to certain courses of action and practices. A summary of some of the most notable documents which establish City Official direction is provided below.

- 1. Angels Municipal Code:** The Angels Municipal Code (“A.M.C.”) contains local laws and regulations adopted by ordinances. ~~Title 2 Administration and Personnel, of the A.M.C. addresses the role and relationship of the Council, Mayor and Vice Mayor. It also describes the organization of Council, Board, Commissions, and Advisory Group meetings, and responsibilities and appointment of certain City staff positions and advisory commissions. In addition to these administrative matters, the~~The A.M.C. contains a variety of laws including, but not limited to, zoning standards, traffic and speed regulations, and local tax standards.
- 2. California Government Code:** The state Government Code contains many requirements for the operation of city government and administration of public meetings throughout the state. Many of these requirements, such as open meeting laws, are also replicated within the A.M.C. to ensure there is broad awareness of such requirements. The City is a “general law” city which means it is organized in accordance with provisions of the Government Code and it is bound by the state’s general law.

Also described within the Government Code is the council-City Administrator form of government which is the form of government utilized in the City. This form of government prescribes that the Council’s role is to establish policies and priorities, while the role of the City Administrator is to administer the affairs of the city government.

- 3. Annual Budget:** The City’s annual budget provides a description of City services, and the resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization.
- 4. General Plan:** Often referred to as a City’s development constitution, a state mandated general plan addresses adopted future land development plans and policies.
- 5. Emergency Operations Plan:** The City maintains an emergency plan entitled “Emergency Operations Plan” dated August 21, 2021 which describes actions to be taken in periods of extreme emergency. The Emergency Operations Plan may be updated from time _to_ time. The Council may be called upon during an emergency to establish policies related to the specific incident.

C. Orientation of New City Officials

It is important that new and incoming City Officials gain an understanding of the full range of services and programs provided by the City. As Councilmembers join the Council or other City Officials join their respective Commission or Board, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which Councilmembers would like more information, arrangements will be made to increase awareness of these operations.

D. Basic Definitions

1. **Chair** is the individual authorized by law, the A.M.C. or City policy to oversee, direct and preside over the public meeting of the City Council, Planning Commission or any other City board or commission.
2. **City Council** is the governing body of the City of Angels, comprised of four (4) Councilmembers and one (1) Mayor.
3. **City Official** is any elected or appointed member of the Angels City Council or Angels Planning Commission, or any other City board or commission established by ordinance or City Council policy.

Chapter 2: Council—General Powers and Responsibilities

A. Council Functions

The Council is the legislative body of the City; its members are the community's decision makers. Power is centralized in the elected Council collectively, and not in individual members of the Council. The Council approves the budget and determines the public services to be provided and the taxes, fees and assessments to pay for these public services. It focuses on the community's goals, major projects and such long-term considerations as community growth, general plan and land use, development standards, capital improvements, financing and strategic planning. The Council appoints a professional City Administrator to carry out the administrative responsibilities and supervises the City Administrator's performance.

B. Mayor and Vice Mayor Functions

- 1. Mayor:** The Mayor is to preside at all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council, by law, or by vote of the people. At Council meetings, the Mayor assists the Council in focusing on the agenda, discussions and deliberations. The Mayor does not possess any power of veto. As 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.

The Mayor is expected to exercise a leadership role with the other members of the City Council. To the extent that time permits, the Mayor generally works more closely with the City Administrator than other Councilmembers, being mindful that all information is shared equally with other Councilmembers. In this regard, the Mayor, working in conjunction with the City Council and the City Administrator, assumes a significant role in establishing the City's policy direction and priorities.

The Mayor as well as other Councilmembers, may elect to become an active participant in the various League of California Cities groups and meetings for elected officials.

- ~~4.~~ The Mayor shall make appointments to City advisory boards with the advice and consent of the City Council. (Angels Camp Municipal Code "AMC", Section 2.44.010.)

- 2. Vice Mayor:** In the absence of the Mayor, the Vice Mayor shall possess and perform the power and duties of the Mayor. In that capacity, the Vice Mayor shall sign ordinances and resolutions adopted in his or her presence. The Vice Mayor shall serve in this capacity at the pleasure of the Council.

- 3. Term:** The Mayor and Vice Mayor are selected by a majority vote of the Council and appointed on an annual basis for a ~~two-one (21) year term.~~ Selection of the Mayor and Vice Mayor occurs in December or January to coincide with the general municipal election that occurs every two (2) years.

- 4. Conflict of Interest:** In the event the Mayor has a potential conflict of interest on any item, the Vice Mayor will preside over the agenda item at issue.

C. Appointment of City Administrator and City Attorney

The Council appoints two (2) positions within the City organization: City Administrator and City Attorney. Both positions serve at the will of the Council.

- 1. City Administrator:** Is an employee of the City and has an employment agreement which specifies terms of employment including an annual evaluation by the Council. City Administrator shall be the administrative head of the City government under the direction of the City Council, except as otherwise provided in the A.M.C. He or she shall be responsible for the efficient administration of all the affairs of the City which are under the City Administrator's control. In addition to ~~their his~~ general powers as

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administrative head, and not as a limitation thereon, it shall be the City Administrator's duty, and the City Administrator shall have the powers listed in the A.M.C.¹

2. **City Attorney:** City Attorney services will be provided by contract. The City Attorney attends City all Council Meetings as well as City Committee Meetings~~other meetings at the request of the Council~~ as deemed necessary. The City Attorney is appointed and serves at the pleasure of the Council.

D. Role in Emergency

Chapter 2.12 of the Angeles Municipal Code governs the preparation, planning and protection of persons and property in the City in the event of an emergency or disaster. The City also has an *Emergency Operations Plan* that assists in governing emergency response.

Per AMC Section 2.12.030, the City's "Emergency Council" ~~(aka Civil Defense and Disaster Council)~~ consists of the following:

- The Mayor, who shall be chair~~person~~~~man~~;
- The City Administrator as Director of Emergency Services, who shall be vice-chair;
- The Assistant Director of Emergency Services, appointed by the ~~M~~Mayor with the advice and consent of the City Council who, under the supervision of the Director, shall develop emergency response and disaster plans of the City, ~~and other duties as assigned by the Director~~including Emergency Operations Plans, and Hazard Mitigation Plans, and organize the emergency management and response program of this city, and other duties as may be assigned by the Director;
- Such deputy directors and chiefs of emergency services as are provided for in the City's Emergency Operations Plan; and
- Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the ~~M~~Mayor with the advice and consent of the City Council.ⁱⁱ

The Emergency Council shall be responsible for the development of the City emergency plan, which shall provide for the effective mobilization of the City's resources, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.ⁱⁱⁱ The Council shall meet upon call of the Chairman, or in the Chair's absence, upon the call of the Vice Chairman [AMC 12.12.040(B)].

In the event of a local emergency or state emergency, the office of the Director of Emergency Services shall be created who shall appoint the Assistant Director of Emergency Services.^{iv} The Director of Emergency Services' power and responsibilities are outlined in the A.M.C. Section 2.12.050, ~~and~~ 2.12.060, and 2.12/065^v

Should the Council be unavailable during an emergency, state or federal law, as applicable, specifies a hierarchy of others who may serve in place of the Council

E. Appointment of Advisory Board and Planning Commissioners

The City currently has ~~two-one (21)~~ (21) commission, ~~thes~~ Planning Commission, ~~and the Museum Commission~~. In addition, special purpose citizens' committees and task forces ~~are often~~may be appointed by the Council to address issues of interest within City limits. The following procedures reflect the policy of the Council regarding the appointment of volunteer citizens to the various advisory bodies and commissions of the City.

Term^{vi}: All appointees to any other board, commissions, or committee not described below shall be limited to serving two (2) years. If a board, commission, or committee member is appointed to a partial term that partial

term is not counted towards the maximum terms that can be served as designated below. City staff will advertise of vacant positions as necessary and will post a notice of term expirations at least sixty (60) days prior to the expiration of any term.

1. Planning Commission^{vii}

Qualifications: Must be a resident of the City.
Term: As prescribed in the Angels Municipal Code Section 17.85.030 (3-year terms)
Appointment: Per Angels Municipal Code Section 17.85.030 (appointed by City Council)

~~2. Museum Commission^{viii}~~

~~Qualifications: Must be a Resident of the City with the exception of two (2) Members can non-residents living within Calaveras County~~
~~Term: Three (3) years. Terms expire on the last day of June.~~
~~Appointment: Made by Mayor with consent of Council.~~

Chapter 3: Council Administrative Support

A. Requests for Research or Information

Council member initiated or requested ~~requests~~ information or research should be directed to the City Administrator. Requests for new information or policy direction, if the information search process is too willarduous, will be brought to the full Council for consideration at a regular meeting at the discretion of the City Administrator. Any materials, information, or research provided to a Councilmember in response to such a request, including legal questions or conflict of interest inquiries submitted to the City Attorney, shall also be provided. ~~All written products will be copied~~ to the full Council.

B. Inappropriate Actions

The Council has delegated the City Administrator and the City Attorney jointly, or just the City Attorney, at the discretionary decision of the City ~~the~~ Attorney; the responsibility to discuss, on behalf of the full Council, any perceived or inappropriate action by a Councilmember. The City Administrator or City Attorney will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Administrator or City Attorney will report the concern to the full Council.

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A. Councilmember Compensation

State law and the City municipal code provide for modest compensation to members of the Council.^k Currently, members receive a salary of \$300 per month.

Councilmembers may waive their monthly salaries as provided by state law; however, they may not elect to assign their salary to any person or entity including a charitable organization.^x

B. Expenditure Allowance

The annual City budget may include an expenditure allowance for expenses necessary for members to undertake official City business. Eligible expenses include travel expenses, including meals for Councilmembers, and mileage reimbursement, which are made for City business.^{xi} Donations to organizations are not eligible nor are meals for individuals other than Councilmembers.

C. Expenditure Guidelines

[The City Council is subject to the requirements and provisions of the City's Travel Reimbursement Policy.](#) Any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. For example, reimbursement is not allowed to pay for meals at a meeting to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen or spouse attending a meeting.

City budgetary practices and accounting controls apply to expenditures within the Council budget. Councilmembers should plan expenditures, which will allow them to remain within the annual allocation. When exceptional circumstances require that additional amounts be allocated, the request must be made to the City Administrator, and Council action may be necessary. Reimbursement requests should be made through the City Administrator's office with receipts.

Chapter 5: Council Communications

A. Overview

Perhaps the most fundamental role of a Councilmember is communication. Whether through written or oral communications, a Councilmember's ability to effectively govern is directly tied to their ability to communicate effectively with others. Methods of communication come in various forms, whether it is communication with the public to assess community opinions and needs; communication to share the vision and goals of the City with constituents; and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. This chapter provides a general framework for communicating as an individual (a Councilmember's personal opinions on policies and directives) versus communicating as part of the legislative body.

Since the City Council performs as a body, acting based on the will of the majority as opposed to individuals, it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

~~Perhaps the most fundamental role of a Councilmember is communication; communication with the public to assess community options and needs and communication with staff to provide policy directions and to gain an understanding of various policy alternatives. Because the Council performs as a body (that is acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking "for" the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.~~

B. Speaking "for the City"

Because the Council performs as a body, it is important that the public understand when an individual Councilmember is speaking as an individual and when they are speaking on behalf of the entire Council. While the Mayor and Vice Mayor have the additional duties of representing the City at official events, individual Councilmembers can expect to be asked to make statements or comments on City-related business. Councilmembers should refrain from using City letterhead, correspondence, or logos when expressing their opinions as an individual to the public. Councilmembers may clarify that they did or did not support a matter so long as they clearly articulate the Council's positions as a whole unambiguously. When Councilmembers are requested to speak to groups or are asked about the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a Councilmember may clarify their vote on a matter by stating "While I voted against X, the Council voted in support of it." When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the Council's position rather than that of an individual member.

C. Correspondence from Councilmembers

1. Members of the Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information.
2. The following is the policy of the Angels Council relative to official and non-official correspondence by members of the Council.
 - a. Councilmembers shall not write or send letters on City station~~ery~~ without Council approval.
 - b. The Mayor is authorized to send thank you and acknowledgement letters as they directly pertain to the City in its usual course of business. Such correspondence shall not represent or include City endorsements, positions, etc. In addition, the Mayor may sign correspondence drafted by the City Administrator which the City Administrator believes is more appropriately signed by the City's chief

elected official. Such correspondence may include public notices, invitations, information, etc. All correspondence signed by the Mayor shall have a copy forwarded to each Councilmember.

- c. Councilmembers may endorse political candidates, initiatives, legislation or positions using their own stationery. They may identify themselves by City position and title, but in no case shall said endorsements infer that the City or Council supports said position or candidate. Members are encouraged to notify or send copies of said endorsement to the full Council.
- d. The Council policy is that it will not support individual political candidates, but may vote to support or take stands on initiatives, measures (i.e. school bonds) or other legislation as appropriate and permissible under state law. The Mayor shall be authorized to sign letters stating the Council's position.

D. Confidential Issues

Confidential issues, including anything which has been discussed in a closed session which may arise in closed session or in other conversations or communications with the City Administrator or City Attorney, shall not be disclosed to any member of the public, including the press without approval of the City Council. Confidential issues include but are not limited to anticipated or existing litigation, personnel matters, or other information relevant to City business that is confidential in nature. The release of any confidential information obtained in closed session may be referred by the City Council to the District Attorney's office as a Brown Act violation.

E. Local Ballot Measures

At times, initiatives that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

At times ballot measures may be placed on the ballot that affect Council policy. There are restrictions regarding what actions Council or individual members may take on ballot measures under California Law.

Political Activities: City Councilmembers, as elected officials, are allowed to participate in political activities, including endorsing candidates and supporting ballot measures.

- City Councilmembers should only publicly support or oppose ballot measures in their personal capacity and cannot use public resources to do so.
- City Councilmembers may campaign for or against local measures and engage in political activities, including attending rallies, making public statements or appearances, and issue personal endorsements.
- City funded communications regarding ballot measures must be informational and neutral. For example, Councilmembers can help explain the fiscal impacts of a ballot measure in a city-sponsored communication but cannot use those communications to advocate for a specific outcome.
- City Councilmembers cannot engage in campaigning or electioneering at public facilities or during official city events. This includes using city hall, council chambers, or any city-owned space for campaign-related activities.
- Campaigning must be conducted separately from official city functions.
- City Councilmembers may contribute their personal or political accounts funds in support or opposition of a ballot measure.
- Government Code Section 8314 prohibits City Councilmembers from using public resources (such as city staff time, equipment, email or funds) for campaign activities or political advocacy. Violations of this provision can result in penalties, including fines and possible legal action.

F. State Legislation, Propositions

The Council is frequently requested to take action on pending state legislation. The Council has adopted ~~the a~~ practice of requiring analysis of bills prior to taking any official position. The analysis is to include a summary of the legislation's purpose and a listing of those entities both in support ~~of~~ and against the proposed legislation. The Council will only take a position on pending state legislation by a majority vote of the City Council.

G. Proclamations

Proclamations are issued by the City Council as a ceremonial commemoration of an event or issue. Proclamations are not statements of policy. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue (e.g. Recycling Week).

~~Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the City can make special recognition of an event (e.g. Recycling Week).~~—As part of his or her ceremonial responsibilities, the Mayor is charged with administration of Proclamations. The City maintains a list of frequent or routine Proclamations that are issued annually. Individual Councilmembers do not issue proclamations, but may request that the Mayor issue a proclamation. The decision to add or not to add a Proclamation shall be made following consultation between the City Administrator and the Mayor when the Council meeting agenda is being prepared. Requests for new Proclamations should be directed to the City Administrator's Office staff at least four weeks prior to the meeting at which the requestor would like it read. The Mayor may elect to refer the Proclamation request to the Council for consideration and direction.

Commented [NG3]: I am not sure if this revision captures the intent of the Council in asking for revisions to this section.

A. Conflict of Interest

There are numerous sources of conflicts of interest that may require a Councilmember to disqualify himself or herself from participating in decision-making. The Political Reform Act (PRA) controls financial conflicts of interest of public officials. The PRA is one of the most complicated laws affecting local government. This law is implemented and enforced by the Fair Political Practices Commission (FPPC) which has issued comprehensive implementing regulations. To understand the PRA's impact on a Councilmember's actions, it is suggested that members discuss the law and potential conflicts with the City Attorney or a private attorney.

In general, under the PRA, public officials are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest (California Government Code § 87100). A "public official" is defined as including every member, officer, employee or consultant of the state or local government agency (California Government Code § 82048).

State laws are in place that attempt to eliminate any action by a City Official that may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

Newly elected officials are required to file a Statement of Economic Interest (Form 700) within thirty (30) days of being sworn into office. Thereafter, elected officials are required to file an annual Form 700. The City Clerk's Department will notify you of your filing requirements. Written permission must be obtained before posting elected officials' home addresses or telephone numbers on the Internet.

At any time if a City Official believes that a potential for conflict of interest exists, he or she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a City Official's potential conflict. Laws which regulate conflicts are very complicated. Violations may result in significant penalties or fines, including criminal prosecution. While not inclusive, a general summary of conflict rules has been prepared and appears below.

There are several laws that govern conflicts of interest for public officials in California – the Political Reform Act, Government Code section 1090, and Government Code section 87105 (<http://leginfo.legislature.ca.gov/faces/codes.xhtml>). In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official. Section 1090 prohibits a public official from being interested in government contracts; and section 87105 requires a public official who has a conflict of interest to publicly announce the conflict, recuse himself or herself and leave the room until after the discussion and voting on the matter is complete.

B. Applicability

Under the PRA, an official has a financial interest if it is reasonably foreseeable that a decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

1. Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more (California Government Code § 87103(a); 2 California Code of Regulations § 18700(c)(6)(A)).
2. Any real property in which the public official has a direct or indirect interest worth \$2,000 or more (California Government Code § 87103(b), 2 California Code of Regulations § 18700(c)(6)(B)).

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3. Any source of income other than gifts or certain loans aggregating \$500 or more provided to the public official within 12 months prior to the time of the decision (California Government Code § 87103(c); 2 California Code of Regulations § 18700(c)(6)(C)).
4. Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management (California Government Code § 87103(d); 2 California Code of Regulations § 18700(c)(6)(D)).
5. Any gift totaling \$470 (adjusted biennially by the FPPC) or more provided to, received by or promised within 12 months prior to the decision (2 California Code of Regulations §§ 18703.4, 18704-18961).

C. Analysis

In general, the FPPC suggests that a four-part analysis be followed in applying the conflict-of-interest rules:

- a. Step One: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the financial interests listed above (2 California Code of Regulations § 18700(d)(1))? If the financial interest is a named party to or the subject of the governmental decision, the financial effect on the public official's interest is reasonably foreseeable. If not a named party or subject of the decision, the financial effect on the interest will be reasonably foreseeable if there is a realistic probability of a financial effect.
- b. Step Two: Will the reasonably foreseeable financial effect be material (2 California Code of Regulations § 18700(d)(2))? Materiality is determined in reference to the specific financial interest involved.
- c. Step Three: Can the public official demonstrate that the material financial effect on the public official's financial interest is indistinguishable from the effect on the public generally (2 California Code of Regulations § 18700(d)(3))? This requires establishing that at least 25% of certain population segments are all affected, and that the effect on the governmental official's interest is not unique compared to the segment.
- d. Step Four: If after applying the three-step analysis and determining that the public official has a conflict of interest, he or she may not make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision.

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B. Political Reform Act

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a disqualifying conflict of interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. During that discussion, the official must leave the Council Chambers or where the discussion is taking place.

An official has a financial interest if "it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally" on one or more of the economic interests of the official or a member of the official's immediate family.

As of 2015, economic interests include interests in businesses worth \$2,000 or more, interests in real property, both ownership and leases, worth \$2,000 or more, a source of income in an amount of \$500 or more, and gifts

of \$460 or more provided to or received within one (1) year of the decision. These dollar amounts are subject to annual increases. Please check with the City Attorney to verify the current dollar amounts.

Often the economic interest involved is real property owned or leased by the City Official. In these cases, a public official is presumed to have a conflict of interest if he or she has a direct or indirect interest worth two thousand dollars (\$2,000) or more in fair market value.^{xiii} If a Councilmember has a pro rata share interest in real property, in which the Councilmember or immediately family member owns, and has a ten percent (10%) or greater interest in the property, then that is also a conflict of interest.^{xiii}

Determining whether a Councilmember has a disqualifying conflict of interest is very complicated and fact specific. Please contact the City Attorney if you suspect that you may have a conflict of interest so that a formal four step analysis of the potential conflict can be provided.

Government Code section 87105 states that a Council or commission member who has a conflict of interest must recuse himself or herself and leave the room, unless the matter is on the Consent Calendar.^{xiv} After it has been determined that a conflict of interest exists under the Political Reform Act, the following steps must take place:

1. **Publicly identify the financial interest.** This must be done in enough detail for the public to understand the economic interest that creates the conflict of interest. Residential street addresses do not have to be disclosed.
2. **Recuse yourself from both the discussion and the vote on the matter.** Recusal applies to all proceedings related to the matter.
3. **Leave the room until the matter has been completed.** The matter is considered complete when there is no further discussion, vote, or any other action.^{xv}

Exceptions: if the matter is on the consent calendar, recusal is not required. Additionally, if the individual with the conflict wants to speak during public comment, he or she may do so as a private citizen. However, this is the only time he or she may be in the room while the matter is being considered.

The Fair Political Practices Commission (“FPPC”) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.

C.D. Government Code Section 1090

Government Code section 1090 is similar to the Political Reform Act, but it applies only to City contracts in which a public official has a financial interest. The financial interests covered by section 1090 are different than those in the Political Reform Act. Having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating section 1090 are severe. If a City Official believes that he or she may have any financial interest in a contract that will be before the Council, the member should immediately seek advice from the City Attorney or the City Official’s personal attorney.

There are a number of other restrictions placed on Council actions which are highlighted in the League of California Cities Handbook. Such restrictions include prohibitions on secrecy and discrimination, as well as assurance that all City funds are spent for public purposes. Violations of these restrictions may result in a ~~personal~~personal liability for individual City Officials.

E. Disqualification and Disclosure

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When the agenda item is called, a City Councilmember who has a conflict of interest is required to publicly state that a conflict of interest exists, describe the nature of the economic interest giving rise to the conflict, disqualify himself or herself, and leave the room. Ideally, Councilmembers will become familiar enough with the sources of conflicts to determine in advance whether disqualification is necessary. However, if a Councilmember becomes aware of a potential conflict only during the meeting, it is perfectly appropriate for the Councilmember to ask for a break in order to discuss the matter with the City Attorney. If any Councilmember questions a potential conflict of interest related to another Councilmember, a recess may be called at the request of the Councilmember who may have a conflict to allow discussion of the issue with the City Attorney to determine if there is a conflict. If the Councilmember decides a conflict exists, that Councilmember may not participate in any aspect of the decision making, including discussing the matter with City staff. When a conflict of interest arises involving a matter on the consent calendar portion of the agenda, the Councilmember is not required to leave the room, unless that item is pulled from the consent agenda for separate discussion.

F. Legally Required Participation

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In the event that a decision cannot be made because a majority of the Council is disqualified due to conflicts of interest, the PRA allows the minimum number of Councilmembers necessary to constitute a quorum to return and participate in the decision to the minimum extent required. The Councilmembers permitted to participate must be chosen through a random process (California Government Code § 87101).

G. Advice on Conflict of Interest

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The City Attorney may provide advice to a Councilmember about the existence of a conflict of interest. However, advice given by the City Attorney does not protect the Councilmember from an enforcement action by the FPPC. A Councilmember may seek a formal written opinion from the FPPC on a particular set of facts. Such an opinion letter would provide protection from an enforcement action arising under the same set of facts.

D.H. Conflict of Interest Forms

Annual disclosure statements are required of all Councilmembers, designated commissioners, and senior staff. These disclosure statements indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers often serve on the governing board of other local agencies as a result of appointment or delegation through the Council. These agencies will also require ~~submittal~~the submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

E. Ex Parte Communications

~~All Councilmembers may have "ex parte" communications—meaning communications outside the meeting forum. However, such communication should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the official or other officials in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. This guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests. The applicable California law, the Brown Act, is discussed in Chapter 10 of this Handbook and provides more detail as to Councilmembers' obligations under California state law.~~

F. Liability

~~The City is a large institution offering a variety of services and may often find itself subject to legal actions through lawsuits. The City must always approach its responsibilities in a manner which reduces risk to all involved. However, with such a wide variety of high-profile high-profile services (e.g. police, fire) risk cannot be eliminated.~~

~~The City belongs to an agency with other cities in the San Joaquin Valley to manage insurance and risk activities. When claims are filed against the City they are sent to the City's claims examiner to review and make recommendations. Unless there is a clear liability on the part of the City, the claim will normally be recommended for denial. The Claim is placed on the Council agenda for rejection but will only be discussed in closed session if Council desires. Council should be careful discussing details of a claim or lawsuit outside of closed session.~~

~~It is important to note that violations of certain laws and regulations by individual City Officials may result in that official being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.~~

G-I. AB 1234 Training

State law requires the City to advise local officials, subject to California's ethics education requirements about their compliance options at least once a year.^{xvi} The City will ensure that all local officials will be provided the AB 1234 Ethics Training.

J. Liability

The City is a large institution offering a variety of services and may often find itself subject to legal actions through lawsuits. The City must always approach its responsibilities in a manner which reduces risk to all involved. However, with such a wide variety of high-profile services (e.g. police, fire) risk cannot be eliminated.

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It is important to note that violations of certain laws and regulations by individual City Officials may result in that official being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

A. Overview

Council policy is implemented through professional staff. Therefore, it is critical that the relationship between the Council and staff be well understood by all parties so policies and programs may be implemented successfully. The City of Angels has a long tradition of positive relationships between members of the Council and staff. To maintain these effective relationships, it is important that roles are clearly recognized.

B. Council-Manager Form of Government

Angels governs under a Council-City Manager form of government. This structure reflects that it is the Council's role to establish City policy and priorities. The Council appoints a City Administrator to implement this policy and undertake the administration of the organization. The Council is to work through the City Administrator in dealing with City staff. Indeed, the A.M.C. requires Councilmembers to work through the City Administrator.

The City Administrator is appointed by the Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the Council. The City Administrator is responsible to the Council rather than to individual Councilmembers and directs and coordinates the various departments.

C. Council-Manager Relationship

- 1. Employment relationship between the Council and City Administrator:** This relationship honors the fact that the City Administrator is the chief executive officer of the City. The Council should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the Council. Regular communication between the Council and City Administrator is important in maintaining open communications. All dealings with the City Administrator, whether in public or private, should respect the authority of the City Administrator in administrative matters. Disagreements should be expressed in policy terms rather than in terms that question satisfaction with or support of the City Administrator.
- 2. Evaluation:** The Council is to evaluate the City Administrator on an annual basis and pursuant to the terms of the City Administrator's contract with the City.
- 3. Open Communication:** As in any professional relationship, it is important that the City Administrator keeps the Council informed. The City Administrator respects and is sensitive to the political responsibility of the Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the Council. The City Administrator encourages regular one on one meetings with Councilmembers to provide information on various issues before the Council.
- 4. Staff Roles:** The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole through the City Administrator or from the appropriate management supervisors. The Council is discouraged from instructing staff directly but should instead submit any requests to the City Administrator or City Attorney. Further, any comments or concerns from the Council should be communicated to the City Administrator or City Attorney. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Councilmembers for information or assistance, provided that, in the judgment of the City Administrator, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full Council.

D. City Administrator Code of Ethics

City Administrator is subject to a professional code of ethics from his or her professional association. These standards appear in Appendix A of this Handbook, the ICMA Code of Ethics. It should be noted that this code binds the City Administrator to certain practices which are designed to ensure actions are in support of the City's best interests. Violations of such standards can result in censure by the professional association. This code is posted in the City Administrator's office.

E. Council-City Attorney Relationship

The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- 2.
3. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
- 4.
5. Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
- 6.
7. Keep City Council and staff apprised of court rulings and legislation affecting the legal interests of the City.
- 8.
9. It is important to note that the City Attorney does not represent individual members of the Council, but rather the City Council as a whole. Accordingly, with the exception of ~~conflict of interest~~conflict-of-interest inquiries, in questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council. Individual Councilmembers may seek advice or assistance from the City Attorney on other matters while exercising their best judgment on the most efficient and appropriate use of his/her resources. The City Attorney's performance is reviewed as provided by the services retention contract.

10.

~~1. City Attorney: The City Attorney is the legal advisor for the Council, City Administrator, and department heads.~~

~~2. City Attorney Legal Responsibilities. The general legal responsibilities of the City Attorney are to:~~

- ~~a. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;~~
- ~~b. Represent the City's interest, as determined by the Council, in litigation, administrative hearings, negotiations and similar proceedings;~~
- ~~c. Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and~~
- ~~d. To keep Council and staff apprised of court rulings and legislation affecting the legal interest of the City~~

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~~3. **City Attorney Representation:** It is important to note that the City Attorney does not represent individual Councilmembers, but the Council as a whole.~~

F. City Administrator-City Attorney Relationship

The City Attorney provides legal support and advice to the City Administrator as the chief executive officer of the City, to assist him or her in implementing Council policies and exercising his or her authority. The City Administrator is as the chief executive officer of the City responsible for carrying out and implementing Council policies. The City Attorney also keeps the City Administrator apprised of current relevant court rulings and legislation. ~~It is important to note that the City Attorney represents the Council and the City as a whole, not the City Administrator, Councilmembers, or individual residents of the City.~~ The City Attorney may share confidential information obtained from the City Administrator with the Council if necessary to protect the best interests of the City, and vice versa.

G. Access to Information and Communications Flow

- 1. Objectives:** It is the responsibility of staff to ensure Councilmembers have access to information from the City and to insure such information is communicated completely and with candor to those making the request. However, Councilmembers must avoid intrusion into those areas that are the responsibility of the staff. Individual Councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Councilmembers, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal.
- 2. Council Roles:** The full Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, departmental priorities, and the performance of City business.

Individual members of the Council should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Councilmembers also have a responsibility of the flow of information-flow. It is critical that they make extensive use of staff and commission reports and commission minutes. Councilmembers should come to meetings prepared—having read the council agenda packet materials and supporting documents, as well as any additional information or memoranda provided on city projects or evolving issues. Additional information may be requested from staff, if necessary.

- 3. Access to Information:** Individual Councilmembers, as well as the Council as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The City Administrator or City Attorney will pass critical information to all Councilmembers. The Council will always be informed by the City Administrator or City Attorney when a critical or unusual event occurs about which the public ~~would be~~ concerned.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, administrative draft EIRs) are under review and not available for release until complete and after review by City management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the Council. Certain aspects of police department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council. Confidential personnel information also has restrictions on its ability to be

released. Any concerns Councilmembers may have regarding the release of information, or the refusal of staff to release information, should be discussed with the City Attorney for clarification.

~~H. Dissemination of Information~~

~~In cases where a staff response to an individual Councilmember request involves written materials which may be of interest to other Councilmembers, the City Administrator will provide copies of the material to all other Councilmembers. In making this judgment, the City Administrator will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.~~

Commented [NG4]: This information is already contained in chapter 3.

~~H. Staff Relationship with Advisory Bodies~~

Staff support and assistance may be provided to commissions and task forces, but advisory bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Administrator and Council. The members of the commission or committee are responsible for the functions of the advisory body, and the commission or committee Chair is responsible for committee compliance with the policies outlined in the A.M.C.

Staff support includes preparation of a summary agenda and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person serves as secretary, taking minutes as needed.

It is important that advisory bodies wishing to communicate recommendations to the Council do so through adopted or approved Council agenda procedures. In addition, when a commission or committee wishes to correspond with an outside agency, correspondence should be reviewed and approved by the Council. Individuals who would like a commission or committee to review a particular issue must also gain approval for such a request from the full Council. Staff members are to assist the advisory body Presiding Officer to ensure appropriate compliance with state and local laws and regulations.

~~H. Restrictions on Political Involvement by Staff~~

~~The City is a local government and is a non-partisan entity. Professional City staff, as reflected within the principles of Council City Administrator form of government, formulates recommendations in compliance consistent with Council policy and for the good of the community and is should not be influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund raisers, or other means.~~

~~Staff Members:~~

~~1. By working for the City, staff members do not surrender their rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and general employees.~~

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2.1. Management Staff: The City Administrator strongly discourages any involvement in local campaigns even while on personal time. Such involvement erodes the tenet that staff are to provide an equal level of service to all members of the Council.

3.2. General Employees: These employees have no restrictions while off the job; however, no participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaigns or other political activities while in City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the Council in these matters is requested. A Councilmember asking staff to sign petitions, or similar items can create an awkward situation.

K.1. General Conduct Expectations

Councilmembers are expected to uphold a high standard of civility towards each other and to abide by the City's Ethics and Civility Code. Civility is expected between Councilmembers, the public, and City staff while in Council meetings and when out in public. Rude behavior and profanity will not be tolerated.

While in public, Councilmembers should be aware that they are still viewed as elected representatives of the citizens of the City. As such, Councilmembers' behavior in public shall be appropriate and shall not include inappropriate gesturing (including, but not limited to, crude or offensive body language, gyrating, or other inappropriate body movements) or profanity.

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts should model the same professional behavior displayed during Council meetings and community meetings.

Social media sites are not to be used as mechanisms for conducting official City business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing and discussing items of legal or fiscal significance that have not been previously released to the public. Officials' social media site(s) should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct official City business. Officials will not post or release proprietary, confidential, or sensitive information on social media websites.

Councilmembers must conduct themselves in a respectable manner so as to not damage the prestige of his or her elected title. In the performance of their official duties and in public, they should refrain from any form of conduct which may cause any reasonable person unwarranted offense or embarrassment.

Chapter 8: Leaving Office

A. Filling Council Vacancies

A vacancy on the City Council may be filled by appointment or call of a special election in the manner prescribed by law. Alternatively, the City Council may appoint a person to fill a vacancy on the City Council to hold office only until the date of a special election, which shall be immediately called to fill the remainder of the term. The special election may be held on the date of the next regularly established municipal election or other regularly established election to be held in the City more than one hundred fourteen (114) days from the call of the special election.^{xvii}

B. Conflicts of Interest While Leaving Office

A public official may not use his or her official position to influence prospective employment. California law prohibits elected officials, who held a position with the agency from lobbying the agency, to take any action within one (1) year of official's departure from office or employment.^{xviii} However, the individual may appear before the agency with which the official worked if the official is appearing on behalf of another public agency.

C. Filling Vacancies for Boards, Commissions, or Advisory Groups

A vacancy on any one of the City's Boards, Commissions, or Advisory Groups may be filled by appointment by the Mayor with consent of the Council. Chapter 2, Section E of this Handbook shall be followed when filling vacancies for any Boards, Commissions, or Advisory Boards.

PART II: COUNCIL PROCEDURAL GUIDELINES

Chapter 9: Open Meetings—Brown Act

A. Policy

1. **Introduction.** The Council shall comply with the provisions of the Ralph M. Brown Act, the Open and Public Meeting Law (the "Brown Act").
2. **Penalties and Applicability.** The intent of the Brown Act is to ensure that deliberation and actions of local public agencies are conducted in open and public at meetings.
 - a. Penalties: The law provides for misdemeanor penalties for members of a body who violate the Brown Act.^{xix} Violations are also subject to civil action.^{xx}
 - b. Applicability: The Brown Act applies to the Council, all commissions, boards, and task forces that advise the Council. Staff cannot promote actions which would violate the Brown Act.

B. Meetings

1. **General.** All meetings shall be open and public. A meeting takes place whenever a quorum (three (3) or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions do not fall under the Brown Act unless City business is discussed.
2. **Serial Meetings.** These can take place, and are prohibited by the Brown Act, when any member of the Council or City staff contact more than two (2) Councilmembers for the purpose of deliberating or acting upon an item pending before the Council (does not apply to the public or media). Correspondence that merely takes a position on an issue is acceptable.

C. Procedure

The following procedure shall be followed:

- a. Posting the Agenda: Agendas for regular meetings must be posted seventy-two (72) hours in advance of the meeting and must include the following:
 - i. Time and location of the meeting.
 - ii. Description of the agenda items. The description should be reasonably calculated to adequately inform the public, and public and should include the contemplated Council action.
 - iii. Public Comments Section. A section providing an opportunity for members of the public to address the Council. (The public comments portion of the agenda meets this requirement).
 - iv. Agendas in uniform font. Agendas for all Council meetings shall be in -a font as deemed by the City clerk~~Arial font~~. The City shall comply with provisions of the Brown Act and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) in making the agenda and documents in the agenda packet available in appropriate alternative formats to persons with a disability.
- b. ~~Affidavit of Posting. Immediately after posting the agenda, the City Clerk will prepare and sign an affidavit of posting, declaring the date and place where the agenda was posted. These affidavits will be filed in the City Clerk's office for public reference.~~

Commented [NG5]: Affidavit is advisable but not required by statute.

D. Actions

No action can be taken on any item not appearing on the posted agenda.

E. Ex Parte Communication

All Councilmembers may have “ex parte” communications – meaning communications outside the meeting forum. However, such communication should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the official or other officials in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. As an example, Councilmembers should not communicate with members of the public via text message or other similar methods of electronic communication during Council meetings about City business. This guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests. The applicable California law, the Brown Act, is discussed in Chapter 10 of this Handbook and provides more detail as to Councilmembers’ obligations under California state law.

~~All Councilmembers may have “ex parte” communications – meaning communications outside the meeting forum. However, such communication should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the official, or other officials, in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. This guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests.~~

Councilmembers who have ex parte communications with a party that appears before them at the meeting, should disclose that he or she had ex parte communication with the party. This can be done by stating that the Councilmember had ex parte communication with a party at a time in the meeting when the item is discussed.

Any written ex parte communication received by an official in a matter when all interested parties should have an equal opportunity for a hearing, shall be made a part of the record by the recipient.

Chapter 10: Council Meetings

A. Council Meetings

- 1. Regular Meetings.** Consistent with the A.M.C., regular meetings of the Council shall be held the first and third Tuesdays of each month, commencing at 6:00 p.m. in the City Council Chambers, Angels City Fire Department, 1404 Vallecito Road, Angels, California 95222.^{xxi}
 - a. Other Locations. The Council may, from time to time, elect to meet at other locations within the City, and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.^{xxii}
 - b. Location During Local Emergency. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the City Fire Department, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Vice Mayor or City Administrator.^{xxiii}
 - c. Holidays. When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall automatically be held on the next regular business day at the regular time and place unless canceled by the Council.^{xxiv}
- 2. Special Meetings & Emergency Meetings.** Special meetings and emergency meetings of the Council may be called and held from time to time consistent with, and pursuant to, the procedures set forth in the Government Code.^{xxv}
- 3. Adjourned Meetings.** The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Government Code.^{xxvi}
- 4. Closed Session.** The Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter which is authorized by State law to be heard in closed session. The general subject matter for consideration shall be expressed in open meeting before such session is held.^{xxvii}
 - a. Time Limit: Closed Sessions may begin earlier than 6:00 p.m., as needed, as long as the closed session items are agendaized and the time for their consideration is specified in the agenda.^{xxviii} Closed session must conclude promptly at 6:00 p.m. regardless of whether there is a pending action that must be taken. Closed session may be continued and reconvened after the regular meeting to finish any unfinished agenda items.
- 5. Cancellation of Regular Meetings.** Any meeting of the Council may be canceled in advance by a majority of the Council.
- 6. Quorum.** A majority of the Council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time, and compel attendance of absent members in the manner and under the penalties prescribed by ordinance.^{xxix} If all Councilmembers are absent from any regular meeting, the City Clerk shall declare the meeting adjourned to a stated day and hour. The City Clerk shall cause a written notice of the adjournment to be delivered personally to each Councilmember at least three (3) hours before the adjourned meeting.^{xxx}
- 7. Chair.** The Mayor shall preside over all Council meetings. The Mayor shall have the authority to preserve order at all Council meetings, to call for the removal of any person or persons from any meeting of the Council for disorderly conduct, to interpret and enforce the procedural guidelines of the

Council, and to determine the order of business under the guidelines of the Council.^{xxxvi}

- a. Absence of Mayor - The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.^{xxxvii}
- b. Mayor & Vice Mayor Absence - When the Mayor and Vice Mayor are absent from any meeting of the Council, the Councilmembers present may choose another member to act as Vice Mayor, and that person shall, during that meeting, have the duties of the Mayor.^{xxxviii}
- c. Presiding Officer – The Presiding Officer for any City appointed or created commissions, committees and boards shall preside over public meetings of such commissions, committees and boards.

8. Attendance by the Public. Except as specifically provided by law for closed sessions,^{xxxiv} all meetings of the Council shall be open to the public in accordance with the terms, provisions and exceptions consistent with State law.^{xxxv}

9. Action Minutes. The City Clerk, or his or her designee, will maintain a written record and attest to the proceedings of the Council in the form of action minutes. Action minutes will include final motions with votes of the Council, and reflect the names of public speakers.^{xxxvi}

10. Recordings of Meetings. ~~Video R~~ recordings of proceedings shall be made and shall be retained for record for the City Council and Planning commission permanently maintained by the City Clerk.^{xxxvii}

B. Policy Decision Making Process

1. Ad-Hoc and Standing Committees. Committees provide a great deal of assistance to the City Council when formulating public policy. The City has the following standing committees: ~~insert here~~.

- a. CPPA (Calaveras Public Power Agency)
- b. CSEDD (Central Sierra Economic Development District)
- c. COG (Council of Governments)
- d. LAFCO (Local Area Formation Commission)
- e. SWM (Solid Waste Management)
- f. UWPA (Utica Water and Power Authority)
- g. UWPA Budget
- h. ALL Hazards
- i. Infrastructure/Facilities
- j. Finance/Budget/Policy

~~4-~~ In addition, special purpose task forces (ad-hoc committees) are often appointed by the City Council to address specific issues of interest for a limited duration. These ad hoc committees are dissolved upon completion of the intended task. Committees and task forces are purely advisory to the Council and, in some situations, staff. Ad-Hoc Committees are formed on an as-needed basis with a clearly defined purpose and term. Standing Committees and Ad-Hoc Committees will consist of two (2) Councilmembers, in order to avoid Brown Act violations, and are appointed by the Mayor. Typically, committee appointments are made on an annual basis and are made at the first meeting of each calendar year. The Mayor may solicit interest from Councilmembers to serve on committees but final selection of committee participation is at the Mayor’s discretion.

2. Study Session. Study session items are placed on agendas for the purpose of open discussion. During study sessions, Councilmembers may hear reports from staff or others, ask questions, or invite public input.

3. Town Hall or Community Meetings. Such meetings may be held by an individual Councilmember and are not considered official governmental committees or Council meetings. Town Hall or Community

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Meetings do not require formation or appointment by the Mayor or Council. The Councilmember shall disclose this fact at their town hall meeting(s). To avoid possible Brown Act violations, only two (2) Councilmembers may participate in the discussion at a Town Hall or Community Meeting.

Chapter 11: Order of Business

A. General Order

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

B. CLOSED SESSION (IF NECESSARY)

- a. The Council meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. These are:
 - i. Closed sessions held at such times pursuant to Government Code Section 54957.6 where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.
 - ii. Security or emergencies.
 - iii. Personnel sessions.
 - iv. Closed sessions to consider potential or pending litigation in which the City or an officer or employee is or could be a party.

~~b. Matters discussed in closed sessions are considered confidential:~~

- ~~i. Labor Relations: As a matter of policy, the Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are presented as those of the Council as a whole. Members of the Council agree that positions and agreements shall not be divulged.~~
- ~~ii. Personnel Sessions: Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.~~
- ~~iii. Security — For obvious reasons: Arrangements made to address threats to the City or its property must be kept confidential.~~
- ~~iv. Litigation: Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position.~~

~~e.b.~~ The Council must adhere to the time limits for closed session in order to begin the regular meeting in a timely manner. If the Council does not conclude the closed session in the required timeframe as set forth in the Agenda, the Council will temporarily continue the closed session meeting until the close of the regular meeting.

C. REGULAR MEETING

C.D. CALL TO ORDER/ROLL CALL

D.E. PLEDGE OF ALLEGIANCE

E.F. ROLL CALL

F.G. CONFLICT OF INTEREST/REPORT OUT OF CLOSED SESSION

G. APPROVAL OF AGENDA.

~~A motion should be made to approve the agenda for the current meeting. Should a Councilmember wish to remove an item from the consent calendar for separate discussion, any Councilmember may do so during the approval of the agenda or during the approval of the consent calendar.~~

H. PRESENTATIONS/PROCLAMATIONS/RECOGNITION.

~~All special presentations, proclamations and recognitions will be calendared and coordinated through the Mayor, City Clerk, or City Administrator.~~

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H. PRESENTATIONS/PROCLAMATIONS/RECOGNITION.

All special presentations, proclamations and recognitions will be calendared and coordinated through the Mayor, City Clerk, or City Administrator.

I. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)

H.J. PUBLIC COMMENT (NON-AGENDA/NON-AGENDA ITEMS)

J. ITEMS FROM THE CITY COUNCIL

K. CONSENT CALENDAR.

All matters listed under the Consent Calendar are considered by the Council to be routine and will be acted upon in a single motion. Separate discussions of these items may be requested by a Councilmember or staff member prior to the time the Council considers the motion to adopt. A member of the public may not pull an item from the consent calendar.

Agenda items requested for removal from the consent calendar by Councilmembers or staff will be considered at the beginning of the "Unfinished Business" Section of the agenda. Members of the public ~~cannot may~~ request ~~for~~ the removal of agenda from the consent calendar. A Councilmember may vote "no" on any consent item without comment or discussion. Any substantive Council comments, questions or discussion on an item will require removal of the item from the consent calendar.

L. PUBLIC HEARINGS. The guidelines for conducting public hearings are discussed below ~~at~~in sub-section B of this Chapter.

M. UNFINISHED BUSINESS

N. NEW BUSINESS

O. OTHER AGENCY BUSINESS

P.O. ITEMS FROM THE CITY TREASURER

Q.P. ITEMS FROM THE CITY ATTORNEY

R.Q. ITEMS FROM THE CITY ADMINISTRATOR

R. COUNCIL REPORT

S. CALENDAR

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~~S.T.~~ **INFORMATIONAL-FUTURE AGENDA ITEMS.** *Upcoming Meetings (30-day calendar)*

~~T.U.~~ **ADJOURNMENT TO NEXT REGULAR MEETING OF (Date)**

B. Action on Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda seventy-two (72) hours prior to the Council meeting unless an exception is made as permitted by the Government Code.^{xxxviii}

C. Items Placed on Written Agenda

Items of business shall be placed ~~up~~ on the written agenda prior to the deadline announced or observed for the preparation thereof, at the request of the City Administrator or the City Attorney.

Any member of the City Council may place an item on a future agenda by making a formal request to the City Administrator at a meeting of the City Council. The City Administrator will place City Council items on a future City Council agenda when reasonable based on the staff time and research necessary to prepare the item for City Council consideration.

D. Items from the City Council, City Treasurer, City Administrator, or City Attorney

These sections of the agenda provide the opportunity for brief comment on items of interest to the public, which can include City events, City business, City operations, City or projects, and other items of general interest.^{xxxix}

E. Public Hearings:

1. **General Procedure.** Certain actions of the Council require a public hearing, wherein the community receives an opportunity to provide testimony in front of the Council to adopt a resolution, introduce an ordinance, or approve a document. Zoning ordinances always require a public hearing. Check with the City Attorney if in doubt as to whether a public hearing is required. The Council procedure for the conduct of public hearings is generally as follows:
 - a. The Staff Presents its Report. After the Mayor/Presiding Officer announces the item as it appears on the agenda, City staff will give a presentation to the City Council and the public on the staff report prepared for the matter.
 - b. Initial Questions to Staff by the Council. Prior to opening ~~up~~ a public hearing on a matter, Councilmembers may ask questions of staff or third-party consultants regarding the staff report and the item.
 - c. Mayor/Presiding Officer Opens the Public Hearing:
 - i. Applicant or Appellant Presentation. The applicant or appellant then has the opportunity to present comments, testimony, or argument.
 - ii. Public Testimony. Members of the public are provided with the opportunity to present their comments, testimony, or argument. Members of the public presenting comments, testimony, or argument will follow the following guidelines:
 1. Members of the Public Request to Speak. Any person desiring to speak or present evidence shall make his or her presence known to the Mayor/Presiding Officer and upon being recognized by the Mayor/Presiding Officer, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being

recognized by the Mayor/Presiding Officer.

2. Council Questions of Speakers. Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor/Presiding Officer.
 3. Public Oral Presentations. All Council guidelines pertaining to oral presentation by members of the public apply during public hearings. These guidelines are discussed below in Chapter 13: "Addressing the Council."
 4. Materials for Public Record. All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence.
 5. Germane Comments. No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor/Presiding Officer, but may be appealed to the full Council.
 - i. The applicant or appellant is given an opportunity for rebuttal or closing argument.
 - ii. The public input portion of the public hearing is closed.
- d. Questions and discussion from the Council. Councilmembers should not express their opinions on an item prior to the close of the public hearing, as the Councilmembers should not form or express an opinion until after all testimony has been received. Questions and comments from the Council should not be argumentative, and the Council should not engage in debates with staff, or those members of the public testifying to an opinion, until after all testimony has been received.

Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and have the reason entered ~~into~~ ~~in~~ the minutes. If the dissenting Councilmember desires such dissent or protest to be entered into the minutes, this should be made clear by language such as "I would like the minutes to show that I am opposed to this action for the following reasons..."

- e. Council decision occurs. Once the Council completes its discussion of the matter, a Councilmember may make a motion to take action on the item. A Councilmember may also make a motion to table, amend, substitute, postpone, or continue the matter, pursuant to these Procedures. If the Council is unsuccessful in carrying a motion on the matter before the adjournment of the meeting, the motion shall be deemed to have failed.
- f. The Mayor/Presiding Officer will announce the final decision of the Council.

F. Time for Consideration. Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible and will continue until the matter has been completed, or until other disposition of the matter has been made.

G. Continuance of Hearing. Any hearing being held, noticed, or ordered to be held by the Council at any meeting of the Council may, by order, notice, or continuance, be continued or re-continued to any subsequent hearing.

H. Communications and Petitions. Written communications and petitions concerning the subject matter of the hearing will be noted and summarized by the Mayor/Presiding Officer. A reading in full shall take place where a majority of the Council votes to have that correspondence read into the record.

I. Ex-Parte Contacts. Should a Councilmember and one (1) or more members of the public make contact outside of the hearing process regarding a matter which is, or may be, before the Council for a quasi-judicial hearing, as soon as the Council is informed that the matter will come before it as a quasi-judicial hearing, that Councilmember must disclose the substance of the contact and the names of the parties on the record at the beginning of the Council's quasi-judicial hearing. Visits by Councilmembers to sites or properties that are the subject of such pending hearings, shall also be disclosed at the beginning of the Council's quasi-judicial hearing.

J. Resolutions. A resolution is generally adopted by the Council to deal with temporary or special matters, such as when the Council makes only a factual determination or certification that certain necessary conditions or requirements set by statute or ordinance have been met. Resolutions can also express opinions of the legislative body or set temporary standards (i.e. amount of permit processing fees that may be changed again by future resolutions). Resolutions are recorded and kept on file with the City Clerk.^{xi} A resolution is less formal than an ordinance because it does not become part of the municipal code.

K. Ordinances. An ordinance is a law that the Council adopts and in most cases is codified into formal law by means of the published municipal code. An ordinance is the most binding and permanent type of Council action and usually may only be repealed or amended by a subsequent ordinance. Ordinances must be ~~publically~~publicly read aloud at two (2) Council meetings: introduced at one (1) meeting and adopted at the subsequent meeting (most often at the next meeting). Ordinances may not be passed within five (5) days of introduction unless they are urgency ordinances.^{xii} A public hearing notice must be published at least ten (10) days prior to the first reading of the ordinance.^{xiii}

L. Urgency Ordinances. An urgency ordinance is a special type of ordinance that is only brought once before the Council for a vote.^{xiii} It does not go on the Consent Calendar and usually cannot be codified into the municipal code.

M. Voting & Publishing Requirements for Resolutions and Ordinances.

a. Voting. All resolutions and ordinances require a recorded majority vote of the total membership of the Council.^{xiv} Ordinances shall be signed by the Mayor and attested by the City Clerk.^{xv}

b. Publishing. The rates of taxes to be levied, or the amount of revenue required to be raised by taxation, may be fixed either by ordinance or resolution. Where the tax rate or the amount of revenue required to be raised by taxation is fixed by resolution, such resolution shall be published in the same manner and within the same time as ordinances are required to be published.^{xvi} Within fifteen (15) days after the ordinance passes, the City Clerk shall cause each ordinance to be published at least once, with the names of those City Councilmembers voting for and against the ordinance, in a newspaper of general circulation circulated in the City of Angels.^{xvii} Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but these ordinances shall be posted in the manner and at the time required by the Government Code.^{xviii} Except as provided in Section

36937 of the Government Code, an ordinance shall not take effect or be valid unless it is published or posted pursuant to Government Code Section 36933 and not until thirty (30) days after the final passage of an ordinance. The publication and posting of ordinances may be satisfied by the actions prescribed in Government Code Sections 36933(c)(1) and 36933(c)(2).

- C. **Exceptions to Publishing Requirement.** An ordinance takes effect immediately if it is an ordinance: (i) relating to an election; (ii) for the immediate preservation of public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Council; (iii) relating to street improvement proceedings; (iv) relating to taxes for the usual and current expense of the City; or (v) covered by particular provisions of law prescribing the manner of its passage and adoption.^{xix}

Chapter 12: Guidelines of Conduct

A. General Procedures

It is the policy of the Council not to become involved in the protracted discussion over parliamentary procedure. Consistent with any City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Presiding Officer~~Mayor~~, subject to appeal to the full Council.

B. Authority of the Mayor/Presiding Officer

Subject to appeal to the full Council, the Mayor/Presiding Officer shall have the authority to prevent the ~~misuses of~~misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor/Presiding Officer shall be courteous and fair and should presume that the moving party is acting in good faith.

C. Mayor to Facilitate Council Meetings

The Council delegates the responsibility and expands the role of Mayor/Presiding Officer to include the facilitation of Council meetings. In the role as facilitator, the Mayor/Presiding Officer will assist the Council to focus on their agenda, discussions and deliberations.

D. Council-Deliberation & Order of Speakers

The Mayor/Presiding Officer is delegated the responsibility to oversee the debate and the order of speakers. Speakers will generally be called upon in the order they request to speak as recognized by the Mayor/Presiding Officer.

E. Limit Deliberation to Item at Hand

Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.

F. Length of Council Comments

Council members will govern themselves as to the length of their comments or presentations. The Council delegates to the Chair the responsibility ~~of assisting to assist~~ the Council by signaling if a Councilmember has been speaking for an excessive time period. Comments from Councilmembers are limited to five (5) minutes for each Councilmembers, unless the Council, by concurrence, extend such time. Councilmembers may not yield their speaking time to another Councilmember.

G. Limitations of Debate

Councilmembers will be allowed to speak once before the Mayor/Presiding Officer opens the matter for public comment. Councilmembers may speak a second time after the close of public comment if more time is allowed by the Mayor/Presiding Officer or the majority of the Council. Comments from Councilmembers are limited to five (5) minutes for each Councilmember, unless the Council, by concurrence, extend such time.

H. Obtaining the Floor

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

I. Motions

Motions may be made by any member of the Council, including the Mayor, providing that before a motion is offered by the Mayor, the opportunity for making a motion is offered to the other Councilmembers. Any members of the Council, other than the person offering the motion, may second the motion.

1. **Procedure for Motions:** Before a motion can be considered or debated, it must be seconded. Once

the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor. Once the matter has been fully discussed and the vote is called for, no further discussion will be allowed; however, Councilmembers may be allowed to explain their vote.

- a. Process to Make and Second a Motion. Councilmembers wanting to make or second a motion may do so through a verbal request to the Mayor.

2. Precedence of Motions: When a motion is on the floor, no other motion shall be entertained except the following, which shall have precedence in the following order:

- a. Motion to Adjourn the Meeting (not ~~debatable~~debatable). A motion to adjourn shall be in order at any time, except as follows:
 - i. When repeated after defeat without any intervening business or discussion.
 - ii. When made as an interruption of a Councilmember who is speaking.
 - iii. While a vote is being taken.

A motion to adjourn “to another time” shall be debatable only as to the time which the meeting is adjourned

- b. Motion to Fix Hour of Adjournment. Such motion shall be set to a definite time at which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posted on or near where the meeting was held within twenty-four (24) hours of the adjournment. ⁱ

If the subsequent meeting occurs within five (5) days of the original meeting, the Council may consider matters placed on the original meeting agenda without posting a new agenda. If the subsequent meeting occurs more than five (5) days from the original meeting, a new agenda must be prepared and posted. ⁱⁱ

- c. Motion to Table. A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be “taken from the table” at any time by a motion made prior to the end of the meeting. If the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.
- d. Motion to Amend. A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending on whether the motion to amend carries.
- e. Motion to Substitute. A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable, and voted on before a vote on a motion to amend the main motion amendment.

f. Motion to Continue. Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and time set. If desired, the Councilmember who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

3. **Motions Introducing Ordinances.**ⁱⁱⁱ Ordinances shall not be passed within five (5) days of their introduction unless they are urgency ordinances. Ordinances may only be passed at a regular meeting and must be read in full at the time of introduction and passage except when, after reading the title, further reading is waived. Motions introducing ordinances for adoption at a future meeting are deemed to include a waiver by the Council of the full reading of the text and title of the proposed ordinance unless the motion is otherwise specifically so provided. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting held at least five (5) days after alteration. Corrections of typographical or clerical errors are not considered alterations for purposes of this paragraph.

J. Voting Procedures

Any Councilmember present at a meeting when a question comes up for a vote, should vote for or against the measure unless he or she is disqualified from voting and abstains because of such disqualification. All votes shall be roll call votes, except for minute actions. Minute actions may be taken by voice vote. The results reflecting all "ayes" and "noes" and "abstentions" must be clearly set forth for the record. Raised hands can reflect an "aye", "no", or "abstention" vote but the record shall reflect each raised hand vote.

1. **Abstention:** An abstention does not count as a vote for or against a matter. If a Councilmember abstains, he or she is counted as present for quorum purposes but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." If a Councilmember abstains from voting on the grounds that he or she has or may have a conflict of interest, that abstention shall be made either at the beginning of the Council consideration of the matter, or as soon as the Councilmember recognizes that he or she may have such a conflict or potential conflict. In addition, the Councilmember shall state for the record the precise nature of the interest which he or she may have that creates the conflict or potential conflict and shall leave the Council Chamber during discussion of the item when required to do so by the Political Reform Act.ⁱⁱⁱ
2. **Tie Votes:** A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
3. **Motion for Reconsideration:** Motions for reconsideration of a matter may only be made at the same meeting at which the Council takes action on a matter. Such motion may only be made by a Councilmember who voted with the side that prevailed on the matter in question. With regard to a tie vote resulting in a lost motion, the prevailing side will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.

K. Non-Observance of Guidelines

The guidelines are adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion, and shall be deemed to be procedural only. The Council shall not be required to follow formal organizational procedures such as Robert's Rules of Order. Failure to strictly observe the guidelines shall not affect the jurisdiction of, or invalidate any action taken by the Council.^{iv}

L. Non-Exclusive Guidelines

These guidelines are not exclusive and do not limit the inherent power and general legal authority of the Council, or of the Mayor/Presiding Officer, to govern the conduct of Council meetings as may be considered

appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

Chapter 13: Addressing the Council

A. Oral Presentations by Members of the Public

The rules governing oral presentations by members of the public at Council meetings are as follows:

1. The person is requested to come to the podium, state his or her name and address for the record (although not required), and, if speaking for an organization or other group, identify the organization or group represented.
2. All remarks should be addressed to the Council as a whole, not to individual members thereof.
3. Questions, if any, should be directed to the Mayor/Presiding Officer who will determine whether, or in what manner, an answer will be provided.

B. Public Comment

Public Comment is that period set aside at Council meetings for members of the public to address the Council on items of City business other than scheduled agenda items. The Public Comment portion of the Council meeting is the opportunity for members of the public to address the Council in compliance with the Government Code.

1. **Timing.** Public Comment for each speaker is limited to ~~five~~^{three} (3) minutes, unless the Council, by concurrence, extend such time. Members of the public may not yield any portion of their individual public comment time to other speakers.
2. **City Matters.** Presentations under Public Comment are limited to items within the subject matter jurisdiction of the City.

C. Agenda Item Oral Presentation

Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda, may do so when that item is taken up by the Council, or as otherwise specified by the Council or the Mayor/Presiding Officer.

1. **Presentations Submitted in Writing.** Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing, in advance, to the care of the City Clerk, for prior distribution to the Council and other interested parties. Submission of comments in writing is encouraged in lieu of possible lengthy oral presentations which may not be permitted.
2. **Timing.** Comments by the public on City business matters appearing on the agenda may do so once the Mayor/Presiding Officer opens the matter for public comment. Members of the public may speak a second time after the close of public comment only if more time is allowed by the Mayor/Presiding Officer or the majority of the Council.
3. **Assigning Time.** Persons wishing to assign their time for oral presentations to other individuals may do so only with authorization of the Mayor/Presiding Officer or a majority of the Council.
4. **Reading Written Comments.** Persons wishing to read written comments into the record may do so only with authorization of the Mayor/Presiding Officer or a majority of the Council. Additional procedures for written comments is detailed below.

D. Comments in Writing Encouraged

Members of the public may submit, and are encouraged to submit, comments in writing to the Council, care of

the City Clerk, relating to any items of City business, whether on the Council agenda or otherwise. Such comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the Council, in its judgment, may deem appropriate. All written comments submitted prior to or during the item the comments relate to, will be part of the record on that particular item. Written comments will not be read aloud at the Council meeting.

- 1. Comment Cards.** Comment cards may be used by members of the public in attendance at the meeting who do not wish to or cannot verbally address the Council during a meeting. A person may indicate his or her brief comments on the card and his or her opposition or support for an item on a comment card. Written comment cards can be submitted to be read at the meeting or submitted prior to the meeting by email by [] to the City Clerk. During the public testimony on the item, the Mayor indicates that the Council has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue.
- 2. Repetitious Comments Prohibited.** Speakers shall not present the same or substantially the same items or arguments to the Council repeatedly or be repetitious in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

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E. Speaker Time Limits for An Agenda Item

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, the Mayor/Presiding Officer may request that a spokesperson be chosen by the group, and in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Council. A specific time limit may also be set for the total presentation. No group shall arrange themselves so as to use individual speakers' times in sequential order to circumvent the time limits.

F. Waiver of Guidelines

Any of the foregoing guidelines may be waived by majority vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

G. Decorum

It is crucial that the public have confidence in the integrity of its local government. Further, to ensure that the City's business is conducted in a manner that is both professional and efficient, it is important that all participants in the process exercise decorum and civility.

The Mayor/Presiding Officer shall maintain order, decorum, and the fair and equitable treatment of all speakers. The Mayor/Presiding Officer shall keep discussions and questions focused on the specific agenda item under consideration.

Councilmembers shall perform their duties in accordance with the City's processes and rules of order governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the Council by City staff. They shall work together collaboratively, assisting each other in conducting the affairs of the City. Councilmembers shall fully participate in public meetings, in both the open and closed sessions, while demonstrating respect and courtesy to others. City Officials shall stay focused, stay on topic and act efficiently during public meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.

No person shall engage in harassment of another person during a public meeting. Harassment includes but is not limited to:

1. Verbal harassment such as racial epithets, derogatory comments, or slurs;
2. Physical harassment such as assault, impeding or blocking movement, or any other physical interference or threat directed at an individual;
3. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes that unreasonably interferes with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

During public meetings, all present shall:

1. Preserve safety and order;
2. Not block the audience or camera from viewing the proceedings;
3. Not engage in disruptive behavior, including but not limited to: heckling, whistling, yelling, and other similar demonstrations;
4. Not willfully disrupt the peace and order of the meeting;
5. Listen to others respectfully and not interrupt those who are speaking;
6. Refrain from making comments that personally attack an individual in a way that disrupts, disturbs, or otherwise impedes orderly conduct;
7. Avoid the use of profanity, obscene language, and threats that disrupt, disturb, or otherwise impede orderly conduct;
8. Not use unlawful physical force. Physical force includes but is not limited to: grabbing, pushing, slapping, punching, kicking, or otherwise striking the body of another or an object attached to another's body;
9. Not harass any other person in any way, ~~including, but not limited to, types of harassment described in section 2.07.060 of the A.M.C.~~
10. Avoid obscene gestures or motions that could be viewed as threatening or an effort to intimidate. Unacceptable gestures include, but are not limited to, those of a sexual nature, finger pointing and fist shaking in an overly aggressive or accusatory manner, miming the use of weapons or other violent acts, and other movements that could be seen as threatening; and
11. Avoid raising voices beyond what is necessary to be heard by the audience.

Unruly conduct that disrupts the meeting such as undue noise, hissing, profanity, inappropriate applause, insults or physical disturbance shall not be permitted.

If these rules are violated, the City has the following recourse:

1. The Mayor/Presiding Chair can call a point of order;

2. A Councilmember present at the public meeting may move to require the Mayor/Presiding Chair to enforce the rules and upon majority vote, the Mayor/Presiding Chair shall be required to do so;
3. The Mayor/Presiding Chair may instruct the Chief of Police, or another member of the police department designated by the Chief of Police to enforce the rules;
4. The Chief of Police or other members of the police department designated by the Chief of Police to enforce the rules may order an individual to sit, refrain from addressing the Council, board or commission, or remove the disruptive person from the meeting.

Any person making personal, impertinent, or derogatory remarks, or who shall become boisterous while addressing the Council, shall be barred from further audience before the Council at said meeting by the Mayor/Presiding Officer unless permission to continue is granted by a majority of the Council.^{iv}

PART III: COMMISSIONS AND ADVISORY GROUPS

Chapter 14: Application of Rules to City Commissions and Other City Sponsored Publicly Held Meetings

A. Applicability of Rules

1. All rules regarding the Conduct of City Officials shall apply to individuals serving as Commissioners or Board members in other appointed positions on City commissions and boards. Currently, ~~the City has two (2) standing commissions: Planning Commission, and the Museum Commission~~ the Planning Commission is the City's only standing commission.
2. Members of the public shall abide by the rules governing addressing the Council when addressing a City-created board or commission.
3. All Public Hearings held by City appointed boards and commissions shall be conducted by the rules contained herein under Chapter 11, Section E: Public Hearings.
- ~~3.4.~~ All internal references to the Mayor/Presiding Officer in this handbook shall apply to commission chairpersons in chairing commission meetings.

B. ~~Planning Commission and Museum Commission Guidelines~~

1. Meetings

- a. Regular Meetings:
 - i. Planning Commission regular meetings shall be held the second Thursday of each month, commencing at ~~5~~6:00 p.m. in the City Council Chambers.
 - ~~ii. Museum Commission regular meetings shall be held at least every two (2) months as defined by the Commission.~~
- b. Quorum: A majority of the full ~~Planning-Museum~~ Commission shall constitute a quorum, but a lesser number may adjourn from time to time.

A majority of the voting members of the Planning Commission shall constitute a quorum for the purpose of conducting routine business. The affirmative vote of a majority of the voting members shall be required for the approval of any general plan element or amendment thereto, any rezone, variance, use permit, tentative map or other planning commission action (AMC 17.85.050)

- c. Chairman ("Chair"): the Chair for each Commission shall preside over that Commission's meetings. He or she shall be elected by a majority vote of the Commission to serve for a designated term. The Chair shall have authority to preserve order at that Commission's meetings, to call for the removal of any person(s) from any meeting of the Commission for disorderly conduct, to see that all actions of the Commission are properly taken, to sign documents of the Commission, to interpret and enforce the procedural guidelines of the Commission and to determine the order of business under the guidelines of the Commission. AMC Section 17.85.030 further details the duties of the Planning Commission Chair.
 - i. *Absence of Chair*: the Vice Chairman ("Vice Chair") shall act as Chair in the absence or disability of the Chair. The Vice Chair shall be elected by a majority vote of the Commission in which he or she sits.

- ii. *Absence of Chair and Vice Chair:* When the Chair and Vice Chair are absent from any meeting of his or her Commission, the members present may choose another member to act as Chairman pro tem, and that person shall, during the meeting, have the duties of the Chair.
- d. ~~Other rules regarding Museum Commission meetings shall be conducted by the rules contained herein under Chapter 10: Council Meetings.~~ Planning Commission meeting rules are detailed in AMC Sections 17.85.060 and 17.85.070.

C. Order of Business

- a. ~~The Museum Commission shall adhere to the Order of Business procedures contained herein under Chapter 11: Order of Business, except for Section A: "General Order". The Museum Commission's specific General Orders are outlined below.~~ The Planning Commission's Order of Business procedures are detailed in AMC Sections 17.85.060 through 17.85.090.
- b. ~~General Order for Museum Commission~~

- D. **General Order** - The business of the ~~Museum~~ Commission at their meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

~~CALL TO ORDER~~
~~ROLL CALL~~

~~PLEDGE OF ALLEGIANCE~~

~~ROLL CALL~~

~~CORRESPONDENCE APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)~~

~~APPROVAL OF MINUTES~~

~~AUDIENCE/PUBLIC COMMENT (NON-AGENDA ITEMS)~~

~~PLANNING COMMISSION BUSINESS~~

~~COMMITTEE REPORTS~~

~~ADJOURNMENT APPROVAL OF AGENDA~~

~~CONSENT CALENDAR~~

~~All matters listed under the Consent Calendar are considered by the Planning Commission or the Transportation Advisory Commission to be routine and will be acted upon in a single motion. There will not be separate discussions of these items unless a request is made prior to the time the Commission considers the motion to adopt.~~

~~PUBLIC HEARINGS~~

~~PUBLIC HEARINGS (PLANNING COMMISSION ONLY)~~

~~UNFINISHED BUSINESS~~

Commented [NG7]: This order of business mirrors the agendas as currently reflected online, but varies slightly from the process set out in the municipal code. A recommendation: the agenda should match the language in the municipal code, so one with have to be changed to match the other.

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NEW BUSINESS

ITEMS FROM THE PLANNING COMMISSION OR TRANSPORTATION ADVISORY COMMISSION

ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR OR CITY ENGINEER

ADJOURNMENT TO NEXT REGULAR MEETING OF (Date)

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The Planning Commission's Order of Business is as prescribed in AMC Section 17.85.099070.

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E. Administrative Rules

- a. Request for Research or Information: Planning Commissioners may request information or research from ~~Planning staff~~ the Community Development Director. ~~Museum~~ Commissioners may request information or research from the ~~Museum~~ Operations Director. Requests for new information or policy direction will be brought to the full Commission for consideration at a regular meeting. All written products will be copied to the full Commission.
- b. Inappropriate Actions: The Commissions delegate to the Chair the responsibility to discuss, on behalf of the full Commission, any perceived or inappropriate action by a Commissioner. The Chair will discuss with the Commissioner the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Administrator will report the concern to the full Commission.
- c. Agendas in Uniform Font: Agendas for all Commission meetings shall comply with provisions of the Brown Act and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) in making the agenda and documents in the agenda packet available in appropriate alternative formats to persons with a disability.
- d. Agenda Materials Delivery: Delivery of the agenda materials to the Planning Commissioners shall be on or before the evening of the Friday preceding the regular meeting. As necessary, supplemental materials may be delivered subsequent to the preceding Friday.
- e. Procedural Guidelines: ~~The guidelines that the Museum Commission adheres to may be amended at any meeting of the City Council by a majority of a quorum of the City Council, provided that notice of said proposed amendments is given to each member in writing prior to said meeting.~~ The procedural guidelines for the Planning Commission may be amended at any meeting of the Planning Commission by a majority of the full membership (AMC 17.85.190)
- ~~f.~~ Distribution: Each member of the Commission, including new members as they are appointed, shall be provided a copy of these Guidelines by the City Clerk ~~or Planning staff,~~ the Community Development Director ~~for the Planning Commission, or by City Staff.~~
- ~~f.~~ Vacancy Caused by Absence: Pursuant to AMC 17.85.060, the secretary of the Planning Commission shall report the absence of any member at three consecutive meetings without an acceptable excuse. This may be grounds for the Planning Commission to recommend the removal of that member from the Commission.
- ~~g-h.~~ If a member of the Museum Commission is absent without cause for more than two successive regular meetings of the Commission, or is absent from more than four regular meetings in a fiscal year, the office becomes vacant automatically. The Commission shall immediately notify the City

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~~Council of the vacancy. An "acceptable excuse" shall constitute the following: A member is not absent without cause if his or her absence is:~~

- i. ~~Absence due to illness, with notice to the Secretary of the Commission; or or,~~
- ii. ~~Absence due to unavoidable circumstances and with notice to and the member gives the Secretary of the Commission notice before the date of the meeting from which he or she will be absent and giving with a written explanation of the reason for the absence.~~

Commented [NG8]: This has been removed as it is internally inconsistent. Subsection (g) sets out the language in the municipal code. If the Council wishes to change the process or procedure it should be done via an ordinance.

~~Per AMC 17.85.060, the secretary of the planning commission shall report the absence of any member at three consecutive meetings without an acceptable excuse. This may be grounds for the planning commission to recommend the removal of that member from the commission.~~

~~h.i.~~ Officers-Election: At its regular meeting in July of each year or soon thereafter as possible, the Commission shall elect a Chair and Vice-Chair.

~~h.j.~~ Adjournment Time: Per AMC 17.85.060, No public hearing will commence after ten p.m., and no item of business will commence after eleven p.m. for the Planning Commission. Scheduled items which cannot be heard because of lack of time will be continued to the earliest possible date.

~~h.k.~~ Attendance: Each member of the Commission who has knowledge of the fact that he or she will not be able to attend a scheduled meeting of the Commission shall notify the Secretary of the Commission at the earliest possible opportunity and, in any event, prior to 5:00 p.m. on the date of the meeting. The Secretary shall notify the Chair of the Commission in the event that the projected absences will result in a lack of quorum.

~~h.l.~~ Subcommittees: The Commission may from time to time, at the recommendation of staff, the request of the Council, or of its own volition, determine that a subcommittee should be formed to perform some function on behalf of the Commission. Such subcommittee assignments usually involve some degree of research or analysis with a report back to the full Commission for consideration of the subcommittee's recommendation(s). Formation of any such subcommittee will require consideration by the Commission as a regular agenda item wherein the Commission will discuss and define the roles and responsibilities of the subcommittee and by consensus name a Commission representative to any such subcommittee.

~~h.m.~~ Appeals: Pursuant to the A.M.C., Section ~~2.04.070~~17.81.010, or as amended, the Commissions act as advisory bodies to the City Council. On those rare occasions where a Commission acts as the decision-making body, said decision may be appealed to the City Council.

~~h.n.~~ Continuation of Advisory Items: The following rules relate to advisory items, that is, items where the Commission offers recommendations to the City Council for final action. For example, Planning Commission rulings on zoning amendments or general plan updates are advisory items which go before the City Council for ultimate determination. The following rules serve to ensure advisory items arrive to the City Council for review within a reasonable time:

- i. The Commission may continue or postpone advisory items for further consideration, but the Commission must reconsider the item at its next regular meeting. Therefore, any continuance of the item without an official ruling shall automatically reappear on the agenda for the Commission's next regular meeting.

- ii. The Commission shall not continue or postpone advisory items for further consideration, without offering final recommendations to the City Council, more than twice (2).
- iii. Where the Commission fails to rule on the advisory item after having continued the item two (2) times, the Commission has forty (40) days from the second continuance to render its official recommendation to the City Council. Failure to render a final ruling on the item at a third consecutive meeting shall constitute an automatic recommendation of the item, as is and without modifications, for adoption by the City Council.

Appendix A

ICMA Code of Ethics

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information, or by misuse of public time is dishonest.

Appendix B
Referenced Code Citations

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- ⁱ A.M.C. §2.09.040.
 - ⁱⁱ A.M.C. §2.12.030
 - ⁱⁱⁱ A.M.C. §2.12.040.
 - ^{iv} A.M.C. §.2.12.050
 - ^v A.M.C. §2.12.060
 - ^{vi} A.M.C. §2.02.010.
 - ^{vii} A.M.C. §2.03.
 - ~~^{viii} A.M.C. §2.05.~~
 - ^{ix} Government Code § 36516.
 - ^x A.M.C. §2.01.050(E).
 - ^{xi} A.M.C. §2.01.050(D).
 - ~~^{xii} Government Code §82033.~~
 - ~~^{xiii} *Id.*~~
 - ~~^{xiv} Government Code §87105.~~
 - ~~^{xv} Government Code §87105(a)(1)-(3).~~
 - ^{xvi} Government Code §53235(f).
 - ^{xvii} A.M.C. §2.01.040.
 - ^{xviii} Government Code §87406.3.
 - ^{xix} Government Code §54959.
 - ^{xx} Government Code §54960.
 - ^{xxi} A.M.C. §§ 2.01.030; 2.08.020; Government Code §§ 36805; 54954(a).
 - ^{xxii} Government Code § 54954(b).
 - ^{xxiii} Government Code § 54954(e).
 - ^{xxiv} A.M.C. §2.01.030.
 - ^{xxv} Government Code §§ 54956; 54956.5. Special meetings and emergency meetings, respectively.
 - ^{xxvi} Government Code §§ 36805; 36809; 54955; 54956.
 - ^{xxvii} Government Code § 54954.5.
 - ^{xxviii} A.M.C. § 2.01.030.
 - ^{xxix} Government Code § 36810.
 - ^{xxx} Government Code § 36811.
 - ^{xxxi} Government Code §§ 36802; 36813; 54957.9.
 - ^{xxxii} Government Code § 36802.
 - ^{xxxiii} *Id.*
 - ^{xxxiv} Government Code § 54954.5.
 - ^{xxxv} Government Code § 54953.
 - ^{xxxvi} Government Code § 36814.
 - ^{xxxvii} Government Code § 54953.5. The statute only requires maintenance of the audio or visual recording for thirty (30) days where there are other records of the meeting that are retained according to Government Code § 6250 *et seq.*
 - ^{xxxviii} Government Code §54954.
 - ^{xxxix} Government Code §54954.2(a).
 - ^{xl} Government Code § 36936.
 - ^{xli} Government Code § 36934.
 - ^{xlii} Government Code § 65090.
 - ^{xliiii} Government Code § 36934.
 - ^{xliiv} Government Code § 36936.
 - ^{xliv} Government Code § 36932.
 - ^{xlv} Government Code § 36936.1.
 - ^{xlvi} Government Code § 36933(c).
 - ^{xlvii} Government Code § 36933(a).
 - ^{xlviii} Government Code § 36937.
 - ^l Government Code § 54955.
 - ^{li} Government Code § 54955.2(b)(3).
 - ^{lii} Government Code § 36934. The requirements for introducing an ordinance or urgency ordinance are provided in this section of the Government Code and establish the information that follows in this paragraph.
 - ^{liii} Government Code §87100 *et seq.* A Councilmember should leave the room when he or she identifies that he or she has a financial interest in the decision being discussed. Prior to leaving the room, the Councilmember should publically identify the financial interest at stake and recuse himself or herself from that portion of the meeting.

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^{liv} *City of Pasadena v. Paine* (1954) 126 Cal.App.2d 93.
^{lv} Government Code §§ 36813, 54957.9.