



CITY OF CARMEL-BY-THE-SEA COMMISSIONER & BOARD MEMBER HANDBOOK

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WELCOME!

Congratulations on your recent appointment to one of the City of Carmel-by-the-Sea's Commissions or Boards! Your appointment is an honor and reflects the City Council's confidence in your ability and judgment. The City Council and staff look forward to working with you and to receiving the benefit of your insight and guidance during the process of decision-making. As a member of a City Commission or Board, you have the opportunity to help mold Carmel's future.

This handbook has been prepared to help orient you concerning the functions and activities of the Commission or Board to which you have been appointed. The handbook is designed to contribute to your general knowledge and understanding of public affairs, and to aid in identifying the scope and parameters of your duties and responsibilities, and laws that govern them. It is also part of an effort to make it as easy as possible for you to enjoy the experience of serving on a City Commission or Board.

We hope that this handbook will provide you with the necessary information to understand the role of your Commission or Board and your responsibilities as a member of same.

While participation on a City Commission or Board is a major responsibility, we hope that it will prove to be a meaningful and rewarding experience for you. City service provides opportunities to gain a greater understanding of the issues facing municipal government and to become actively involved in resolving those issues in a manner that reflects the best interests of the community.

Each description of a law or legal requirement in these materials is intentionally brief. This handbook should not be taken as legal advice. Any questions regarding this information and requests for additional information should be directed first to your Staff Liaison and then to the City Clerk's Office.

We hope that you will enjoy your tenure as a vital part of the City's team and sincerely thank you for your willingness to devote your time and energy to serve your community.

The City of Carmel-by-the-Sea Preamble

The City of Carmel-by-the-Sea is hereby determined to be primarily, essentially and predominantly a residential City wherein business and commerce have in the past, are now, and are proposed to be in the future subordinated to its residential character and that said determination is made having in mind the history and the development of said City, its growth and the causes thereof, and also its geographical and topographical aspects, together with its near proximity to the cities of Pacific Grove and Monterey, and the businesses, industries, trades, callings and professions in existence and permissible therein.

INTRODUCTION

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. Citizen involvement plays an important role in local government. The richness that comes from citizens serving in advisory roles to the City Council is one of the things that contribute to making Carmel-by-the-Sea the special place it is.

The City Council has established three Commissions and two Boards as well as some *ad hoc* committees to advise and assist it in dealing with specific projects, policies and issues. Members of these appointed bodies play an integral, important role in the City's decision-making process.

Being a Commissioner or Board member requires work and commitment, and should be a very rewarding experience. It provides an opportunity to become intimately aware of the operating policies and problems of municipal government in general and of specific departmental units. It offers a means to participate in community affairs, to work with a variety of interesting people, and to help shape City policy.

This handbook was prepared to help orient you to the functions, activities and rules of the advisory position to which you have been appointed. It has been prepared to provide:

1. An overview of City government.
2. Information regarding the various City Departments and the function of each.
3. Information outlining the role and function of each Commission/Board.
4. Important guidelines for all appointed bodies, as well as the responsibilities of their members.

This handbook is intended to provide members with information necessary to understand the areas of responsibility for their respective organizations, and their role in serving the City.

In addition to this handbook, the City has adopted many other policies and procedures, some of which relate to the City's Boards and Commissions. These various policies and procedures are listed in the Table of Contents to the City's Policy and Procedures Manual. Examples include:

- Policy/Procedure # C89-03 (Appearances at City Commissions, Boards or Committee Meetings by Members of the City Council)
- Policy/Procedure # C89-06 (Appointment to Boards and Commissions)
- Policy/Procedure # C94-02 (Dual membership on at City Boards, Commissions and Committees)

ABOUT THE CITY OF CARMEL-BY-THE-SEA

Carmel-by-the-Sea

Carmel-by-the-Sea is resplendent in rich natural beauty and prides itself on its white sand beach, luxuriant landscaped bluffs, thriving urban forest, natural parklands and roadside greenbelts and its dedication to the arts. First incorporated as a City in 1916, the community was founded by artists and writers -- among them Jack London, George Sterling, Mary Austin and Robinson Jeffers.

The City is one square mile in area, with a population of slightly more than 4,000, although when one factors in the many tourists who come to stay, the population is comparable to a major metropolitan area. Through the diligent efforts of dedicated and hard-working citizens and their elected and appointed officials, Carmel-by-the-Sea has managed to retain its heritage and the quality of life which drew those first settlers to its midst.

Ordinance No. 96, passed on June 5, 1929 clearly established business activity as forever subordinate to the residential character of Carmel-by-the-Sea. The City has kept its residential streets free of sidewalks and streetlights; nurtured the pine forest; allowed no high-rise buildings to mar the outline of these pines against the sky; and forbade neon and other unsightly signs.

Type of Government

The Constitution of the State of California establishes two types of cities: Charter and General Law. At first glance, they appear similar as they pertain to day-to-day operations. A Charter City, however, has considerably more authority than a General Law City to tax, to regulate and to adopt its own procedures and organization. A General Law City, on the other hand, may exercise only those powers expressly given to it under State law. All cities begin as General Law cities, and the City of Carmel-by-the-Sea has chosen to remain such.

Form of Government

State law permits two basic forms of government in General Law Cities: the Equal Council System and Council-Manager/City Administrator System. Carmel-by-the-Sea's governmental system is Council/City Administrator. The Mayor and City Council, as the governing body, are elected by the people. The City Council appoints the City Administrator. It also appoints the City's Attorney, Treasurer, and Engineer. The City Administrator appoints all other City employees.

STRUCTURE OF CITY GOVERNMENT

City Council

The City Council is composed of four Council Members and the Mayor, all of whom are directly elected by the people. The Mayor serves a two-year term and the Council Members serve four-year terms. Two Council Members are elected every two years. Although the Mayor is granted no special decision-making powers, he or she represents the City in all ceremonial and official affairs. The City's Municipal elections are held the second Tuesday of November in each even-numbered year.

The Mayor receives a stipend of \$200 a month and Council Members receive \$150.

The purpose of the City Council is to establish local laws, set policy, approve or reject programs, allocate funds, establish the City's tax rate, hear appeals resulting from City Commission, Board or Committee decisions, and provide to the citizenry a better, more attractive and healthier place in which to live. Again, as Carmel-by-the-Sea is a General Law City, its Council must act within the framework of limitations and procedures established by State law.

Local laws are established by ordinance and are compiled in the Municipal Code, which the City Clerk maintains. These laws are enforceable by the City, and violations thereof generally constitute an infraction. Other City Council directives and policies are recorded in Council resolutions and minutes.

Department of Administration

The Department of Administration is composed of the City Administrator, Assistant City Administrator, City Clerk, Director of Contracts & Budgets, Finance Manager, Sr. HR Analyst, Finance Specialist, and Information Network Services Manager.

Commented [TBB1]: Confirm official office titles.

The Department of Administration includes the following divisions:

City Administrator:

The City Administrator is the administrative head of City government and is appointed by the City Council to: carry out Council policies, enforce City laws, direct the daily operations of City government and to prepare and monitor the Council approved municipal budget. All Department Managers except the City Attorney, City Engineer and City Treasurer, are responsible to the City Administrator.

City Attorney:

The City Attorney represents the City of Carmel-by-the-Sea in all legal matters. The City Attorney represents only the City, and does not represent or provide advice or legal services to the public generally. The City Attorney is appointed by the City Council. From time to time the City Attorney will be called upon to advise your commission or board on legal issues. Requests for such advice should be made via staff.

City Clerk:

The City Clerk serves as the Clerk to the City Council and is responsible for compiling meeting agendas, collecting support information, executing official documents of the City Council and preparing the minutes of meetings. The Clerk is also responsible for the care and custody of all official records and documents of the City. These include all City deeds, contracts, leases, ordinances, resolutions, minutes and the Municipal Code. The office publishes public notices and ordinances as required by law and assists staff and the public in researching information. The City Clerk also administers and organizes all municipal elections and coordinates the filing of Political Reform Act conflict of interest statements.

Finance

Finance is responsible for the general supervision of all City financial matters, including planning and managing its fiscal programs. Departmental responsibilities also include budget research and development, financial control, accounts payable and receivable, insurance programs, risk management, property management, maintaining an inventory of City property and managing special projects.

Human Resources

Human Resources recruits, develops, and works to retain a diverse, well-qualified workforce that reflects the high standards of the community, and leads the City departments in positive employee relations, talent management, succession planning, and employee engagement.

Information Technology

The purpose of Information Technology (IT) is to provide innovative and secure technology solutions that support City departments in delivering quality services to the community. This includes providing a broad range of high-quality technology-related solutions to employees, departments, Council Members, and the community; and to support and continuously improve essential technology infrastructure for enabling day-to-day operations of the City.

Community Activities Department

The Community Activities Department is staffed by the Director of Library and Community Services and the Community Services Assistant.

The Department plans, organizes, administers and directs the operation and activities of all special events in the City and provides staff support to the Community Activities Commission.

Department of Community Planning and Building:

The Department is composed of the Planning & Building Services Director, one Building Official, one Building Inspector, one Senior Planner, one Associate Planner, one Assistant Planner, one Code Compliance Coordinator, one Permit Technician and one Administrative Coordinator.

The Department is responsible for land use management, private and public construction and design; and environmental quality in Carmel-by-the-Sea. The planning function oversees the General Plan and ensures that capital improvements, zoning and other activities of the City are consistent with the goals and policies of the Plan. The Planning Division provides staff support to the Planning Commission and the Historic Resources Board on decisions related to design, zoning and other development plans. The major role of the staff is to provide the technical information and analysis needed for the Planning Commission and Historic Resources Board to make well-informed decisions.

Enforcement of zoning, design, building and fire codes is also a responsibility of the Department, which also serves as the City's central permit agency.

The Building Official is responsible for the review of construction plans as well as inspections of projects and, when necessary, enforcement to ensure compliance with building codes.

Library

The Harrison Memorial Library staff includes a full-time staff of eight: the Director of Library and Community Services, one Library Circulation Supervisor, three Librarian IIs, and three Library Assistants. In addition, there are many hourly and on-call positions to support the Library.

The Harrison Memorial Library addresses the informational, educational, and historical needs of the community. The main library services include reference assistance, access to the Internet, senior outreach and a variety of print and non-print library materials.

The Harrison Memorial Library and the Library Park Branch are governed by an independent Library Board of Trustees. Library staff provides support to the Harrison Memorial Library Board.

The Library's Park Branch houses children's services, the Henry Meade Williams Local History Room, technical services, administration, and the office of the Carmel Public Library Foundation. Library services offered at Park Branch include reading programs for children, weekly librarian visits to local schools and an annual Local History Lecture Series.

Public Safety

The Public Safety Department includes the Police Department, Ambulance Services, and oversight of Fire Services, which are currently provided by the City of Monterey.

The Police Department staff is composed of the Chief of Police, one Commander, two Patrol Sergeants, two Police Corporals, nine Police Officers, four Community Service Officers, and six Police Service Officers. In addition, the Police Department has a Police Volunteer Program, and a Community Emergency Response Team (CERT).

The Police Department is responsible for community policing, law enforcement and crime prevention within the City. Under the direction of the Police Chief, it provides a variety of public safety services for the citizens. The mission of the Police Department is to protect and serve, with the primary responsibility of ensuring the rights of citizens and visitors to live in peace and safety.

Some of the programs provided by the Department are Seniors Helping Seniors, Neighborhood Watch, Crime Prevention Training for Businesses, Home Security Checks, Drug Abuse Resistance Education; Citizen Police Academy, Carmel Business Association - ALERT, and Fingerprinting Identification for Children.

Carmel Fire Ambulance provides advanced life support ambulance service to the residents of Carmel-by-the-Sea. The ambulance is staffed by six paramedic-firefighters to provide front line medical emergency responses and all-hazard response as a key component of the City's public safety services. The City of Monterey provides training and fire services management for the ambulance personnel trained as firefighters.

The Fire Department's primary responsibility is to save lives and protect property through the prevention and control of fires. The Fire Department has operated under a contract with the City of Monterey since 2012. The Public Safety Department manages the contract with the City of Monterey and is responsible for oversight of needed equipment and supplies.

Department of Public Works

The Mission of the Public Works Department is to provide and maintain public infrastructure, services, facilities, and equipment that contribute to the health, safety, and well-being of the community and do so in an efficient and cost-effective manner with minimal detrimental effects on the environment. Located at the Public Works Yard on Junipero Avenue, between Fourth and Fifth Avenues, the department consists of 15 staff in six divisions with responsibilities as follows:

Administration: budgeting, purchasing, preparing Council reports and presentations, engineering services, serving on Traffic Safety Committee, TAMC TAC Committee, and providing day-to-day oversight of the five operating divisions.

Environmental Compliance: stormwater quality testing to comply with state regulations, trash diversion goals/recycling/composting, development plan review, construction site inspections, coordinating with regional committees and agencies, training and public outreach.

Facilities Maintenance: ongoing maintenance and repair of 24 City-owned buildings with 146,200 square feet, capital project support, oversee janitorial services, and implement small projects.

Forestry, Parks and Beach: support the Forest & Beach Commission, maintain 8 municipal parks, Carmel Beach and the shoreline pathway, manage 10,000 City-owned trees, process tree removal and pruning permits, oversee improvements to North Dunes and Mission Trail Nature Preserve, and oversee landscape maintenance services.

Project Management: develop the Capital Improvement Plan, perform condition assessments, cost estimating, design, inspection, and manage construction of capital improvement projects, administer public bidding process, and coordinate with utilities, designers, contractors, and other departments.

Streets Maintenance: maintain City street pavement, sidewalks, curbs, and storm drainage facilities, repair potholes, install traffic signs, striping and pavement markings, street sweeping, coordinate maintenance and repairs of City fleet, review encroachment permit applications, support City events, and emergency response.

COMMISSIONS, BOARDS, AND COMMITTEES

City Commissions and Boards assist the City Council in carrying out its duties. These bodies are charged with the following responsibilities:

1. Advise the City Council and City Administrator on matters within their area of responsibility and interest, as prescribed by the City Council and its ordinances.
2. Help focus attention on specific issues and problems within their scope of responsibilities and recommend actions and alternatives for Council consideration.
3. Act as channels of communication and information between City government and the general public on matters within their area of responsibility.
4. Reconcile contradictory viewpoints and provide direction toward achievement of citywide goals and objectives.
5. Encourage broad citizen participation in the definition and formulation of City goals and objectives.
6. Balance community wants with municipal responsibility and resources.

On all Commissions and Boards, an unscheduled vacancy is considered to exist whenever a member resigns, is removed by a majority vote of the City Council, or upon a death. In certain situations, if a member ceases to be an elector of the City, his/her membership shall terminate.

If, for any reason, you must resign from your position before its expiration date, you must provide written notification to the Mayor, with a copy to the City Clerk, announcing your resignation. Copies will then be sent to the City Council, the chair of your Commission, or Board, and the appropriate City departmental director.

COMMUNITY ACTIVITIES COMMISSION

The Community Activities Commission is a five-member body. Currently, meetings are held on the second Tuesday of each month at 9:30 a.m. The staff liaison is the Library & Community Activities Director. Carmel Municipal Code (CMC) Chapter 2.28 (available online) establishes the Community Activities Commission and sets forth its powers and duties.

DUTIES AND RESPONSIBILITIES OF THE COMMISSION

1. To stimulate and encourage community, cultural and artistic activities within the City.
2. To develop rules and regulations for conducting its business and meetings in accordance with the laws of the State and City (Municipal Code and Government Code of the State of California -- Ralph M. Brown Act).
3. To, on its own initiative, or at the request of the City Council or the City Administrator, make such recommendations to the City Council and the City Administrator concerning community, cultural, and artistic activities and programs as may be deemed appropriate.
4. To advise and assist the Library & Community Activities Director and, when requested or on its own initiative, other City Commissions and City public bodies, Departments and residents on community, cultural, and artistic programs.
5. To initiate community, cultural and artistic programs and projects.
6. To remain cognizant at all times of the uses of Forest Theater and Vista Lobos and endeavor to have such facilities put to their best possible use for the Community as a whole.
7. To determine, in consultation with the Library & Community Activities Director, the terms of tenancies of the facilities referred to in Number 6 above; to recommend to the City Council the rental rates and other terms of such use.
8. To review cultural grant applications and forward to the City Council recommendations regarding the disbursement of cultural grant monies.
9. To review, upon request of the City Council, applications regarding cultural or artistic programs, benefits, or services.

FOREST AND BEACH COMMISSION

The Forest and Beach Commission is a five-member body. Currently, meetings are held the second Thursday of each month at 3:30 p.m. The City Forester is the staff liaison. CMC Chapter 2.32 (available online) establishes the Forest and Beach Commission and sets forth its powers and duties.

DUTIES AND RESPONSIBILITIES OF THE COMMISSION

1. To develop, with the Public Works Director, a management plan for the urban forest, parks and beach and to correlate such plans with the City's General Plan.
2. To consider and act on applications for tree trimming and tree-removal and on matters involving construction in which root cutting or root crown coverage is involved.
3. To advise the City Council or other government instrumentalities of the City with respect to specific items of management and technical forestry and beach matters, including the introduction of new species into the urban forest or the elimination of existing species.
4. To provide publicity in regard to the health of the urban forest, including a public information program concerning care of forest resources, as well as cooperation with school programs on conservation and the like.
5. To encourage gifts, bequests and grants to be made to the City in furtherance of any present or future object or project associated with the Commission.
6. To review landscape plans and submit comments to the Planning Commission as requested from time to time by the Department of Community Planning and Building.
7. To advise the City Council or other government instrumentalities of the City on the preservation, enhancement, protection and care of the Carmel-by-the-Sea beach and waterfront area.
8. Upon referral from the City Council, to review and recommend to the City Council possible official positions on proposals in the City, the City's Sphere of Influence, or any wider area, which impact the natural environment of the area.

HARRISON MEMORIAL LIBRARY BOARD OF TRUSTEES

The Harrison Memorial Library Board of Trustees is a five-member body. Currently, meetings are held the fourth Wednesday of each month at 9:00 a.m. The staff liaison is the Library & Community Activities Director. CMC Chapter 2.72 (available online) establishes the Harrison Memorial Library Board of Trustees and sets forth its powers and duties.

DUTIES AND RESPONSIBILITIES OF THE BOARD

1. To manage, control and administer any library building or library property which is now owned or may hereafter be acquired by the City; to make and enforce all rules, regulations and bylaws necessary for the administration, government and protection of the library under its management and all property belonging thereto.
2. To administer any trust hereafter declared or created for such library and receive any gift, devise or bequest and hold in trust, or otherwise, property situated in this State or elsewhere and, when not otherwise provided, dispose of the same for the benefit of such library.
3. To purchase necessary books, journals, publications and other personal property.
4. To purchase such property, erect, and equip such building or buildings, room or rooms, as may be necessary when in their judgment a suitable building or portion thereof has not been provided by the legislative body of the municipality for such library.
5. To require the Secretary of State and other State officials to furnish such library copies of any and all reports, laws and other publications of the State, not otherwise disposed of by law.
6. To borrow books from, lend books to, and exchange the same with other libraries, and to allow nonresidents to borrow books, upon such conditions as they may prescribe.
7. To do and perform any and all other acts and things necessary or proper to carry out the provisions of Chapter 2.72 of the Municipal Code.
8. The Board of Library Trustees, shall, on or before the thirty-first day of August of each year, make a report to the City Council of the City, giving the condition of the library on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and forward a copy thereof to the State Library at Sacramento.

9. To raise money for special or library purposes through direct organization and operation of fund-raising campaigns or programs, or through the establishment of foundations or employment of persons for fund-raising.

PLANNING COMMISSION

The Planning Commission is a five-member body. Currently, meetings are held the second Wednesday of each month at 4:00 p.m. The staff liaison is the Director of Community Building and Planning. CMC Chapter 2.36 (available online) establishes the Planning Commission and sets forth its powers and duties.

DUTIES AND RESPONSIBILITIES OF THE COMMISSION

1. To develop and maintain a General Plan.
2. To develop Specific Plans as may be necessary or desirable.
3. To review Environmental Impact Reports and Initial Studies.
4. To periodically review the Capital Improvement Program of the City.
5. To conduct public hearings, review evidence and determine requests for use permits, variances, rezoning and land use Code amendments.
6. To interpret the meaning and intent of the City's Land Use Code.
7. To hear and render decisions on appeals of determinations made by administrative staff.
8. To determine the consistency with the General Plan of capital improvement projects and programs.
9. To review and act upon design review and design study applications.

HISTORIC RESOURCES BOARD

The Carmel-by-the-Sea Historic Resources Board is a five-member body. Currently, meetings are held the third Monday of each month at 4:00 p.m. The staff liaison is the Director of Community Building and Planning. CMC Chapter 2.74 (available online) establishes the Historic Resources Board and sets forth its powers and duties.

DUTIES AND RESPONSIBILITIES OF THE BOARD

The purpose of the Board is to carry out the policies of the architectural/cultural/historic (ACH) element of the General Plan and to serve in an advisory capacity to the Planning Commission and City Council. Duties of the committee shall be as follows:

1. Establish the committee's operating procedures.
2. Develop and maintain an inventory of significant sites, structures and districts.
3. Make recommendations to the Planning Commission on sites, structures or districts from the candidate list that are proposed for designation.
4. Advise and assist property owners on the physical aspects and grant opportunities for preservation, renovation, rehabilitation, and reuse, and on the procedures for inclusion on the National Register of Historic Places.
5. Review requests to alter or modify the exteriors of designated resources and provide advice, at the request of the owners, on the restoration, alteration, decoration, lighting and landscaping of such resources; and provide advice to the Planning Commission on the proposed changes.
6. Review requests for demolition and make recommendations to the Planning Commission on demolition stays of designated properties.
7. Make recommendations to the City Council and the Planning Commission on matters of land use, municipal improvements, public and private funding, promotional mechanisms for historic preservation and other types of planning programs undertaken by any agency of the City, County or State as they relate to the ACH resources of the community.
8. Inform and educate the citizens of Carmel-by-the-Sea concerning the architectural, cultural and historical heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars.
9. Make recommendations to the City Council regarding the purchase of properties or easements for purposes of resources preservation.

10. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents pertaining to ACH resources, or related neighboring property within public view, and forward comments to the Planning Commission with recommendations.
11. Coordinate with local, County, State and Federal governments in the pursuit of the objectives of preservation.
12. Undertake any other action or activity necessary or appropriate to the responsible exercise of its powers and duties as to implementation of this chapter and of the General Plan.
13. Perform any other functions that may be assigned by resolution or motion of the City Council.

GENERAL GUIDELINES FOR COMMISSION AND BOARD MEMBERS

Appointment to a City Commission or Board is an honor. It offers an opportunity for genuine public service. Each member should be aware of the responsibilities that go along with officially serving the City. The specific duties of each body vary with the purpose for which it was formed. There are, however, many responsibilities common to all such positions.

1. Understand the role, functions, work programs of the Commission and relationship with other such City bodies and the City Council. Understand in particular the City budget process as it relates to your Commission or Board, and that the City Council is ultimately responsible for establishing City policy.
2. Represent the overall public good, not the exclusive point of view of a particular group or interest.
3. Keep all lines of communication open. Each member serves as a communication link among the community, the City Council, and staff.
4. Do your homework and be prepared. Members should become familiar with items under consideration prior to meetings in order to be fully prepared to discuss, evaluate and act on matters scheduled for consideration. Feel free to seek staff's advice and assistance in advance of a meeting. By so doing, meetings move more smoothly and stay focused on the issues.
5. Know, understand and apply these procedures for your particular City Commission or Board.
6. Establish a good working relationship with fellow members, the City Council, and your staff liaison.
7. Be a participant, be an active representative, and be enthusiastic.
8. Be ethical, seek to follow both the letter and the spirit of laws and policies that govern governmental transparency and ethics, and undertake to promote and increase the public's trust in City government.

Your role as an appointed representative of the City Council carries with it an additional significant responsibility. You are an "ambassador" of the City of Carmel-by-the-Sea, and it is anticipated that you will conduct yourself with politeness and courtesy whenever in the public eye. Yours is a position of service that is charged with maintaining the public trust. It is important that you in no way abuse that trust.

A. Guidance

Commission/Board members should bear the following guidance in mind:

1. In public statements or interactions, individual Commission/Board members should present views and recommendations representing the Commission/Board as a body -- not personal individual views.
2. Members expressing views not approved by the majority of a Commission/Board should clearly express that their views and opinions reflect their personal perspective as a "private citizen." Individual opinions must be identified as such.
3. Public statements should not include promises that may be construed to be binding on the Commission/Board, City Council or staff.
4. When making a public statement, if applicable, members should indicate that Commission/Board actions are recommendations and that final action will be taken by the City Council.
5. Commission/Board members may be selected on the basis of representing defined groups; however, each member should represent the overall "public good," not an exclusive group, or special interest.
6. Commission/Board members in some instances are required to act as "judges," for example, when acting on some permit applications or appeals. In such instances, stakeholders and the public have the right to expect that Commission/Board members will act in an unbiased way and with an open mind, and will not "pre-judge" and decision or outcome. Commission/Board members must in such instances commit to maintaining an open mind and not pre-judging until after all stakeholders and the public have had their opportunity to present evidence at the public hearing on the matter. If a Commission/Board member meets with a stakeholder or receives information on such a matter outside of the public hearing, the member must disclose such meeting and all such information at the outset of the public hearing so that members of the public have an opportunity to respond.
7. Commission/Board members should work to establish good relationships with other Commission/Board members. The success or failure of Commission/Board efforts may be dependent upon the degree of cooperation evident among the individual members of the body.

B. Relationships with Other Commission/Board Members

The association with other Commission/Board members is very important as you serve on a Commission/Board. Before talking about relationships, it may be well to point out a few facts about Commission/Board members. Commission/Board members come from various backgrounds - education, occupational, religious, social, economic, physical, and cultural - and differences do exist. It is important to recognize that the reasons for serving on a Commission/Board will vary and perhaps some will have a special interest. Each

member will contribute in his/her own way and is an important part of the decision-making process. Do not expect every member to give of his/her time, talent and knowledge to the same degree. Some will give more and others will give less, but in the end, the community will benefit. Bearing this in mind, the following may serve as a guideline:

1. Always respect other individuals' viewpoints even though they may be opposite of your own.
2. Allow the other individual to articulate his/her own views and then attempt to make an objective evaluation of those views.
3. Evaluation of other members' viewpoints should be based on what is best for the total community and for all concerned.
4. There will be times when political action among the Commission/Board is apparent; strive to minimize whenever possible.
5. Be open and honest at all times.
6. Each Committee/Board member has a responsibility to recognize new Commission/Board members and see that they are made welcome, become oriented, and receive training.
7. Keep an open mind and be open to the possibility of being persuaded by the views and opinions of other members.

C. Relationships with Council

The purposes of Commissions/Boards are to expand the opportunity for citizen input and participation, study issues, and make recommendations to the City Council. As an advisor to the City Council, Commission/Board members must be aware that the decisions formed by the Council, even after receiving and evaluating the recommendations from the various advisory bodies, **require the Council to exercise its independent judgment.**

The Council possesses the ultimate political and legal responsibility for the conduct of local government and the overall welfare of the community. It is important to recognize that not all of the recommendations made by the various Commissions/Boards will be accepted by the City Council. Council actions which vary from Commission/Board recommendations do not imply a lack of confidence or disinterest in the advisory bodies' decisions. Council Members must weigh the advice provided by advisory bodies against a broader scope of considerations as they reach the decisions for which they are responsible. **Ultimately the elected City Council is vested with the authority to make final policy decisions.**

Although a Commission/Board may disagree with the final decision that Council makes on an issue, the Commission/Board should not act in any manner contrary to the established policy adopted by the Council. The Commission/Board should assist the City

Council in developing public trust in the advisory Commission/Board system. The Commission/Board should be sensitive to City priorities.

D. Relationships with Staff and Staff Liaison

The Staff assigned to a Commission/Board provides basic support and technical advice for the Commission/Board. Staff handles administrative duties, prepares meeting agendas, staff reports, and records minutes. Commission/Board members may not direct Staff to initiate programs, conduct major studies, or establish official policy without the approval of the City Council.

Commission/Board members should feel free to contact the Staff Liaison for inquiries and/or support purposes. It should be understood, however, that **Commission/Board members are responsible for all Commission work**. Staff Liaisons will provide direction, guidance, as well as clerical and/or organizational or administrative support to Commissions/Boards on an as needed basis.

E. Relationships with the Public and City Staff

Commission/Board members serve as a liaison between the City and the general public. Thus, each member functions as a communication link between the community and the City, explaining City programs and recommendations, as well as providing a channel for citizen expression.

Commission/Board meetings must adhere to The Ralph M. Brown Act and should be conducted in a manner that is conducive to a productive exchange of ideas and perspectives. A non-threatening atmosphere should be prevalent and steps should be taken to ensure that members of the public are free to express their views without fear of ridicule or belittlement by anyone with an opposing viewpoint.

Commission/Board members should conduct themselves in a manner that demonstrates **open-mindedness**, fairness and professionalism. Members should be considerate of all interests and value differences of opinion. Additionally, members should remain open-minded, objective, and make no judgment or engage in any partisan position until all of the available evidence pertaining to an issue has been submitted. Common courtesy is expected from City representatives at all levels of the organization.

To enhance public confidence, Commission/Board members should conform themselves to all ethical rules, including those prohibiting financial and personal conflicts of interest, and all rules promoting transparent and open government.

It is important to recognize that as a Committee/Board member your actions and comments are often interpreted to be that of the entire Committee/Board, the staff, or the City. A Committee/Board member's comments to the press or other public utterances are sometimes misinterpreted even though you state that you are speaking for yourself. They may be at odds with the Committee's/Board's goals, objectives or overall policy. It is very important that an individual be clear when stating opinion.

Members of the public are also expected to conform to an acceptable standard of conduct. Any person who willfully interrupts a public meeting or acts so as to render the orderly conduct of the meeting infeasible may be barred from further attendance at the meeting by the Chair. An individual so barred may not return for the remainder of the meeting unless permission is granted by a majority vote of the Commission/Board.

Commission/Board members should make no promises to the public that might appear to be binding on the Committee/Board, staff, or City Council. Comments to the public must be factual, and members should listen to comments or complaints of the public.

City Commissions/Boards are not involved in the administration or operation of City departments. The City's Staff reports to the Department Head, who in turn reports to the City Administrator. It is, therefore, the responsibility of the Department Head and/or City Administrator to allocate staff time and efforts and direct the priority of work.

Staff members are not considered members of a Commission/Board and have no power to vote in Commission/Board matters. Because of their support position, and normal parliamentary rules, Staff does not respond to questions from the public at a meeting unless requested to do so by the Chair.

City Staff serves Commissions/Boards in an advisory capacity – much the same as the Commission/Board serves the Council. Staff members are selected on the basis of their technical and professional abilities and are expected to provide Commissions/Boards with recommendations based upon their professional analysis of the situation, regardless of personal opinion or consideration of political consequence. It is not expected that every Staff recommendation will be followed; however, because of Staff's technical expertise, full consideration should be given to its recommendations.

Commission/Board members should be aware of Staff's responsibility to also provide professional advice to the City Council. In instances where a Staff member disagrees with a Commission's/Board's recommendation, he/she is obligated to advise the City Council, through the City Administrator or a subsequent staff report, of his/her technical recommendation. The City Council values both the opinion of the Commission/Board/Committee as well as Staff since Staff expresses its opinion from a strictly technical perspective, while Commissions/Boards may provide counsel and advice on the issue's practical application.

MEETING BASICS

A. Preparation for Meetings, and Related Principles and Requirements

1. Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your constant attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.
2. Understand what action you are being asked to take regarding each particular agenda item.
3. If you have questions regarding the agenda or agenda report, contact your Staff Liaison before the meeting to clarify questions or request further information.
4. Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will, among other things, be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise City Staff.
5. Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.
6. Strive to appreciate differences in approach and point of view. Likewise, take care to articulate your own ideas; remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.
7. If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City Staff Liaison to provide information to assist the members throughout the decision-making process.
8. E-mail communications can ultimately lead to the exchange of information intended to create collective concurrence among a quorum of advisory body members in violation of the Ralph M. Brown Act. Therefore, e-mail communications between advisory body members relative to advisory body

business should be avoided. While less than a quorum, for example, may appropriately communicate with one another by way of e-mail, the "forwarding" of such an e-mail message on to an additional member would result in a Brown Act violation.

9. E-mails that concern City business and the proceedings of your Board or Commission will in almost all instances be public records that must be disclosed to the public upon request. They are **not** private, privileged or confidential if the emails relate to City business.
10. Boards and Commissions sometimes act in a "quasi-judicial" capacity. Examples of quasi-judicial decisions are when the Planning Commission considers applications for conditional use permits (CUPs) and tentative subdivision maps. In those instances, fair hearing and due process principles apply. Board and Commission members must consider the application in a fair and open-minded way. This means that members must not be biased against the applicant or any stakeholder, and must not pre-judge the application or any outcome, and instead must maintain an open mind and consider all evidence that is presented in the public hearing. Members also should generally avoid hearing or seeing any "ex parte" evidence presented outside of the public hearing so that the public and all decision makers all see and consider the same evidence. If a member does view or receive "ex parte" evidence before the public hearing, the member must fully disclose all such evidence at the outset of the public hearing so that all stakeholders have an opportunity to speak to and/or rebut such evidence during the hearing.
11. Unreasonable delay or lack of action is unacceptable. If necessary, make a recommendation and move along.

B. Attendance

All Commission, Committee and Board members are requested to contact their Staff Liaison prior to a meeting if they are unable to attend.

C. General Protocols for Consideration of Agenda Items

Commissions/Boards shall consider each item of business listed on a Commission or Board agenda according to the following:

1. Staff report
2. Questions about the staff report and agenda item from the members of the body. For matters where the Commission/Board members are acting as judges (for example, for certain permit applications and appeals), members shall disclose "ex parte" contacts and evidence received outside of the public hearing with sufficient detail to enable stakeholders to respond.

3. Public comment. For some permit applications and appeals, stakeholders should be allowed time for rebuttal. Time limits apply.
4. Staff response to questions (if any) and evidence presented by the public.
5. Deliberation.
6. Action – Action shall be based on and limited solely to what is described in the Agenda. For some actions on quasi-adjudicatory permit applications and appeals, the Commission/Board must adopt written “findings” that explain the decision. Staff and the City Attorney can and often do assist in the preparation of draft findings for the Commission/Board’s consideration.

D. Rules of Order and Debate

1. Procedures and Adoption of Rosenberg’s Rules of Order
 - a. City Boards and Commissions shall use the Rules of Procedure adopted by the City Council or, if no Council has not adopted Rules of Procedure, then Robert’s Rules of Order apply. , Rosenberg’s Rules of Order (“Rosenberg”) in determining questions of parliamentary procedure, including without limitation questions involving motions, amendments to motions, voting and other matters. However, the failure to conform to these rules shall not affect the validity of any action, decision or vote.
 - b. Motions Generally
 - (i) A motion is the way that a group under parliamentary procedure conducts business and makes decisions. There are several types of motions, each of which must meet certain requirements before a vote can be taken. A full and complete guide to types of motions and rules are found within Rosenberg’s Rules of Order.
 - (ii) Steps in making, discussing and voting on a motion:
 - The maker of the motion asks for recognition by the Chair, or the Chair may solicit a motion from commission members
 - After the individual is recognized, he/she will state “I move ...”
 - The Chair will ask if there is a second. Another member of the group must second the motion in order for discussion to start on the motion.

- The Chair then restates the motion "It has been moved and seconded that ..." and opens the floor to discussion.
- The Chair will recognize members who wish to comment on the motion. Only one motion may be discussed at a time. It is important that all members of the group are clear on what the motion is and what its effect will be. Spirited discussion helps to answer questions and explore different interpretations and/or impacts of the motion.
- At the end of the discussion period the Chair will "call the question" and ask how many members vote "Aye" and how many vote "No" or "Abstain". A motion is passed when a majority of members present votes in favor of the motion (members who recuse themselves due to a conflict of interest must leave the room, are not counted toward establishing a quorum or tallying votes).

(iii) Friendly Amendments

The "Friendly Amendment" is an informal method for commissioners to request a minor change to the motion on the floor (while retaining the basic form of the original motion). A commission member may propose a friendly amendment, which must then be accepted by the main mover and seconder. Friendly amendments should only be used for minor adjustments, such as adding a word or phrase to the motion. Significant changes to a proposed motion should be proposed as a substitute motion, not as a friendly amendment or motion to amend.

(iv) Substitute Motion

At any time after a motion is moved and seconded, a member of the commission may move a substitute motion for consideration in place of the main motion. If the substitute motion is seconded, then discussion on this motion will take priority over the original motion. The commission will deliberate and then vote on the substitute motion. If it passes, the original motion becomes moot. If the substitute motion fails, the discussion will revert to the main motion. In the event of multiple substitute motions, the commission should address the latest motion proposed. There should never be more than two substitute motions (or three total motions) on the floor at any time.

(v) **Withdrawing a Motion**

At any time after formation of a motion and before it is taken to a vote, the maker of the motion may interrupt a speaker to withdraw his or her motion from the floor.

c. **Other Motions**

(i) **Motion to Continue**

A motion to continue an item is to continue to another meeting, at a specific time and date. This type of motion requires a second.

(ii) **Motion to Table**

This type of motion is intended to immediately stop discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to table takes precedence over all motions except adjourn and privilege. A motion to table requires a second. Once an item has been tabled, a motion to un-table the item is needed to bring the item back to discussion.

(iii) **Motion to Reconsider**

A motion to reconsider must be made at the same meeting or within two meetings of the original action. If the motion to reconsider is made at a subsequent meeting following the original action, intent to reconsider the item must be agendized. This type of motion may only be made by a commissioner who voted in the majority on the original motion. It also requires a second, of which any voting member of the commission may do so (not just those who voted in the majority). The motion is then subject to a vote. If the motion to reconsider passes, then the original matter is back before the commission and may be discussed and debated as if it were on the floor for the first time. Motions to reconsider are not applicable to "table" motions. During discussion, testimony should be limited to new facts that were not known at the time of the original motion.

The timelines for motions to reconsider must be strictly adhered to for binding deadlines, contracts, and any quasi-judicial matters. Policy related matters may allow for additional flexibility, but that type of circumstance will require specific staff analysis and/or city attorney consultation.

d. **Voting**

- (i) When present, all commissioners are to vote. Failure of a seated commissioner to orally express a vote constitutes an affirmative vote.
- (ii) Members of city commissions are expected to participate in all decisions of their commission. There are two primary exceptions – a defined conflict of interest when a member must recuse themselves and leave the room, or due to a fairness issue such as personal animosity between the member and an individual appearing before the group. In all cases, care must be taken to ensure the fair, impartial deliberation process by the board, commission or committee.
- (iii) A member's absence from a meeting does not automatically disqualify a member from participating in a vote on an issue. If a member misses all or part of the proceeding in which information about the issue was presented, he/she can become familiar with the record of the meeting such as through minutes, studying the staff report or recorded version of the meeting, or discussions with staff.
- (iv) Commissioners with a conflict of interest must step down, leave the room and not participate in the discussion or vote on the item (unless allowed to remain in the room as provided by FPPC Regulation 18707 discussed in this Handbook); these members are considered "absent" for that item and may not be counted either for the purposes of establishing a quorum or for the tallying of votes. The majority of members (present and voting) must vote in the affirmative of the motion for it to pass. Commissioners are never required to state reasons for a dissenting or supporting vote.

e. Calling the Question

The Chair will call the question once it has been determined that discussion has reached a point where the commission is ready to vote. Generally, commissions will take a "voice vote" (see below). Commissioners may also declare a consensus on an action if there is agreement and no negative comments/objections have been expressed during discussion. If it is unclear whether a majority exists, or upon request of any commissioner, a roll call vote should be taken and recorded (see below). In any scenario, the Chair should announce the results (motion passes/fails) once votes are tallied.

f. Voice Voting

The Chair will state, "all those in favor" at which point members may altogether say "aye" or "yes", the Chair must then state, "all those opposed" and allow for opposing members to state "no" altogether. Keep in mind, failure to orally express a vote constitutes an affirmative (or "yes") vote. The Chair or staff shall publicly report the vote of each individual member.

g. Roll Call Votes

A roll call vote is generally used if there appears to be a division amongst members on an issue. This type of vote is especially preferable when making decisions on controversial items. The Chair or staff liaison may conduct the roll call. Each member will be identified, in any given order, followed by that member stating his/her vote. Under California's open meeting law, the Brown Act, "secret" votes are prohibited, and the vote of each member must be publicly disclosed at the meeting. If a member is attending a meeting remotely as authorized by Government Code Section 54953, then roll call votes are required for all voting items.

h. Tie Votes

A tie vote generally is not a majority affirmative vote, and therefore is in most cases equivalent to a vote that has failed. The Chair should publicly explain the effect of the tie vote for the public.

i. Abstention/Recusal

Abstentions count! A member who votes "abstain" is considered present and is counted toward the overall vote (not absent!). Abstentions are counted as a non-affirmative votes, and therefore act just like "no" votes (a motion may only pass with a majority affirmative votes).

Abstentions should be rare and based on an inability to decide definitely to vote "yes" or "no" on a specific matter. Again, abstentions are counted toward the total vote and are non-affirmative. An abstention is not counted as "absent."

(i) Abstention vs. Recusal

- In some instances, a member will be required or encouraged to recuse him/herself.
- What is the Difference? When to Abstain vs. When to Recuse
- At times, it may not be clear to commission members whether they should participate/vote on an issue or not.

Commissioners should keep in mind that by participating in discussion they have the power to influence the decision.

- If a commission member has a defined conflict of interest, he/she must follow the steps for a recusal.
- In quasi-judicial matters, if a commission member is unable to act fairly and in an unbiased manner, he/she should also consider recusal and leave the room entirely before discussion ensues. Simply abstaining from voting may not be enough.
- the absence of a contrary statutory provision, the number of votes required to take action is a

j. Voting Requirements/Counting Rules

Total Membership	Quorum	Number of Votes Cast	Majority Vote
5	3	5	3
		4	3
		3	2

Note: Voting requirements can vary depending on the action. A number of state law provisions impose voting rules requiring affirmative votes from more than a majority of a quorum in order for a legislative body to take action.

Total Membership	Quorum	Majority Vote of Total Membership	2/3rds Vote of Total Membership	4/5ths Vote of Total Membership
5	3	3	4	4

The following require approval by **majority vote of total membership**:

- Resolutions and Ordinances
- Payment of money
- Action on appeal of EIR
- Rescinding or Amending Something Previously Adopted

2. Chair

The Chair may debate and may make or second motions. The Chair is subject to the limitations of debate that are imposed on all members and shall not be deprived of any of the rights and privileges of a member.

3. Commission/Board Members

Every Commission/Board member desiring to speak shall address the Chair. Upon recognition by the Chair, the member shall confine comments to the question under debate, avoiding all undignified language and references to personalities and abiding by the following rules of civil debate. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege, or appeal of the Chair's procedural ruling).

Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- a. We may disagree, but we will be respectful of one another.
- b. All comments will be directed to the issue at hand.
- c. Personal attacks shall be avoided. They are unacceptable and may result in termination from an appointed position.

4. Addressing the Advisory Body from the Floor

Securing Permission to Speak

Any person desiring to address the Board/Commission shall first secure permission from the Chair. Any Board/Commission member may also request of the Chair that a member of the public be recognized to speak.

Remarks should be directed to the matter being considered.

Individuals

Persons addressing the Board/Commission are requested to give their name in an audible tone of voice for the record and fill out a speaker card if provided. They are not, however, required to provide their name or complete a speaker card. Any applicable time limit shall be as stated in the agenda, or as directed by the Chair.

All remarks shall be addressed to the Board/Commission as a whole and not to any individual member or to members of the audience. Without the permission of the Chair, only members and the person addressing the Board/Commission shall be permitted to enter into any discussion. However, while Board/Commission members may ask speakers questions, they should not debate matters with them. All remarks shall be delivered in a respectful manner.

Addressing the Advisory Body after Motion Made

After a motion is made by the Board/Commission, no person shall address the Board/Commission in regard to that topic except upon the request of the Chair, or a member of the Board/Commission through the Chair.

E. Decorum in Meetings

1. Proceedings

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other.
- Give your full attention when others speak.
- Learn to trust your own good judgment on decisions.
- Remember that people may be attending a meeting for the first time, and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms or verbal shorthand.
- Listen to audience concerns. Do not engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed.
- Close the public testimony before you begin serious deliberation on an issue.
- Sometimes questions can most effectively focus discussion and direct decision-making. For example,

For staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?
- Is it within this body's scope of responsibility? If not, would it be best referred to another Commission/Board, Council or staff?

For other advisory body members:

- What do you think about this item?
- What have you heard from the residents?
- What would it take for you to support this?

For the public (at a hearing):

- What are your concerns?
- How will this proposal affect you?

- What specific, constructive, alternatives can you recommend?
- How does the public comment or question relate to the decision at hand?

For yourself:

- What are we trying to accomplish?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?
- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
- Remember that your advisory body exists to take actions and/or make recommendations. It is not simply a discussion group or debating society.
- Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings. Extending the meeting beyond an appointed hour may be subjected to a vote when that hour nears.

2. Managing Difficult Meetings

From time to time, Commissions/Boards are faced with conducting highly charged controversial meetings. These meetings may involve one unified group or two or more conflicting groups. The group demeanor may be characterized by aggressiveness and hostility. Such meetings really test the mettle of the Commission/Board and staff. Consider the following:

Before the Meeting

- Make agendas and back-up reports easily available to participants.
- Make sure adequate seating is available. Consider moving to larger quarters if necessary.
- Make sure sound and recording equipment is adequate and operational, if applicable.
- Chair and staff should engage in contingency planning before the meeting.

During the Meeting

- Establish and announce rules at the beginning of the meeting.
- Before public comment, ask the participants to designate one or more spokespersons, if possible. This may help reduce redundancy and make sure that all sides of the issue will be heard.
- Explain the issues, the possible actions and the procedures that will be followed at the meeting.

- Have speakers address the Commission/Board and not the audience. Some speakers are very adept at inciting audiences, especially if they are permitted to face the audience.
- Stop clapping and shouting early. Explain the reasons why such actions are disruptive and counterproductive. For instance: the meeting should provide a forum for all points of view and such displays of support or opposition could intimidate those with an opposing point of view from speaking. In addition, such displays delay the discussion.
- Do not hesitate to use recesses to help diffuse hostility or aggressiveness.
- Consider limiting speakers to a set time. If such a procedure is used, make sure it is applied fairly and consistently.
- Make sure Commission/Board members address colleagues and not the audience. Directly addressing the audience can result in loss of control of the meeting. In limited instances it may, however, be appropriate to address the public – for instance to explain an issue or to note that their concerns have been understood.

Continue items that cannot be decided at the meeting. This does not preclude the Commission/Board from allowing anyone who wishes to speak on the issue, to do so.

ETHICS AND CONFLICTS OF INTEREST

Principles of Public Service Ethics

California has a complex set of ethics laws to guide local officials in service to their communities. Members of Boards and Commissions, in their capacity as appointed officials, should strive to keep the following principles in mind when determining the appropriate course of conduct in their decision-making:

- Public officials may not use their position for personal financial gain.
- Public positions do not entitle members to personal advantages/perks.
- Merit-based decisions based on a fair process produce the best results for the public.
- Transparency in the decision-making process promotes public trust and confidence.

Minimum Standards

Ethics laws are minimum standards. Just because a given course of conduct is legal does not mean that it is ethical or that the public will perceive it as such.

The California Political Reform Act

Most financial conflict of interest laws are contained in the California Political Reform Act. It states public officials may not participate in or influence a decision that will materially affect an financial interest of the official or the official's immediate family.

A Board/Commission member generally "participates" in a decision by voting on it or participating in hearings and deliberations. A Board/Commission member may "influence" a government decision when the member attempts to affect the outcome of a decision.

Often, it is not enough just to abstain from voting on a matter in which you have a conflict of interest. The law requires that you completely refrain from all participation or attempts to influence the outcome.

Economic Interests and Disclosure (Form 700)

The City of Carmel-by-the-Sea has adopted a Conflict of Interest Code (Resolution 2020-056), in accordance with the Political Reform Act, that states that no person shall make or participate in a governmental decision which he or she knows or has reason to know

will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally. The Code lists the Commissions/Boards to which it applies.

If you are a member of one of the bodies listed in the City's code, you not only must refrain from participating in or influencing decisions in which you have a financial interest, you also are required to file a Form 700 "Statement of Economic Interests" on a regular basis.

Your Form 700 must be completed and filed with the City Clerk's Office at the following times:

- Within 30 days after appointment (Assuming Office Statement)
- On April 1st of each year while serving on the commission (Annual Statement)
- Within 30 days of leaving office (Leaving Office Statement)

You must complete and return a Form 700 even if you have "no reportable interests" to disclose. Failure to file on time may result in a monetary penalty, suspension and/or removal from the Board/Commission. Instructions and the period covered by each type of statement are included with the forms used for filing.

For most people, filling out a Form 700 will be an easy experience provided you read the instructions carefully. However, questions are bound to arise, especially if you have financial interests in addition to the income from your job, residence, or loan obligations. Commission members can contact the FPPC or the City Clerk's Office for assistance. Form 700s are public records.

What to Do If You Have a Conflict of Interest

If a member has a conflict of interest, the member must disqualify him or herself from participating in the matter. This includes all discussion on the matter as well as the actual vote.

You must take the following steps after you have determined that a conflict of interest exists under the Political Reform Act:

1. **Publicly identify the financial interest.** This must be done in enough detail for the public to understand the financial 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.**

You must recuse yourself from 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.

Exception: If the matter is on the consent calendar, you do not have to leave the room.

Exception: Under limited circumstances, if you wish to speak during public comment as a member of the public, and not as a member of a Board/Commission, you may do so pursuant to FPPC Regulation 18707. However, you should consult staff for guidance sufficiently in advance of the meeting if you believe this exception applies to you so that staff may consult with the City on whether this exception applies to you.

What to do if you're in doubt

Whenever a member of a Board/Commission believes that there may be an economic conflict of interest, the member may seek advice from the City Attorney or Fair Political Practices Commission. At any time, it is safest to err on the conservative side and to publicly identify the potential conflict, and fol. If you wish to seek advice, you should do so at the earliest opportunity after you become aware of the possible conflict.

Other Ethics Laws

Other conflict of interests laws prohibit commissioners from:

- Using his/her official position for personal benefit or gain.
- Having a financial interest in any contract or grants made or recommended by their commission.
- Engaging in employment or activities that are incompatible with their public office duties.
- Simultaneously serving on another agency's Board or Commission the duties of which may be "incompatible" with those of the Carmel Board/Commission.

AB 1234 Ethics and Open Government Training

State Law (AB 1234) requires that local officials who receive compensation, salary stipends, or expense reimbursements must receive training in public service ethics laws and principals every two years. The requirement applies to the City Council as well as Boards/Commissions.

The Institute for Local Government (ILG is an affiliate of Cal Cities, formerly the League of California Cities) has developed online ethics courses to help local officials meet their ethics training requirements. From time to time the City and the Fair Political Practices Commission also provide ethics training to satisfy AB 1234. Upon completion of the ethics training, members are required to print their certificate, sign it, and return the original hard copy document to the City Clerk.

Conflicts of Interest

The City of Carmel by the Sea has adopted a Conflict of Interest Code (Resolution 2020-056) in accordance with state law, that states no person shall make or participate in a governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.

The City Attorney is available to help Commission and Board members decide if they have a conflict and should abstain from participation on any issue. There may be instances where a financial conflict of interest is not the issue, but rather a member may have an appearance of bias or bias conflict. Again, the City Attorney is available to provide guidance in determining whether a Commissioner or Board member should disqualify him/herself from acting on the item. In these instances, members should recuse themselves from a vote using the phrase, "*...to avoid the appearance of impropriety.*"

In addition, Commission/Board members are required by the City's Conflict of Interest Code to declare personal financial information by filing a Statement of Economic Interest (Form 700). Upon appointment, the City Clerk shall provide the Commissioner or Board member with the procedure for filing.

**CITY OF CARMEL BY THE SEA
CITY COUNCIL**

RESOLUTION NO. 2020-066

**~~A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL BY THE SEA
RESCINDING RESOLUTION 2016-067 AND RE-ESTABLISHING THE LIST OF
DESIGNATED CLASSIFICATIONS AND THE DISCLOSURE CATEGORIES OF THE
CITY'S CONFLICT OF INTEREST CODE~~**

~~WHEREAS, the Political Reform Act requires local government agencies to review its Conflict of Interest Code biennially;~~

~~WHEREAS, the City Council of the City of Carmel by the Sea, (the "City Council"¹¹), previously adopted Resolution No. 2016-067 on September 13, 2016, thereby amending the List of Designated Employee Classifications of the Conflict of Interest Code;~~

~~WHEREAS, Section 87307 of the Government Code provides that an agency may at any time amend its Conflict of Interest Code;~~

~~WHEREAS, the City Council has determined that it is necessary to further revise the List of Designated Classification and Disclosure Categories to reflect current classifications and titles.~~

~~NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL BY THE SEA DOES HEREBY:~~

~~Rescind and supersede all previously adopted Resolutions and amendments thereto approving or adopting Conflict of Interest Codes for the City of Carmel by the Sea.~~

~~Approve and adopt Exhibit A in which officials and employees are designated and disclosure categories are set forth, which constitutes the Conflict of Interest Code for the City of Carmel by the Sea.~~

~~Require all designated officials and employees file Statements of Economic Interests with the City Clerk, who will make the statements available for public inspection and reproduction.~~

Resolution No. 2020-056
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~~PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL
BY THE SEA this 1st day of September, 2020, by the following vote:~~


~~AYES: COUNCIL MEMBERS BARON, REIMERS, THEIS, MAYOR
PROTEM RICHARDS, MAYOR POTTER~~

~~NOES: NONE~~

~~ABSENT: NONE~~

~~ABSTAIN: NONE~~

APPROVED: _____ ATTEST:



Dave Potter
Mayor

Britt Avril, MMC
City Clerk

EXHIBIT A

LIST OF DESIGNATED EMPLOYEE CLASSIFICATION AND DISCLOSURE CATEGORIES

Assistant City Administrator; 1, 2
Assistant Forester; 1, 2
Assistant Planner; 1, 2, 3, 4
Board/Commission Member; 1
Building Inspector; 1, 2, 3, 4
Building Official; 1, 2, 3, 4
City Administrator; 1
City Clerk; 1, 2
City Council Member; 1
City Engineer; 1, 2, 3, 4
City Forester; 1, 2
Community Planning and Building Director; 1, 2
Director of Budgets and Contracts; 1, 2
Director of Public Works; 1, 2
Finance Manager; 1, 2
Finance Specialist; 1, 2
Head Reference Librarian; 1, 2
Human Resources Manager; 1, 2
Information Systems/Network Manager; 2
Library Circulation Supervisor; 1, 2
Librarian II; 1, 2
Library and Community Activities Director; 1, 2
Local History Librarian; 1, 2
Mayor; 1
Police Commander; 1, 2
Project Manager; 1, 2, 3, 4
Public Safety Director; 1, 2
Public Works Superintendent; 1, 2, 3, 4
Senior Planner; 1, 2, 3, 4
Youth Services Librarian; 1, 2

Consultants:

An individual is a consultant if the person either serves in a staff capacity with the agency or performs the same or substantially the same duties for an agency that would otherwise be performed by a person holding a position specified or that should be specified in the City's Conflict of Interest Code.

~~The City Administrator will determine if a consultant is required to file a Statement of Economic Interest and will determine the appropriate disclosure category based on the scope of the consultant agreement. The City Administrator may determine that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this code.~~

DISCLOSURE CATEGORIES

~~The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned. Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business in the jurisdiction of the City.~~

- ~~1. All investments and business positions in business entities, sources of income, and interests in real property.~~
- ~~2. Investments and business positions in business entities, and sources of income from entities providing supplies, services, equipment, or machinery of the types used by the designated employee's unit.~~
- ~~3. Investments and business positions in business entities, and income from sources engaged in construction, building, or material supply.~~
- ~~4. Investments and business positions in, and income from sources engaged in the construction of public works projects.~~

~~Ethics Training~~

~~State Law AB1234 requires that local officials who receive compensation, salary stipends, or expense reimbursements must receive training in public service ethics laws and principals every 2 years. The requirement applies to the governing body of local agency as well as boards, commissions, and committees, or other local agency bodies, whether permanent or temporary, decision-making or advisory. The City has determined all Commission/Board members are required to complete this training.~~

~~The Institute for Local Government and the Fair Political Practices Commission developed online ethics courses to help local officials meet their ethics training requirements. Upon completion of the ethics training, members are required to print their certificate, sign it, and return the original hard copy document to the City Clerk.~~

RALPH M. BROWN ACT

Background

California's open meeting law the Brown Act, is found in the California Government Code section 54950 et seq. This law was enacted in 1953 to guarantee the public's right to attend and participate in all meetings of local legislative bodies.

Applicability

Bodies that are subject to the Brown Act include commissions, committees, boards or other body of a local agency, whether permanent or temporary, decision-making (such as Planning Commission) or advisory. The Brown Act applies to all City Boards and Commissions established by the City Council.

General Rule

Under the Brown Act, all "meetings" must be "open and public". A majority of the members of any Board/Commission may not discuss or deliberate on any business within the subject matter jurisdiction of the Commission except at a noticed meeting. This includes in person interactions between members as well as serial or indirect communications.

The City must post an agenda for every regular meeting at least 72 hours before the meeting. Any meeting not established as a regular meeting is a "special" meeting and a special meeting agenda must be posted at least 24 hours prior to the meeting. Agendas must be posted at the building where the meeting occurs and on the City's website. Agendas for all meetings held at City Hall are posted on the outside board for this purpose.

What is a "Meeting" Under The Brown Act?

A "meeting" includes any gathering of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate or take action upon any item which is within its subject matter jurisdiction. There are several different kinds of "meetings" under the Brown Act.

"Regular Meetings": Regular meetings of the legislative body, must be held at the time and place set by ordinance, resolution or bylaws.

"Special Meetings": The presiding officer or majority of the legislative body may call special meeting at any time.

Teleconference Meetings. Meetings may be conducted by teleconferencing under the limited circumstances. Members should consult staff in advance to determine whether teleconferencing may be available.

Offsite Meetings: A meeting may be held off-site in limited circumstances. Members should again consult staff in advance to determine whether an offsite meeting may be allowed.

"Informal/Serial" Meetings: Most "informal" or "serial" meetings are prohibited under the Brown Act. Members should exercise extreme caution in considering any "informal meeting". Under the Brown Act, a majority of the members of a legislative body shall not...use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

"Serial Meetings" Are Prohibited:

So called "serial meetings", which are prohibited under the Brown Act, generally take one of two forms: the "Daisy Chain" or the "Hub and Spoke".

"Daisy Chain": If Member A contacts Member B, and Member B contacts Member C, and so on, until a quorum has been involved, this type of "serial meeting" may result in a violation of the Brown Act.

"Hub and Spoke": An intermediary – such as a staff member or a developer, applicant or project opponent or other stakeholder – contacts at least a quorum of the members to develop a collective concurrence on action to be taken by the Board/Commission.

E-mail/Other Technology: Use of e-mail, social media (such as Facebook and Twitter) or other technology/media by a majority of a Board/Commission to discuss, deliberate, or take action on items within the body's jurisdiction also may violate the Brown Act. Consult staff or the City Attorney with questions about whether your use of e-mail, social media and other technology may violate the Brown Act.

Recommendations for E-Mail:

- Avoid sending e-mails to the whole Board/Commission.
- If necessary, provide information only.
- Do not solicit a response.
- Be careful replying to e-mails.
- Do not communicate your position or make a commitment on a pending matter.
- Do not direct a reply to a majority of the Board/Commission.
- Think carefully before sending any e-mail.
- Remember, your e-mail can be forwarded by others to a majority of the Board/Commission.

Non-Meetings:

Staff "briefings"/conversations are not considered to be "meetings" under the Brown Act, provided:

- An employee or official of agency may engage in "separate conversations or communications" in order to "answer questions or provide information".

However, the employee or official may not communicate to members of the legislative body the comments or positions of any other member or members.

Government Code 54952.2(c) allows for attendance by members of any Board/Commission as follows

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among

themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

What is "open and public" Under The Brown Act?:

For a meeting to be "open and public" under the Brown Act, certain requirements apply. The City must provide advance public notice of every meeting. It must post agenda in advance containing "brief general description" of each item to be discussed 72 hours before every regular meeting or 24 hours for before any special meeting. It must also post the agenda on the City's website.

The agenda must include a brief general description of each item of business. The description must be sufficient to allow members of the public to understand what is being proposed, including each item requiring action by the Board/Commission.

Members cannot discuss non-agenda items, with limited exceptions. However, members may ask staff for information, and may request (subject to the City's normal rules for placing items on agendas) that non-agendized matters be placed on a future agenda.

The City must allow public comment such that every member of the public has the meaningful opportunity to speak on every item appearing on the agenda. However, the City may impose time limits, which it must apply uniformly, and may limit truly disruptive conduct.

~~The Ralph M. Brown Act, commonly referred to as the "Brown Act," is California's "sunshine" law for local government. It is codified in the California Government Code beginning at Section 54950.~~

~~The Brown Act mandates that local government business be conducted at open and public meetings, except in certain limited situations (i.e. closed sessions). The central provision of the Brown Act requires all "meetings" of a "legislative body" to be open and public. The Brown Act broadly defines the term "meeting" to include any congregation of a majority of the members of a particular legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. The City Council is a "legislative body" as are other Commissions of the City (i.e. Planning Commission, Community Activities Commission, etc.) Under the Brown Act, a majority of the members of the legislative body are prohibited from~~

~~discussing, deliberating about or developing a collective concurrence regarding any item that is within the legislative body's jurisdiction except as part of a duly noticed public meeting. The purpose of these provisions is to ensure that local governing bodies deliberate in public.~~

~~The Brown Act also requires that the public be given notice of the time and place meetings are to be held. As a general rule, a legislative body may not act on or discuss any item that does not appear on the agenda posted for the meeting. There are, however, certain exceptions to this rule. In addition, the Brown Act protects the public's right to attend and participate in meetings. The Brown Act requires that an agenda allow for two types of public comment periods. The first is a general audience comment period where the public can comment on any item of interest that is within the subject matter jurisdiction of the legislative body. The second type of public comment period is the specific comment period pertaining to items on the agenda. The Brown Act requires a legislative body to allow members of the public to comment on agenda items either before or during the body's consideration of that item.~~

CONCLUSION

The City would like to thank you for accepting this position and for devoting your time and effort to become actively involved in the affairs of your community. It is sincerely hoped that you will enjoy your participation in the governing process in the City of Carmel-by-the-Sea as a member of one of its Commission/Boards, and that you will feel free to call upon any of its representatives for advice, background information, or assistance.

It is with this in mind that this brief handbook has been prepared. Please consider it a guide as you begin your new duties as a member of a Commission/Board and not as an all-inclusive restrictive set of regulations.

Welcome aboard.

APPENDIX A

