Commissioners' Handbook

Adopted by: Resolution 2013-095
Updated by: Resolution 2019-081
Resolution 2020-062
Resolution 2022-094

This page intentionally left blank.

Message from the City Manager

Welcome and thank you for your commitment to serve as a member of a City of San Carlos Commission. Your role on a Commission provides an invaluable service to our City by advising the City Council on a wide variety of subjects and making recommendations on important policy matters.

This handbook is designed as a reference of basic protocols that apply generally to all City advisory bodies. Learning your role and developing an effective voice takes time and familiarity. We hope these materials are helpful to you, and we encourage you to review them periodically.

Participation on a Commission is a very important community service that requires a significant commitment of time, energy, and responsibility. We thank you for volunteering to help us improve your community, and look forward to working with you.

This page intentionally left blank.

TABLE OF CONTENTS

CITY GOVERNMENT

City Organization Chart 1
City Council 2
City Departments and Staff 2
- Office of the City Manager
- Office of the City Attorney
- Office of the City Clerk
- Administrative Services Department
- Community Development Department
- Parks and Recreation Department
- Public Works Department

Important City Documents 3
- City Budget
- Municipal Code
- General Plan

CITY COMMISSIONS

City Commission Organization Chart 5
- Economic Development Advisory Commission
- Parks, Recreation and Culture Commission
- Planning & Transportation Commission
- Residential Design Advisory Committee
- Youth Advisory Council

COMMISSION MEMBERSHIP

Commission Appointment Process 8
- Advertisement
- Applications
- Application Review
- Group Meeting with Staff
- Interview with Council
- Appointments
- Orientation

Commission Reappointment Process 9
Unscheduled Vacancies 9
Attendance 9
- Excused Absences
- Unexcused Absences
- Appeal
- Leaves of Absence

Resignation and Removal from a Commission 11

Terms of Office and Length of Service 11
Local Appointment Roster 11

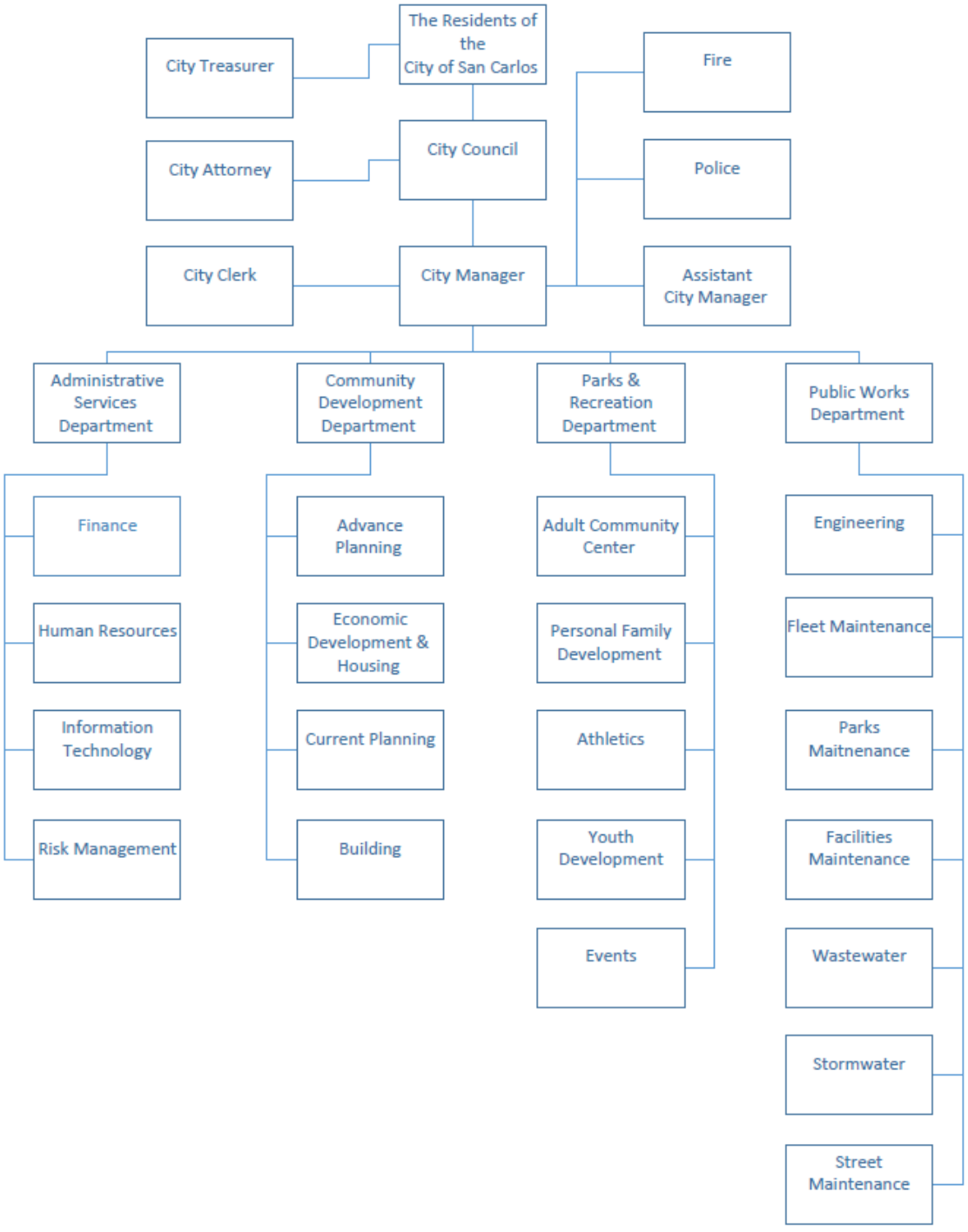
OPERATING PROCEDURES
Appointment of Officials 13
Role of Chair 13
Role of Secretary 13
Agenda Packet 13
Conducting Meetings 13
Agenda
Debate and Decorum
Motions
Minutes 15
Code of Conduct and Ethics Policy 15

IMPOSED RESTRAINTS
The Ralph M. Brown Act 16
Conflict of Interest 16
Disclosure Requirements 17
Public Records Law 17

CITY GOVERNMENT

The City of San Carlos is a General Law city operating under a Council/Manager form of government with the City Council acting as the legislative body of the City. We adhere to the provisions and requirements established as general law by the state of cities.

CITY ORGANIZATION CHART



CITY COUNCIL

The City Council is the City's governing body. It provides political leadership, enacts laws, adopts resolutions, and establishes policies for City government. The five members of the City Council are elected at-large to four-year terms. Elections occur in November of even-numbered years and the terms are staggered so that no more than three City Council seats are up for election at any one time.

At the first regular meeting in December, the Mayor is appointed from among the Councilmembers by a majority vote of the members of the Council for a one-year period. The Mayor presides at all meetings, is the official head of the City for ceremonial purposes, and signs contracts, agreements, ordinances, and resolutions. The Mayor does not have veto power over any legislation.

The City Council meets on the second and fourth Monday of each month in the Council Chambers on the first floor of City Hall. The Council also holds special meetings and study sessions as necessary. All regular and special meetings are open to the public. A majority of the members constitutes a quorum, which is required for enactment of any ordinance or resolution.

City Council agendas and minutes of the meetings are posted on the City of San Carlos' online meeting portal – www.cityofsancarlos.org/agenda. Council meetings are both streamed live and stored for later viewing on the City's website and broadcast live on cable television.

CITY DEPARTMENTS AND STAFF

Office of the City Manager

The City Manager is appointed by the City Council. The position coordinates all City activities on behalf of the City Council and is responsible for bringing those matters before the Council that require its deliberation. The department oversees the Council's Strategic Plan, the City's Green Programs, and the City's Communications, including social media, newsletters, content on local Channels 27 (Comcast) and 99 (AT&T Uverse) and the City website. In the day-to-day operation of City government, Department Heads work under the direction of the City Manager in carrying out the policies of the City Council. The City Manager has the authority to appoint and dismiss Department Heads, except for the City Attorney.

Office of the City Attorney

The City Attorney is also appointed by the City Council. The position provides ongoing legal advice to the Mayor, City Council, Commissions, and City staff. In addition to examining all ordinances, resolutions, agreements and contracts, and coordinating enforcement of the Municipal Code with various City departments, the City Attorney advises the Council and Planning & Transportation Commission on questions of law in those matters coming before them, and to represents the City in other actions to which it is a party, or as otherwise may be requested.

Office of the City Clerk

The City Clerk records and maintains accurate records of Council actions, publishes and codifies ordinances, administers oaths and affirmations, conducts City elections, signs official documents, receives claims, and is the filing officer for campaign and economic interest filings.

Administrative Services Department

The Administrative Services Department is comprised of four divisions: Finance; Human Resources; Information Technology; and Risk Management. The Finance Division is responsible for preparation of the City budget, supervision over general accounting and accounting systems of all City departments, and business registrations. The Human Resources Division is responsible for recruiting and selecting qualified candidates, classification and compensation, labor relations, and administration of benefits. The Information Technology Division provides user desktop support and training, oversees administration of networks, and supports telecommunications, , database, and enterprise and departmental application support. The Risk Management Division is responsible for handling general liability, insurance, workers compensation and Americans with Disabilities Act (ADA) coordination, and develops City safety policies and procedures.

Community Development Department

The Community Development Department is comprised of three divisions: Planning; Building; and Economic Development and Housing. It is the responsibility of the Director to oversee current and long range planning efforts to ensure the balanced physical development of the City in accordance with the City's adopted General Plan and Zoning Ordinance and Economic Development Plan. Staff members support the Planning & Transportation Commission, Economic Development Advisory Commission, Residential Design Review Committee, Zoning Administrator, and economic development partnerships.

Parks and Recreation Department

The Parks and Recreation Department provides recreational services and facilitates parks maintenance. Its mission is to enhance the quality of life in San Carlos by promoting health and wellness for all ages through its recreation offerings, facilitates community problem solving, and provides the best recreational experience possible to the residents of San Carlos. Department staff members serve as liaisons to the Parks and Recreation Foundation and the Parks, Recreation and Culture Commission.

Public Works Department

The Public Works Department oversees the construction and maintenance of the City's public infrastructure; primarily sewers, roads, and storm drains, along with public parks and facilities. The department also administers the Capital Improvement Program, and provides engineering support services to other City departments. Public Works staff members occasionally support the Planning & Transportation Commission and the Parks, Recreation and Culture Commission.

IMPORTANT CITY DOCUMENTS

As a new Commission member, you should familiarize yourself with the documents governing your particular Commission, including the City budget, Municipal Code, and relevant element(s) of the General Plan. Reviewing these documents will help you get a sense of your responsibilities.

City Budget

The City's budget contains two major sections: the operating budget; and the five year Capital Improvement Program (CIP). The City Manager submits the proposed budget and CIP to the City Council for review. The proposed budget represents the City Manager's recommendations regarding the financial, physical, and social plans for the City. The budget identifies resources and expenditures and allocates revenues; balancing public needs with available resources. The budget document is available on our website at www.cityofsancarlos.org/budget.

Municipal Code

The San Carlos Municipal Code is the systematized collection of regulatory, penal, and administrative laws of general application. The City Council modifies the Municipal Code by adopting ordinances at public meetings. The Municipal Code serves as the basic law of the City. It is available online at www.codepublishing.com/CA/sancarlos/ and in the office of the City Clerk.

General Plan

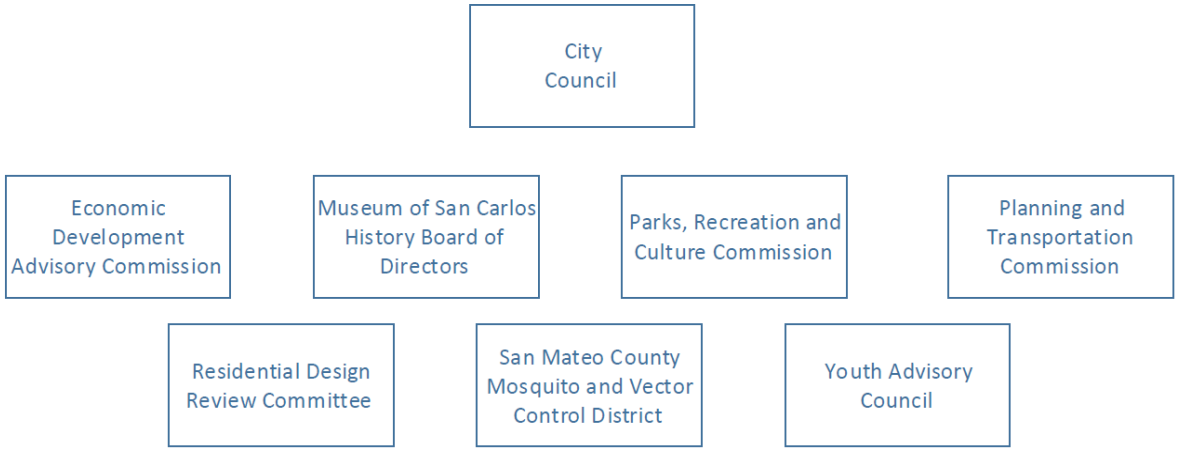
The General Plan guides the future development of the City, describes the desired character and quality of the community, sets forth the goals that govern the City, and states the policies that the City government will follow to achieve those goals. In California, General Plans serve as the "Constitution" for all future development in cities. The General Plan addresses all aspects of development including land use, environmental management and sustainability, traffic and circulation, housing, parks and recreation, and other topics. A copy of the General Plan is available online at www.cityofsancarlos.org/generalplan and in the office of the City Clerk.

CITY COMMISSIONS

A Commission is established by ordinance because there is a need for an ongoing advisory group or because the State mandates its existence. Commissions serve the City Council in an advisory capacity as a link between the citizenry and the Council. City Commissions provide many benefits to City government and the community as a whole. The primary purpose is to gather information, weigh public input, and examine issues in depth to render a recommendation to the Council for consideration.

The City of San Carlos has a number of Commissions, each with distinct responsibilities. This section provides some background information on each Commission. For additional information regarding Commissions and Committees, please refer to the San Carlos Municipal Code, Section 2.24.

CITY COMMISSIONS ORGANIZATION CHART



Economic Development Advisory Commission

***Purpose and Functions*:** The Economic Development Advisory Commission provides policy recommendations on economic development strategies in the City of San Carlos. The Commission's goals include maintaining a successful business climate, ensuring a diverse job base, and ensuring an adequate range of housing for residents and employees of San Carlos businesses.

***Voting Members*:** Consists of seven members appointed by the City Council for staggered three-year terms. The City Council desires to have San Carlos business representatives on the Commission. Business representatives need not be residents of San Carlos, however, the majority of the Economic Development Advisory Commissioners shall be residents.

***Alternate Member*:** The City Council may also appoint an alternate member to this Commission to serve as a voting, participating member in the event of an absence of a voting member or in the event that a member abstains from a matter due to a conflict of interest.

***Meeting*:** Meets the fourth Tuesday of the month at 4:00 p.m.

Parks, Recreation and Culture Commission

***Purpose and Functions*:** The Parks, Recreation, and Culture Commission makes recommendations to the City Council regarding current and potential programs, services, and facilities related to parks and recreation. The Commission also advises and makes recommendations concerning the acquisition of properties suitable for parks and recreation activities and services. It is also the duty of this Commission to advise Council on all matters affecting the historical, artistic, and scientific affairs of San Carlos and its environs and provides assistance to groups in the fields of history, arts, and science of the area.
***Voting Members*:** Consists of five members appointed by the City Council for staggered three-year terms.
Alternate Member: The City Council may also appoint an alternate member to this Commission to serve as a voting, participating member in the event of an absence of a voting member or in the event that a member abstains from a matter due to a conflict of interest.
***Meeting*:** Meets the first Wednesday of every even month at 7:00 p.m.

Planning & Transportation Commission
***Purpose and Functions*:** The Planning & Transportation Commission participates in the administration of the zoning laws and policies of the City. The Commission makes recommendations to the City Council regarding land use and improving traffic and circulation conditions; reviews proposed development projects, matters having to do with traffic and circulation - including pedestrian and bicycling matters, and preliminary plans for all capital improvement programs related to modes of transportation; and advises as to the overall development and maintenance of the General Plan of the City. The Commission also conducts necessary public hearings to administer the planning laws and policies of the City and acts on applications for zoning amendments, conditional use permits, variances, subdivisions, and other related functions as may be assigned by the Council. The Commission's powers and duties are specifically enumerated in State planning law (Government Code Section 61500 et seq.) and in the San Carlos Municipal Code (Section 2.24).
***Members*:** Consists of five members who are appointed by the City Council for staggered three-year terms.
***Meeting*:** Meets the first and third Mondays of every even month at 7:00 p.m.

Residential Design Review Committee
***Purpose and Functions*:** The Residential Design Review Committee is established to conduct design review of proposed residential development pursuant to Title 18 of the Municipal Code and any adopted residential design review guidelines.
***Members*:** Consists of three members:

1. A Planning & Transportation Commissioner, who shall be the Chairperson, appointed annually by the Planning & Transportation Commission; and
2. A community volunteer with professional design experience, appointed by the City Council for three-year terms; and
3. An architect or licensed design professional under contract (not appointed by the City Council) for three-year terms.

***Alternate Member*:** An alternate architect or licensed design professional may be designated by staff under contract (not appointed by the City Council) for three-year terms to serve if a community member is not appointed or to fill a community member absence.
***Meeting*:** Meets first and third Mondays of the month at 4:30 p.m.

Youth Advisory Council

***Purpose and Functions*:** The Youth Advisory Council advises the City Council on matters relating to the youth and teen population within San Carlos. This may include programs relating to safety, recreation, drug awareness, special interests, sports, community involvement, socialization, and environmental concerns. The Council holds forums on problems, activities, and concerns of youth, either alone or in conjunction with other governmental agencies and community organizations, and recommends the implementation of community programs that the Council deems desirable.

***Members*:** Consists of nine members between the ages of 12-18 years of age, with at least two middle school age members. The City Council makes the appointments for two-year terms, with the exception of high school seniors who shall serve a one-year term.

***Meeting*:** Meets the second Wednesday of the month at 7:00 p.m.

COMMISSION MEMBERSHIP

COMMISSION APPOINTMENT PROCESS

This section addresses the many facets of the Commission appointment process.

Advertisement
In the spring of each year, the Commission application filing period will open for upcoming vacancies. This opportunity to apply will be posted on the City's website and a notification will be sent to all subscribers of the "Commission & Board Opening Announcements" group on the City's email notification system - eNotify.

Applications
A general application is required for all Commissions. Applicants may designate and rank which Commission(s) and/or Board(s) they are interested in serving on.

Application Review
After the filing period closes, the City Council may hold a special meeting to review the applications received and possibly eliminate some applicants from further consideration.

Group Meeting with Staff
Should a special meeting as described above be held by Council to review applications, only those applicants who are invited to move forward to the interview process will be invited to a group meeting with the City Manager and the various Commissions' staff liaisons. If a special meeting is not held by the Council, all applicants will be invited to the group meeting.

The purpose of the group meeting is to provide candidates with some background information on the City, the Commissions and the rest of the application process. This meeting will also provide the applicants with an opportunity to ask questions of staff and to gain a sense of what they can expect during the Council interview.

Interview with Council
Council will interview candidates individually at an open and public meeting. If an applicant is unable to interview with the Council during the appointed time, he or she will not be considered for a position on a Commission/Board.

After interviewing the applicants, Council will appoint candidates based on their experience and interest to a Commission/Board. At this time, Council may also designate and place applicants on an eligibility list for a particular Commission/Board, which is valid for 12 months from the date of the interview.

Appointments
Commission appointments are made by majority vote of the Council for specified terms, which for most appointments are three years. Appointments will be announced at the next regular City Council meeting, where the Commissioner(s) may be introduced and take their Oath of Office.

Orientation
Newly appointed Commissioners must attend an orientation presented by the City Clerk, City Attorney, and respective Department Head and/or staff liaison prior to their first regular Commission meeting.

At the orientation, the new Commissioners will receive an introduction to the Brown Act, be briefed on current and upcoming projects applicable to their Commission, and be provided copies of the Code of Conduct and Ethics Policy and the Commissioners' Handbook. If applicable, the City Clerk will provide the Commissioners with information on the mandatory Fair Political Practices Commission (FPPC) Statement of Economic Interest and Ethics training.

An Electronic Waiver Form will also be distributed at the orientation. This is a mandatory form that all Commissioners must sign prior to being issued a City email account. Should a Commissioner wish to use a personal electronic device to access her/his City email account, she or he will also need to fill out a Personal Mobile Device Agreement.

COMMISSION REAPPOINTMENT PROCESS

Prior to term expiration, Commissioners who are eligible for reappointment will be notified by the City Clerk. Incumbent Commissioners seeking reappointment will need to notify their staff liaisons and the City Clerk. The City Council will consider incumbents for reappointment to another term and announce the decision at a regular Council meeting.

UNSCHEDULED VACANCIES

In the event of an unscheduled vacancy on a Commission, the alternate member of the Commission shall move to the seat of the voting member, and Council may appoint an applicant from the eligibility list into the alternate member's seat.

If the Commission does not have an alternate member, the Council may appoint an applicant from the eligibility list.

If the Commission does not have an eligibility list, the City will begin a recruitment to fill the seat.

ATTENDANCE

A quorum (a majority of the membership) is necessary for the conduct of business. Members are expected to attend all meetings and should make every effort to do so. Such attendance ensures a steady flow of communication and keeps everyone abreast of current topics under discussion.

Commissioners' attendance will be recorded and submitted to Council as part of the Commission's quarterly updates.

Council shall take into consideration Board and Commission member attendance records when considering reappointments.

Excused Absences

Excused absences will be limited to those which meet the following requirements:

a. The absent member must inform the Chair and staff liaison of his or her intended absence prior to the posting of the scheduled meeting agenda; and
b. The absence is due to one of the following:
    i. Death in the family
    ii. Personal illness or illness of immediate family member (spouse/partner, child, parent)
    iii. Commission/Board related business

iv. Personal leave, such as a vacation (limited to one per any 12 consecutive months for those Commissions that meet monthly or less frequently; and to 10% of regularly scheduled meetings for the Planning & Transportation Commission and Residential Design Review Committee)
v. Emergency
vi. Required military service
vii. Parental leave
viii. Religious or culture holiday

Unexcused Absences
An absence that does not meet the requirement of an excused absence is considered an unexcused absence.

Failure to inform a staff liaison prior to the posting of the meeting agenda will result in an unexcused absence unless the Chair and/or staff liaison determines that extenuating circumstances prevented such advance notice.

If a Commission meeting is cancelled due to a lack of quorum, any Commissioners who were not available to attend that meeting will have it counted as an unexcused absence.

Unexcused absences from three (3) meetings within a fiscal year (July – June) will result in that Commission member's seat being declared vacant by the City Clerk. For those Commissions that are scheduled to meet less than once a month, unexcused absences from two (2) meetings will result in that Commission member's seat being declared vacant by the City Clerk.

The City Clerk will inform any member with two (2) absences (or one (1) in the case for Commissions that meet less than monthly) that his or her seat will be declared vacant upon an additional absence within the fiscal year.

Appeal
Any declaration of vacancy based on absences will be appealable to the City Manager or designee. The member will be notified in writing on the date their seat is declared vacant and an appeal must be filed in writing addressed to the City Manager or designee within fifteen (15) days of the date of notification. A decision on the appeal will be issued in writing promptly following receipt of the appeal. A decision on the appeal will become final upon the date of the decision and is not subject to any further administrative appeal.

Leaves of Absence
A leave of absence may be taken anywhere from one Regular Meeting up to a period not to exceed three (3) months upon following the process identified below. The basis for a leave of absence includes, but is not limited to:

a. Personal illness or illness of immediate family member (spouse/partner, child, parent)
b. Required military service
c. Parental leave

Parental leave for any period not to exceed three (3) months may be automatically taken by a Commissioner upon written notification to the City Clerk and staff liaison as soon as the need arises or as is practicable prior to commencement of the actual leave of absence. To the extent possible, the Commissioner should provide sixty (60) days advance notice of the leave of absence.

For all other types of leaves, a request for leave of absence must be submitted in writing to the City Clerk and the staff liaison as soon as the need arises or as is practicable prior to commencement of the actual leave of absence. To the extent possible, the Commissioner should submit the request with sixty (60) days advance notice of the requested leave of absence. The City Clerk, in consultation with the staff liaison, will determine whether to grant the leave. A determination regarding the leave of absence request will be issued in writing promptly following receipt of the request.

Requests to extend any leave of absence, including parental leave, will be considered on a case by case basis. A request to extend a leave must be submitted in writing to the City Clerk, with a copy to the staff liaison prior to the conclusion of the initial leave of absence. The City Clerk, in consultation with the staff liaison, will determine whether to grant the extension. A determination regarding the extension request will be issued in writing following receipt of the request. An extension of a leave of absence up to an additional three (3) months, for a total uninterrupted leave not to exceed six (6) months, may be granted to the Commissioner.

Any absences beyond the approved leave of absence timeframe will be recorded and subject to the determinations outlined in the "Excused Absences" section.

RESIGNATION AND REMOVAL FROM A COMMISSION

Commission members who are unable to continue their service for reasons of health, business requirements, change of residency outside the City, or personal reasons should submit a formal letter of resignation to the City Council with a copy to the City Clerk and staff liaison.

Any Commission member may be removed from office prior to the expiration of his or her term, with or without cause by majority vote of the City Council.

TERMS OF OFFICE AND LENGTH OF SERVICE

A Commissioner shall hold office for a term of three years, which shall commence on July 1st and end on June 30th. Appointments are staggered so that no more than three members' terms shall expire at the same time.

Time of service by a member on any of the City Council-appointed Commissions shall not exceed six years of consecutive service. If a Commissioner is appointed to fill a vacancy prior to expiration of the term for which his or her predecessor was appointed, that service shall not be counted as a term or against the overall limit of six years of consecutive service.

If a Commissioner is appointed to another Commission by the City Council, her or his time of service on the first Commission shall not be counted as cumulative service.

Alternate members are appointed for a three year term, ending on June 30th three years from the year they are appointed.

If an alternate member fills an unscheduled vacancy, her or his time served as an alternate member does not count towards the overall limit of six years. Additionally, the time served filling the unscheduled vacancy shall not be counted as a term or against the overall limit of six years of consecutive service.

LOCAL APPOINTMENT ROSTER

The City Clerk shall maintain the local appointment roster (also known as the Maddy Act) as required by Government Code Section 54972. This roster lists current Commissioners and their term expirations. This roster is available for review on the City's website at www.cityofsancarlos.org/commissions as well as in the City Clerk's office and the San Carlos Library.

OPERATING PROCEDURES

APPOINTMENT OF OFFICIALS

At their first meeting after June of each year, each Commission will appoint a chair and a secretary (if applicable to the Commission) from among its members serving on the body. She or he shall serve at the pleasure of the Commission for one year.

ROLE OF CHAIR

The Chair shall preserve order and decorum at all meetings of the advisory body, announce the advisory body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward with involving all Commissioners and allowing for adequate public participation. In the absence of the Chair, the Vice-chair shall act as presiding officer.

The Chair is also responsible for preparing a quarterly report for the Council with updates on the Commission's work.

ROLE OF SECRETARY

Each Commission may designate a secretary from among its members. The Planning & Transportation Commission, Economic Development Advisory Commission and the Residential Design Review Committee do not designate secretaries because this function is performed for them by staff. The secretary's responsibility is to prepare the minutes of each meeting. Secretaries are not necessarily selected for any fixed term, and the responsibility may rotate from member to member at different meetings if the Committee so chooses. It is perfectly acceptable for the Chair and the secretary to be the same person. However, a secretary must be officially designated for every meeting and a record of his or her identity must be included in the minutes he or she keeps.

AGENDA PACKET

Each Commission has a staff coordinator responsible for preparing and distributing the agenda and supporting documents in accordance to the Brown Act - 72 hours prior to a regular meeting, and 24 hours before a special meeting. Commissioners will be notified of when the packets are published and available for pick-up (if applicable). All agendas and supporting material are available for viewing online at www.cityofsancarlos.org/agenda.

To prepare for the meetings, each Commissioner should read the agenda packet and contact City staff with any questions regarding information presented.

CONDUCTING MEETINGS

Commission meetings are conducted in accordance to the parliamentary procedure manual "Robert's Rules of Order, Newly Revised". Parliamentary procedures are intended to help meetings run in a smooth and orderly fashion to facilitate the conduct of business. It is the standard for facilitating discussions and group decision-making and is a good reference to familiarize yourself with. A copy may be found in the office of the City Clerk.

Agenda
The agenda for the meeting lists both the items that will be discussed and the sequence of the discussion. The Chair of the meeting follows the agenda and directs the assembly at the meeting. The following is an example of the order of business that may be listed on the agenda:

1. Call meeting to order by presiding officer/chair
2. Roll call
3. Approval of minutes
4. Reports to officers
5. Reports of sub-committees (if any)
6. New Business
7. Adjournment

Debate and Decorum
Anyone, including staff members, wishing to speak must first gain recognition by the presiding officer. The speaker should then confine comments to the question before the Commission. Comments from the audience should be limited to two or three minutes (depending on the Commission) and directed to the Commission, not to staff members present. If a response is needed from staff, the Chair will direct the questions to the appropriate staff person who will then respond to the Chair.

The Commission should discourage outward signs of agreement or disagreement from the audience such as applause or statements from the floor. Such demonstrations can intimidate those with an opposing view and unintentionally discourage open public discussion of all the issues and points of view.

Motions
A motion is a formal statement of a proposal for consideration or action. A motion may be substantive in nature, may express a certain view, or may direct that a particular investigation be conducted. Each member has the right to present motions. Motions may be voted on only if they receive a second.

Only one question can be considered at a time. Once a motion is before the Commission, it must be adopted or rejected by a vote or the Commission must take action disposing of the question some other way before any other business can be brought up. A motion is also subject to a motion to amend.

The basic motion is “I move that…” Once the motion is made and seconded, the Commissioners may discuss it. If someone would like to change the motion, they say, “I move to amend the motion to read…” A second is required to amend a motion. If a motion to amend is seconded, it must be dealt with in some way (passed or defeated) before the main motion is once again dealt with. If the motion to amend is passed, it becomes part of the main motion. (The changes it suggests are added to the main motion). Once that happens, the Commissioners can discuss and vote on the main motion. If the motion to amend is defeated, then the main motion (the first motion) remains as it was originally and is discussed and voted on.

If a Commissioner is not sure that a voice vote gave an accurate account of a vote, he or she can request that the chair ask for a show of hands or call for a roll call vote.

There are two ways to delay action on an issue. In order to put off action until a specific date, a Commissioner can say “I move to postpone until… (a specific date).” To put off action indefinitely,

a Commissioner could say “I move to table the motion.” Both of these actions require a majority vote.

To end a meeting, you say “I move to adjourn.” This motion requires a second and must be voted on.

MINUTES

Minutes of all meetings must be taken and, when approved by the Commission, become the official City record of the meeting. Minutes must provide a clear record of the actions taken during the meeting and a summary of the important topics raised. They should not be a verbatim transcript and must never reflect the recording secretary’s opinions on anything said or done, whether favorable or unfavorable. Any additions or corrections to the minutes may be made in public meetings with the approval of the Commission but not at an individual’s request.

Minutes should state:

- The kind of meeting (regular, special, adjourned)
- The name of the Commission
- The date, time and place of the meeting
- The name of the presiding officer or acting chair
- Members present, members absent, and staff present
- Whether or not the minutes of the previous meeting were approved as read or as corrected, including the date and kind of meeting
- All main motions with the wording in which each motion was adopted
- The disposition of the motion
- The name of the (motion) mover
- All points of order and appeals, whether sustained or lost, together with the reasons given by the chair for the ruling
- The time of adjournment

CODE OF CONDUCT AND ETHICS POLICY

The City Council has adopted a Code of Conduct and Ethics Policy for elected and appointed Officials. The policy clearly spells out the officials’ roles and responsibilities, legal and ethical standards, and appropriate relation with City staff, the general public and the media. The City Clerk will provide a copy to all Commissioners during their orientation. A signature acknowledging receipt will be required.

IMPOSED RESTRAINTS

Certain limitations have been placed upon the power of both the City Council and its appointed Commissions by both statutory and case law. In certain instances, application of these restraints may be crucial in the governmental process.

THE RALPH M. BROWN ACT

The Brown Act (Government Code Section 54950, et seq.) is a state law requiring that almost all local government business be conducted in open and public meetings. This requirement is based upon the belief that the people must remain informed about the activities of government in order that they may retain control over it. The Brown Act applies to the City Councilmembers as well as all members of Commissions and Committees. Any time in which a majority of the members of a Commission or Committee meet face-to-face or use intermediaries or technological devices (such as phone, fax, e-mail, or letters) to hear, discuss, or deliberate upon any public business, a "meeting" is taking place as defined by the Brown Act. Social events are exceptions to this, so long as public business is not discussed**.**

With very few exceptions, such meetings must be open to the public and must be announced at least 72 hours ahead of time for a regular meeting and 24 hours ahead of time for a special meeting, with a posted agenda indicating the time and place of the meeting and describing each item of business which is to be discussed. No action may be taken at any meeting unless a quorum is present. Action may be taken by the body only on items which properly appear on the meeting agenda. In addition, minutes of the proceedings must be taken for entry into the public record.

The City Attorney will provide a copy of the Brown Act and review it in detail with all new Commissioners during their orientation. All members should be sure to understand this law. Staff will be happy to assist in interpreting its requirements.

CONFLICT OF INTEREST

In order to fulfill the City government's undivided duty to serve the public, it is necessary for the City's officers to diligently avoid any circumstance in which their personal and public interests or responsibilities could come into conflict, or in which City officers could be tempted to use their positions for personal gain. State law specifically regulates several areas:

- ***Interests in Contracts.*** Members of the City Council and other public officers may not make any contract with the City in which they have a financial interest. Such contracts are void. (Government Code Section 1090)

- ***Discounted or Free Transportation Passes.*** Office holders in California are strictly prohibited from accepting free passes or discounts from transportation companies. Violation of this prohibition is punishable by forfeiture of office. (California State Constitution)

- ***The Political Reform Act.*** The Political Reform Act (Government Code Section 81000, et seq.) forbids a public official from participating in or attempting to influence those governmental decisions or actions in which he or she has a "financial interest" which could be materially affected by the decision. The Act defines the kinds of interests (which includes

interests owned by spouses, dependent children and agents, and certain businesses and trusts), which might cause a conflict and requires public officials to disqualify themselves from decisions that could affect those interests. The Fair Political Practices Commission (FPPC) enforces the Political Reform Act.

- ***Real Property.*** Members of the City Council and other public officials should recuse themselves if there is a reasonably foreseeable financial impact on the officials' real property as provided in Fair Political Practices Commission Regulation 18702.2. Where real property they own is within 500 feet of a project the official shall recuse themselves from the decision. Where the official's property is between 500 and 1000 feet of a project the public official shall recuse themselves if a proposed project would impact the income potential, highest and best use, or character of the officials' property by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality. Where an official's interest in real property is more than 1,000 feet from a project, the official is presumed not to have a conflict of interest. An official shall recuse themselves with respect to a leasehold interest if the decision affects the rental value or use of the real property.

DISCLOSURE REQUIREMENTS

As established in Government Code Section 87200, designated officers and employees must file Statements of Economic Interest upon assumption of office, on an annual basis, and when leaving office. The City Clerk will notify new Commissioners if they are designated officers, and supply them with the proper forms. Members must disclose all investments, business positions, sources of income, and interests in real property that could be materially affected by the decisions made by their Commissions. The completed statements are kept on file by the City Clerk and are available for public inspection.

PUBLIC RECORDS LAW

The Government Code of the State of California provides that all official records of the City are open to inspection to any interested citizen at reasonable times. Exceptions to this law are only those records specified in the act, records relative to legal action in which the City is a party, and records the disclosure of which would not be in the public interest. All Commission minutes and supporting documents are public records and must be disclosed.