

City Of Lemon Grove City Council Manual

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The format and content of this manual is informed by a review of several southern California City Council manuals, including...

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CHAPTER 1

INTRODUCTION AND OVERVIEW

Purpose of Governance Manual

The City Council has prepared this City Council Governance Manual (“Manual”) to document accepted practices and clarify expectations. The Manual is intended to assist Councilmembers in carrying out their roles, as well as to provide useful information to prospective Councilmembers and other interested citizens. Through agreement of the City Council and staff to adhere to these practices, the effective administration of City Council affairs is greatly enhanced. While attempting to not be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

The City Clerk shall be responsible for the maintenance of the Manual and for making it available to the public. It is anticipated that this Manual will be reviewed at least every two years, in odd years, in order to reflect changes in the law or City Council procedure or policy.

Failure to observe any of the listed rules or procedures does not serve as an independent source to challenge any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Councilmember or by the City Council as a whole. This Manual is not intended to be a legal statement, and is not written in legal terms.

Overview of City Documents

This Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary to undertake the business of a City Council. Many other laws, policies, plans and documents exist that bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that provide guidance to the City Council is provided below.

- *California Constitution and Codes*

The California Constitution and Codes contain many requirements for the operation of city government. Many of these requirements are also replicated within the Lemon Grove Municipal Code to ensure there is broad awareness of such requirements. Lemon Grove is a “general law” city, which means it is organized in accordance with provisions of the California Government Code.

Also described within the California Government Code and the Lemon Grove Municipal Code is the City Council – City Manager form of government, which is practiced in Lemon Grove. Basically, this form of government prescribes that a City Council’s role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of City government.

- *Lemon Grove Municipal Code*
The Lemon Grove Municipal Code contains local laws and regulations adopted by ordinance. It contains a variety of laws including, but not limited to, planning and zoning standards, election laws, local tax standards, and park and open space regulations. The Lemon Grove Municipal Code is available on the City's website or from the City Clerk.
- *General Plan (Adopted October, 1996)*
Lemon Grove's General Plan is comprised of a number of elements, such as land use, transportation, open space, mobility and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas.

Orientation of New Councilmembers

Members of the City Council should have an understanding of the full range of services, facilities and programs provided by the City. As new members join the City Council, the City Manager coordinates an orientation, allowing an opportunity for new Councilmembers to meet key staff.

CHAPTER 2

CITY COUNCIL – GENERAL POWERS AND RESPONSIBILITIES

The City of Lemon Grove is governed by a directly elected Mayor and four-member City Council elected at-large to four- year terms on a staggered biennial basis. Councilmember terms are staggered to ensure a measure of continuity is maintained in the transition from one City Council to the next.

City Councilmembers also serve as members of other entities operating on behalf of the City of Lemon Grove, including the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board and the Lemon Grove Successor Agency Board.

Mayor and City Council Generally

The powers of a City Council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically forbidden by the Constitution and laws of the State of California.

The Lemon Grove City Council acts as a body. While the Mayor has some additional ceremonial and administrative responsibilities, no Councilmember has any power beyond those of the other members. In the establishment of policy, voting and in all areas except those identified below, all members are equal. Except where the law requires a certain number of affirmative votes, a majority vote of the City Council establishes policy and

makes decisions for the City. While an individual member may disagree with a decision of the City Council, a decision of the majority will bind the City Council to a course of action. In turn, it is staff's responsibility to ensure that the policy of the City Council is implemented. Actions by staff to implement a decision of the City Council do not reflect any bias against a Councilmember who held a minority view on that issue.

City Council-Manager Form of Government and the Role of the City Manager

The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City who works for five independently elected officials. The City Council and City Manager should be a participatory team.

Councilmembers should avoid situations that can result in City staff being directed by one or two members of the Council. Regular communication between the City Council and the City Manager is important in managing open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.

The City Council is to evaluate the City Manager on a regular basis to ensure that both the City Council and the City Manager are in agreement about performance and goals.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

The City Manager's power and authority include the ability to:

- Review all agenda documents before preparing the agenda for any regular or special meeting of the City Council.
- Direct the work of all City departments, except those that are directly appointed by or report directly to the City Council.
- Recommend to the City Council adoption of measures that the City Manager may deem necessary for the health, safety or welfare of the community.
- Consolidate or combine offices, positions, departments or units under the City Manager's jurisdiction.
- Conduct research in administrative practices in order to bring about greater efficiency in City government.
- Provide management and leadership training to City departments.

Roles and Responsibilities – Mayor, Mayor Pro Tem and Councilmembers

1. Mayor

- Is directly elected to a 4 year term.
- Serves as the presiding officer of the City Council, preserving strict order and decorum at all meetings of the City Council; announces City Council decisions on all subjects; and decides all questions of order, subject to modification by the City Council.
- Leads the City Council into an effective, cohesive working team.
- Is recognized as the ceremonial spokesperson for the City.
- Selects a substitute for City representation when unable to attend.
- Approves of any agenda prepared by the City Clerk at the direction of the City Manager.
- May call for special meetings as necessary in response to the scope and timing of the City Council’s workload and schedule.
- Recommends City Council appointments to various public bodies, which are then confirmed by a majority vote of the City Council.
- Signs minutes or other required documents on behalf of the City when Mayor’s signature is required.
- Responds to correspondence submitted to the full City Council on non-agenda items.
- Charged with the administration of proclamations. The issuance of proclamations is at the Mayor’s discretion, without formal action by City Council.
- Coordinates the annual evaluation of the City Manager and City Attorney.
- Serves as the City Council’s spokesperson in the media.
- Is entitled to vote on all matters, but does not have veto power.

2. **Mayor Pro Tem**

- Serves as the presiding officer when the Mayor is absent.
- Performs the duties of the Mayor in the Mayor's absence or at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.
- Serves as the protocol official in city council procedures, similar to a parliamentarian.

3. **Councilmembers (including Mayor and Mayor Pro Tem)**

- Participate in City Council meetings and in other public forums while demonstrating respect, consideration and courtesy to others.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in City government.
- Demonstrate honesty and integrity in every action and statement.
- Are familiar with the City Council Manual.
- Prepare in advance of City Council meetings and be familiar with issues on the agenda. Advise the City Manager and City Clerk as soon as possible of an impending absence.
- Seek authorization from the City Manager if any request of staff will require more than one hour of staff time to complete. This provision does not apply to City Council questions related to agenda reports.
- Shall be respectful of other people's time, stay focused and act efficiently during public meetings.
- Commit to spending time each year outside of regular City Council meetings to work with the City Manager and staff on setting goals and priorities for the City government and to work on issues that may be inhibiting the maximal achievement of City goals.
- May represent the City at ceremonial functions at the request of the Mayor.
- Represent the City Council on County, regional, district or state boards,

committees or commissions, and other public agencies, or quasi-public agencies, as appointed by the Mayor with City Council confirmation.

- May join two other Councilmembers to call a special meeting of the City Council.
- Complete all required training in a timely manner, including State-mandated AB 1234 Ethics Training and legally mandated harassment training.
- File in a timely manner all required Fair Political Practices Commission documentation, including the annual Statement of Economic Interests and campaign statements.

Appointment of City Manager and City Attorney

The City Council appoints two positions within the city organization: the City Manager and the City Attorney (currently a contract attorney). Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City.

The City Attorney has such duties as prescribed by the general laws of the State and the regulations of the City.

Concurrent Roles - Successor Agency, Public Facilities Financing Authority and Parking Authority

The Mayor and City Councilmembers serve as members of other entities operating on behalf of the City Council of the City of Lemon Grove:

Lemon Grove Housing Authority

Lemon Grove Sanitation District Board

Lemon Grove Roadway Lighting District Board

Successor Agency to the Former Lemon Grove Redevelopment Agency

FINANCIAL MATTERS

Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, the Mayor receives a stipend of \$1,405 per month; Councilmembers receive a stipend of \$803 per month. Councilmembers

are also eligible for participation in group insurance benefits including retirement, health, dental, vision, and life insurance plans.

Councilmembers are not compensated by Lemon Grove for attendance at standing committees, joint power authorities, or other agencies or organizations, but may be compensated by those external organizations for attending meetings.

Expenditure Allowance

The annual City budget includes limited funding for Councilmembers to undertake official City business. Eligible expenses include travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings and events organized by the League of California Cities, meetings with representatives of local, regional, state and the federal government on adopted City policy positions; educational seminars designed to improve officials' skill and information levels; and meetings of regional, state and national organizations whose activities affect the City's interests.

Expenditure Guidelines

Any expense must be related to the conduct of City business, such as the actual and necessary expenses incurred in the performance of a Councilmember's official duties. Public property and public funds may not be used for any private or personal purpose, including personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed 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 at such meetings.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's office with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor and City Attorney.

CHAPTER 3 **COMMUNICATIONS**

An important role of each Councilmember is communication with the public to assess community opinions and to communicate information about the City. Because the City 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 City Council. Equally important, when members are expressing personal views and not those of City Council, the public should be so advised.

Written Correspondence

The City Manager is authorized to receive and take administrative action on all correspondence directed to the City Council. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets, is to be compiled and

distributed to the City Council prior to the City Council meeting. The City Manager is also authorized to respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond to the extent possible.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such issues; City letterhead and staff support should not be utilized.

Speaking for “the City”

Similar to written correspondence, when Councilmembers are requested to speak to groups or are asked the City Council’s position on an issue, the response should reflect the position of the City Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, “While I voted against X, the City 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 City Council’s position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. The Mayor may delegate this responsibility to the Mayor Pro Tem or a fellow Councilmember.

Speaking as an Individual

On occasion, Councilmembers may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should clearly indicate in their communications that they are not speaking for the City Council as a whole, but for themselves as one member of the Council. As discussed above, in spoken conversations, Councilmembers should clarify when they are speaking as an individual and not on behalf of the City Council.

Council Conduct with the Media

Councilmembers are frequently contacted by the media for quotes and background information. The following provides helpful tips for communication with the media:

- **The Mayor is the official spokesperson for the City Council on City policy.** Because the Mayor is the designated representative of the Council to present and speak on the official City position, Councilmembers must be clear about whether comments represent the official City position or a personal viewpoint.
- **Assume you are always “on the record.”** Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. However, one bad experience could be catastrophic.
- **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Therefore, be cautious about use of humor, sarcasm, or word play.

CHAPTER 4

INTERACTION WITH CITY STAFF

Agreed Upon Norms for City Council – City Staff Interactions

Whenever possible, it is suggested that City Councilmembers work through the City Manager or their designee.

Timely Response to City Council Requests

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; except that, in the judgment of the City Manager, 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.

Access to Information

Individual Councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform City Council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his/her ability to monitor the flow of information, requests for information are best tracked if submitted in writing. And to ensure proper responsiveness, questions and requests for information are to go to the City Manager.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs, etc.) under review are 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 City Council.

Dissemination of Information

In cases where a staff response to an individual Councilmember request involves written materials, the City Manager will provide copies of the material to all other Councilmembers.

Restriction of Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the City Council-City Manager form of government, formulate recommendations consistent with City Council policy and for the good of the community and should not be influenced by political factors.

CHAPTER 5 **SUPPORT PROVIDED TO CITY COUNCIL**

Staff Support

General administrative support to members of the City Council is provided through the City Manager's office. Administrative support includes coordinating the Mayor's calendar, correspondence, and coordinating responses to inquiries which require City staff input.

Administrative support to members of the City Council includes handling City Council mail, phone calls, correspondence and travel arrangements for City Council business. Emails received directly by Councilmembers are handled individually by the recipient with the exception of the Mayor, whose emails are handled by the City Manager's Office. If a Councilmember forwards an email request to staff for action, then that email is handled in the same manner as any written correspondence received by mail. In addition to supporting the five City Councilmembers, the administrative support staff members also assist the City Manager and handle requests, inquiries and complaints submitted to the City. Sensitivity to the workload of support staff members in the City Manager's office is appreciated. Prior consultation with the City Manager is requested if a Councilmember seeks administrative support for a task that requires a significant time commitment.

Use of City Hall Conference Room

Councilmembers can only use the city hall conference room for official City business. Councilmembers must contact the City Manager's office for assistance in reserving a meeting room.

Mail and Deliveries

Members of the City Council receive mail and other materials from the public, private interests and staff. The City Manager's office staff maintains a mailbox for each Councilmember.

CHAPTER 6 **CONFLICTS AND LIABILITY**

Conflict of Interest

State laws are in place to prevent an action by a Councilmember that would constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney. Staff may also request an opinion from the City Attorney or the California Fair Political Practices Commission ("FPPC") regarding a Councilmember's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution or the inability to serve in public office.

There are two primary laws that govern conflicts of interest for public officials in California -

the Political Reform Act and Cal. Government Code §§1090, et seq. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Cal. Government Code §§1090, et seq. relates to government contracting law and prohibits a public official from having an interest in government contracts.

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 financial 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. Once a year Councilmembers and certain staff are required to file statements of economic interests with the FPPC.

Cal. Government Code §§1090, et seq. is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by Cal. Government Code §§1090, et seq. are different from those in the Political Reform Act. A Councilmember having an interest in a City contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §§1090 can be severe. If a Councilmember believes that he/she may have any financial interest in a contract that will be before the City Council, the Councilmember should immediately seek advice from the City Attorney.

Conflict of Interest Related to Real Property Holdings

Certain conflicts may arise due to Councilmember property holdings, and the law requires that a Councilmember disqualify him or herself in certain situations. The threshold question is whether or not a Councilmember's decision would have a reasonably foreseeable financial effect on his or her real property interest, giving rise to a legal conflict of interest. As a general rule, a governmental decision is considered to have a reasonably foreseeable financial effect if it "would cause a reasonably prudent person, using due care and consideration under the circumstances, to believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property." (2 Cal. Code Regs. § 18702.2.)

Common examples of conflicts include (but are not limited to) when the governmental decision involves the adoption or amendment to a general or specific plan, and the parcel is located within the proposed boundaries, where the decision determines a parcel's zoning or rezoning, where the decision would impose, repeal, or modify taxes or fees, etc., and when a decision affecting real property value is located within 500 feet of the property line of the official's real property.

It is recommended that any concerns or questions regarding real property conflict of interests are directed to the City Attorney's office.

City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render

advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only entity that can provide binding interpretations and immunity on such matters is the FPPC. Members or the full City Council may also solicit opinions on such matters directly from the FPPC, however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual members of City Council, but the City Council as a whole.

Conflict of Interest Forms

Annual disclosure statements are required of all Councilmembers, designated commissioners and senior staff, which indicate potential conflicts of interest including sources of income, real property interests and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms.

Harassment and Workplace Standards

State law prohibits, and the City has policies and procedures which prohibit, discrimination and harassment.

Liability

The City offers a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated.

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

CHAPTER 7

CITY COUNCIL MEETINGS

City Council Meetings

All regular and special meetings of the City Council shall be open to the public; however, closed sessions may be held for the purposes permitted by law, from which the public may be excluded.

Regular Meetings

The first and third Tuesdays of each month, at 6:00 p.m., are designated by Municipal Code Section 2.14.040 as the regular meetings of the City Council.

The Mayor or a majority of the members of the City Council may call additional meetings as necessary in response to the scope and timing of the City Council's workload and schedule. The Mayor or majority of the City Council may cancel a regular meeting.

Special Meetings

Upon giving notice in the manner required by law, the Mayor or a majority of the members of the City Council may call a special meeting of the City Council. Topics of discussion at special meetings must be limited to those noticed to the public.

Types of Sessions: Open or Closed

Open Sessions:

The City Council may hold an open session (i.e. study session, retreat or workshop) to meet with various people, City Commissions and ad hoc committees; to receive briefings and background information; and to hold general discussions on major issues before formal City Council action is required. Open sessions may be scheduled as regular, adjourned regular or special meetings. The Mayor and City Manager shall collaborate on scheduling of items. Presentations to the City Council may be made by staff members, consultants, representatives of other public agencies and/or any other persons expressly invited for that purpose.

Closed Sessions:

It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, State law recognizes that public discussion of certain items could jeopardize the public interest, compromise the City's position, or cost the citizens of Lemon Grove financially, and, therefore, generally allows the City Council to hold closed session meetings for the consideration of certain personnel matters, labor negotiations, real property negotiations, matters of public security and the discussion of litigation, among other things, as allowed by State law. Therefore, these rules provide for strict confidentiality of City Council discussion under certain circumstances and as required by state law. The procedures for the conduct of the closed sessions shall be the same as those for open session meetings, except that the public, after allowance for public comment, will be excluded.

Confidential Information in Closed Sessions

Cal. Government Code §54963 states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council. In the event someone violates this provision, the statute and interpreting case law gives the legislative body options to address the violation, including: (1) the body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) if the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; and/or (3) if the person disclosing the information is a member of the legislative body, the public entity may refer the matter to the grand jury.

Agenda

Agenda Preparation and Distribution

The agenda for each meeting of the City Council shall be prepared by the City Clerk at the direction of the City Manager and with the concurrence of the Mayor.

The City Clerk will make the agenda and staff reports available to the public in accordance with the Brown Act.

Action on Items Not on Agenda

The City Council shall not take action on any item not appearing on the posted agenda, except as such action is permitted by law and under the following circumstances: (1) upon a determination that an emergency exists, as defined by state law; and (2) upon a determination by the City Council that the need to take action immediately arose after the agenda was posted.

When an issue arises during a meeting that requires City Council action, is not listed on the agenda, and does not qualify under an exception that allows immediate action, the City Council may refer the issue to staff for review and possible placement of the item on a subsequent City Council agenda. At least two members of the City Council must agree in order to get an item agendized.

General Meeting Procedures

Presiding Officer

The Mayor is the presiding officer of the City Council. The presiding officer shall preserve strict order and decorum at all meetings of the City Council, announce City Council decisions on all subjects and decide all questions of order.

In the absence of the Mayor for any reason, the Mayor Pro Tem shall be the presiding officer of the Council.

Seating Arrangements

The Mayor Pro Tem is seated immediately next to the Mayor. The Mayor shall establish the seating arrangement for regular City Council meetings.

Quorum

A majority of the Council shall constitute a quorum for any City Council meeting. No business may be transacted by the City Council at a regular or special meeting unless a quorum of the membership is present.

Except where otherwise required by law, actions by the City Council shall be by a majority of the City Council.

Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers; the names of those present and those absent shall be

entered in the minutes. If a Councilmember should arrive late to the meeting, it shall be noted in the minutes.

Order of Business for Adjourned Meetings and Continued Items

When a meeting is adjourned or an item is continued to another date, generally the continued item will be placed first on that portion of the agenda at that meeting; however, where deemed necessary, the City Clerk, with the concurrence of the City Manager and Mayor, may place a continued item in a different order on the agenda.

Public Comment

Opportunity to Speak

Members of the public will be afforded the opportunity to speak, upon request, regarding all items under the subject matter jurisdiction of the City Council. The Mayor has the authority to modify the time limits set forth below based on the size of the agenda and the likely number of speakers. During special or study session meetings, the public may address the City Council only on items on the agenda. Therefore, public testimony on agenda items will occur during City Council consideration of the item.

When to Speak

During Public Communications, the Mayor or presiding officer will recognize persons who wish to speak on matters that are not on the agenda and are within the subject matter jurisdiction of the City Council. Public comment on agenda items will be taken when the City Council considers the item.

All remarks shall be addressed to the City Council as a legislative body and not to any individual Councilmember. When recognized by the Mayor, Councilmembers may ask questions of a speaker at the close of a speaker's testimony. Staff may be given the opportunity to clarify public comments on matters of fact before closing for City Council deliberations.

Failure to Speak

Any failure of a member of the public to request to speak on an item, or any failure by the City Council to afford an opportunity to speak on an item, shall not affect the City Council's right to act on that item or the validity of any action subsequently taken by the City Council.

Staff

Staff may be provided the opportunity to present a summary of each staff report and will be available to answer questions of Councilmembers.

Addressing the Council during Council Deliberations

No person may address the City Council following the time for public testimony and during City Council deliberations, unless a majority of the City Council agrees or in

answer to a specific question directed to the individual by a member of the City Council.

Speaker Cards and Other Protocol.

A member of the public who wishes to address the City Council will be asked to complete a speaker card for the record; the speaker card includes the speaker's name, address and other contact information, and the number of the agenda item. The completion of a public comment card is not necessary to address the City Council but will aid the City Clerk in maintaining an accurate record. The completed cards should be presented to the City Clerk.

To ensure accuracy of the record, members of the public addressing City Council should speak in an audible tone of voice into the microphone at the lectern. Each speaker is encouraged, but not required, to give his or her name and city of residence.

Council Discussions

To assist the City Council in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for the management of City Council meetings.

Obtaining the floor. A member of the City Council or staff shall first address the Mayor to gain recognition. Comments and questions should be limited to the issue before Council. Cross-exchange between Councilmembers and public should be avoided.

Questions to Staff. A Councilmember shall, after recognition by the Mayor, address questions to the Department Director or designated staff member. If a Councilmember has questions on an agenda item, that member should contact staff prior to the meeting in order to allow staff time to research a response/answer for the meeting.

Interruptions. Once a Councilmember has the floor, other Councilmembers may not interrupt except to make a point of order.

Additional Protocol and Decorum

To assist the City Council in working with a wide variety of backgrounds, personalities, opinion, values, and goals, additional protocols are outlined below:

Use Formal Titles. Councilmembers should refer to one another and City staff formally during public meetings as "Mayor," "Mayor Pro Tem," or "Councilmember," followed by the individual's last name.

Technology. Cellular telephones or any other telecommunications devices should be in the silent mode or turned off during the City Council Meeting. Councilmembers should avoid sending text messages, emails or posting on social

media during Council Meetings.

Practice civility and decorum in discussions and debates.

Honor the role of the Mayor in maintaining order.

Disturbances. Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

Rules of Decorum. The City Council adopted Rules for the Conduct of City Council Meetings on May 4, 2021; these rules are still in effect until repealed or changed by the City Council.

CHAPTER 8 **CITY COUNCIL COMMITTEES**

City Council Representation on Other Agencies

Councilmembers may be assigned to represent the City on county, regional, district or state boards, committees or commissions, and other public agencies or quasi-public agencies. The Mayor recommends the appointments, which are then confirmed by a majority vote of the City Council. The City Clerk shall maintain a list of all such appointments.

An appointed representative or representatives shall be the duly authorized representatives and spokespersons for the City Council on or before such bodies; no other Councilmember shall speak as the City Council's representative or on behalf of the City Council before such bodies. A Councilmember may appear before such body as a private citizen.

CHAPTER 9 **MISCELLANEOUS REQUIREMENTS**

Ethics Training

State Assembly Bill 1234 (AB 1234) requires Councilmembers to take Ethics Training on a bi-annual basis. Councilmembers are required to take training no later than one year from the first day of service. A refresher training is required every two years thereafter (City Clerk will send reminder notices).

Upon completion of the training, Proof of Participation Certificate is issued, which must be signed and the original Certificate filed with the City Clerk.

Harassment Training

State Assembly Bill 1661 (AB 1661) requires all local agency legislative body members and any elected local agency officials who receive any kind of compensation, salary, or stipend in the performance of their duties to receive sexual harassment prevention

and education training.

As such, Councilmembers must participate in a minimum of two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter.

Contents of the training required for elected officials must include: (1) information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to the victims of such harassment in the employment context; and (2) practical examples aimed at instructing the official in the prevention of sexual harassment, discrimination and retaliation.

Upon completion of a training course provided by the City or other providers consistent with the requirements above, a proof of participation/certificate of completion should be filed with the City Clerk to be maintained as a part of the City's records.

Fraud Reporting

A Council Member who discovers or suspects fraudulent activity can report such activity to the Mayor and/or City Manager.

Reporting can be accomplished in one or more of the following ways:

- A written statement delivered to a supervisor, a director or the City Manager;
- A phone call to a supervisor, a director or the City Manager;
- A personal conversation with a supervisor, a director or the City Manager; or
- Report the complaint directly to the District Attorney, FPPC, San Diego Grand Jury or State Attorney General.

The City Manager or his or her designee has the authority to investigate and proceed with further action.

Great care will be taken when investigating suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.