

RESOLUTION NO. 2023-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA
ADOPTING UPDATED COUNCIL POLICIES AND PROCEDURES FOR
COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES
AND RESCINDING RESOLUTION NO. 2008-38 IN ITS ENTIRETY**

RECITALS

A. The primary intent of California’s open meeting law, the Brown Act, is that the people’s business be conducted openly and transparently, after providing an opportunity to the largest number of members of the public to directly address the council before the council takes action on any item. The Brown Act mandates that city councils adopt rules for “the conduct of business” and requires that agendas for regular meetings provide “an opportunity for members of the public to directly address the legislative body on any item of interest to the public,” including agenda items before or during the legislative body’s consideration of the item that is within the subject matter jurisdiction of the legislative body.

B. The Brown Act provides that city councils “may adopt reasonable regulations to ensure the intent” of the Brown Act is carried out. Pursuant to the Brown Act, Calimesa Municipal Code Section 2.10.060 provides that the Calimesa City Council may, from time to time, adopt by resolution rules of procedure for the conduct of meetings. The rules of procedure, as amended by the City Council, provide an opportunity for members of the public to directly address the City Council on any item on the agenda before consideration of the item, in full compliance with the Brown Act, at a reasonable time. Periodically, the Calimesa City Council reviews and amends its rules of procedure to facilitate the efficient and transparent conduct of the City’s business at a reasonable hour.

C. The City Council desires to amend the rules of order to facilitate effective and efficient meeting management, greater transparency and meaningful public participation, and to rescind and replace Resolution No. 2008-38 in its entirety.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIMESA DOES
RESOLVE AS FOLLOWS:**

SECTION 1. INTRODUCTION

1.1 Purpose of Policies and Procedures

The purpose and intent of the City Council of the City of Calimesa (hereinafter “the City Council”) in adopting these policies and procedures is to provide direction and guidelines relating to the conduct of public business by or on behalf of the City Council. These policies are directory rather than mandatory and unless otherwise specifically provided by City Ordinance or state or federal law, a violation will not

invalidate any action taken by the City Council or impose liability for their breach. It is anticipated that these policies and procedures will be reviewed by the City Council on a biennial basis (every two years) and may be revised from time to time.

1.2 Overview of City Documents

These policies and procedures provide a summary of important aspects of City Council activities. However, they cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction or impose requirements upon the City Council is provided below.

Municipal Code: The Calimesa Municipal Code contains local laws and regulations adopted by ordinances of the City. The Administration Chapter of the Code provides for the time and location of regular meetings of the City Council, and specifies some of the basic duties of the City Manager, City Attorney and City Clerk. It also describes the role and function of certain advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of city laws. The Municipal Code is available either on the City's website at www.cityofcalimesa.net or from the City Clerk.

California Government Code: The California Government Code contains many requirements for the operation of City government. Many of these requirements are also replicated within the Calimesa Municipal Code to ensure there is broad awareness of such requirements. Calimesa is a "general law" city, which means it was formed and is organized in accordance with provisions of the California Government Code rather than by enactment of a city charter. Also described within the California Government Code is the City Council-City Manager form of government. Basically, this form of government prescribes that a city council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide those services. The document contains both a broad overview of the budget as well as specific amounts of revenue anticipated to be received in a year and anticipated expenditures organized for convenience by department. The city operates on a July 1 through June 30 fiscal year.

General Plan: The City's General Plan is required to be adopted and updated periodically and is intended by state law to constitute the "constitution" for the development of the City. The General Plan is comprised of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides policy framework for various matters that fall within these areas.

SECTION 2. MEETINGS

2.1 Regular Meetings

The City Council of the City of Calimesa shall hold regular meetings on the first and third Monday of each month, beginning at 6:00 p.m. as per Calimesa Municipal Code Chapter 2.10, Section 2.10.050. Regular meetings shall be conducted at the Norton Younglove, Multipurpose Senior Center, 908 Park Avenue, Calimesa, CA 92320.

If the day for a regular meeting of the City Council falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the next succeeding Tuesday thereafter that is not a holiday. The City Council may periodically cancel one regular meeting per month as a means to reduce cost and when no items of immediate need are pending.

2.2 Adjourned Meetings

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

2.3 Special Meetings

Special meetings may be called by the Mayor or a majority of Council Members on 24-hour notice, as set forth in Government Code Section 54956. Only matters contained in the notice may be considered. The "call and notice" of the meeting and the agenda must be posted in a publicly accessible area, including in some cases on the local agency's website, at least 24 hours prior to the meeting. Additionally, each member of the legislative body must personally receive written notice of the special meeting either by personal delivery or by "any other means" (such as facsimile, email or U.S. mail) at least 24 hours before the time of the special meeting, unless they have previously waived receipt of written notice. Members of the press (including radio and television stations) and other members of the public can also request written notice of special meetings and, if they have, then that notice must be given at the same time notice is provided to members of the legislative body.

2.4 Emergency Meetings.

Emergency meetings may be called pursuant to Government Code Section 54956.5.

2.5 Study Sessions

Members of the City Council may meet in Study Session as deemed necessary (See 11.1). Study Sessions shall be noticed as adjourned regular meetings or as special meetings.

2.6 Closed Sessions. Closed sessions may be held pursuant to the Brown Act.

2.7 Quorum

Unless otherwise provided for by resolution, a majority of the City Council shall be sufficient to do business and motions may be passed 2-1 if only three (3) attend.

The following matters, however, require three (3) affirmative votes: a) adoption of ordinances, b) adoption of resolutions, and c) orders for payment of money.

A. Rule of Legally Required Participation

If a majority of the City Council are disqualified to vote on a matter by reason of actual or apparent conflict of interest, the City Council shall select by lot or other means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a mere quorum.

2.8 Meetings to be Public

With the exception of closed sessions held in accordance with the Brown Act, Study Sessions and all regular, adjourned or special meetings of the City Council shall be open to the public

2.9 Meeting Time Limitation

Any public agenda items which have not been initiated by 10:30 p.m. will be continued either to an adjourned meeting, a special meeting or to the next regularly scheduled City Council meeting, and any item initiated before 10:30 p.m. on which a conclusion has not been reached by 11:00 p.m. will be continued to an adjourned meeting, the next regularly scheduled meeting or a special meeting, except with majority consent of the City Council to waive such time limit.

SECTION 3. AGENDAS AND ORDER OF BUSINESS

3.1 Agendas for Regular Meetings

A. A written agenda shall be prepared for each City Council meeting in conformance with the Brown Act, Government Code Section 54950 et seq., or as it is subsequently amended.

B. The agenda must contain a brief general description of each item of business to be transacted or discussed at that meeting.

C. Each agenda shall contain a clear statement of the time and location of the meeting.

D. Each agenda shall state that reports and documents relating to each agenda item (the "Agenda Packet") are available for public inspection at City Hall at least 72 hours in advance of any regular Council meeting. Agenda packets are also available online on the City's website and Calimesa Public Library located at 974 Calimesa Boulevard.

E. The agenda shall be posted in full compliance with the Brown Act at City Hall, Calimesa Public Library, and the Norton Younglove, Multipurpose Senior Center in locations that are freely accessible to the public. The agenda also

shall be posted on the City's website. The agendas and agenda packets may be provided via other electronic means. The person posting the agenda shall complete and sign a certificate of posting.

F. Need to Take Action on Non-agenda Items. The City Council may act upon an item not appearing on the agenda if it finds, by a two-thirds vote of the members present at the meeting or if less than two-thirds of the members are present, by a unanimous vote of the members present, that there is a need to take immediate action on the non-agenda item and such need to act came to the Council's attention after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be included in the minutes supporting the action taken.

3.2 Agenda

The order of business of the City Council shall be considered in substantially the following order, except as may otherwise be ordered by the Mayor or a majority of the Council:

Call to Order

Roll Call

Pledge of Allegiance

Special Presentations (occasionally as needed)

Approval of Agenda and Waiver of full reading of Ordinances

This is the time for the City Council to notify the public of any changes to the agenda; remove items from the Consent Calendar for individual consideration; rearrange the order of the agenda; and permits reading the title only in lieu of reciting the entire text of the ordinances. This does not take policy action on the ordinances or approve or disapprove any ordinances on the agenda

Communications from the Public

Speakers may comment for up to three minutes on any matter within the subject matter jurisdiction of the City Council, including agenda items. For scheduling purposes, the Council encourages speakers to submit a speaker card. After receiving public comments, Council Members, or staff, after being recognized by the Mayor, may briefly respond to statements made by the public or questions posed by the public. In addition, Council Members may ask questions for clarification or make a referral to staff for factual information to be reported back to the Council at a later meeting. Speakers who wish to comment on Public Hearing agenda items are encouraged to comment when those items are heard so their comments may be included in the record of the hearing.

Consent Calendar

Items on the Consent Calendar are considered routine and customary. They are enacted by a single motion with the exception of items previously removed by a City Council Member during "Approval of the Agenda." Any items previously removed shall be individually considered immediately after taking action on the Consent Calendar.

Chamber of Commerce Reports (2nd meeting each month)

Sheriff Captain Comments and Reports

Fire Chief Comments and Reports

Mayor and Council Member Reporting of County & Regional Meetings/Conferences

This is the time for comments, announcements and/or reports on meetings and conferences attended at public expense as required by AB 1234.

Public Hearings

See Section 3.8.

Business Items

Each speaker may comment for up to three minutes on any individual item on the agenda at the time the matter is being considered. Unless a majority of the Council objects, the Mayor may provide speakers with more or less time to speak.

Mayor and Council Member Comments & Reports

Additional general comments, announcements, reports on meetings attended at public expense as required by AB 1234, requests of staff, and other issues of concern to Council Members may be presented briefly at this time. The Council may not legally take action on any item presented at this time other than to direct staff to address or place an item on a future agenda unless (1) by a majority vote, the Council determines that an emergency situation exists, as defined by Government Code § 54956.5 or (2) by a four-fifths vote, the Council determines that there is a need for immediate action and the need for action arose subsequent to the agenda being posted as required by Government Code § 54954.2(b).

City Manager Reports

Closed Sessions

Closed Session Announcements

Adjournment

In preparing the agenda, staff may place items in an order other than specified above so as to allow items involving paid city consultants or contract officials to be heard early in the meeting. This flexibility is for the purpose of allowing paid city consultants or contract officials to leave the meeting when all of the items requiring their attendance are completed and when directed by the City Manager so as to reduce the cost incurred by the City for their attendance. Once the agenda is posted, items may not be taken out of order except with majority consent of the City Council at the meeting under the heading of "Approval of the Agenda."

3.3 Placing Items on Agenda

Any Council Member may request an item to be placed upon a future City Council agenda, which item will be placed on a future agenda if there is Council

consensus. Once placed on an agenda and discussed at a meeting, upon agreement of a majority of the City Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit written requests not less than three business days prior to the date that the agenda is scheduled to be posted and distributed to the City Council and the public. In urgent situations, such requests may be presented not less than one (1) day prior to the date the agenda is posted and distributed. Normally, the process involves two steps: initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council Members. Upon approval of a majority of the Council, the item will be agendaized and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and non-agendaized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council finds necessary to act upon prior to the next regular meeting. Non-agendaized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a 4/5th vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

3.4 Delivery of Agenda

Barring insurmountable difficulties, the Agenda shall ordinarily be available to Council Members each Thursday preceding the Monday meeting to which it pertains. The agenda shall also be available to the general public at the time it is available to the City Council.

3.5 Call to Order

Before proceeding with the business of the City Council, the City Clerk shall record the names of those Council Members present and they shall be entered in the minutes.

3.6 Closed Session

The City Council will convene a closed session to consider items that are within the scope of the closed session exception to the open meeting requirements of

the Brown Act. Following the closed session, a closed session report will be orally presented containing any information required by the Brown Act to be disclosed.

3.7 Approval of Minutes

Minutes shall be prepared in the form of "action minutes" where the minutes reflect only the action taken and not the statements or comments of every speaker.

3.8 Public Hearings

Generally, Public Hearings, shall be conducted in the following order:

- Mayor: Opens public hearing
- City Clerk: Certifies the public hearing has been duly noticed and informs the public whether further correspondence has been received after the posting of the agenda
- Staff: Presentation
- Applicant/Representative: Presentation
- Appellant(s) (if any): Presentation
- Public Comments
- Applicant: Rebuttal (if requested)
- Mayor: Closes public hearing
- Council: Discussion and deliberation
- Council Motion and vote

In accordance with providing the applicant, appellants (if any) and the public with due process, the Mayor may:

- Ask the applicant how much time the applicant and its representatives wants to speak.
- Ask the appellant(s) how much time the appellant(s) wants to speak.
- After inviting members of the public to speak, inquire if there are many persons who wish to speak, and if so, to request they appoint a spokesperson. Each speaker will be requested to provide his or her name for the record. The Mayor shall provide three minutes to each speaker, unless the Mayor establishes a shorter or longer period for individual speakers, based on the number of individuals who wish to speak, in accordance with due process requirements.

The record of the proceeding is limited to testimony and documents presented before the close of the public hearing.

Speakers may address the Council on the subject matter of the public

hearing for three minutes. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may modify the amount of time provided to each speaker for testimony. During the public hearing, the City Council may, at any time, ask questions of the staff, the applicant, appellant(s), or the public.

Further, due to additional due process considerations, there may be additional considerations for quasi-judicial hearings and the City Attorney may advise the City Council in this regard.

3.10 Consent Calendar

Any Council Member may abstain from voting on any Consent Calendar item without requesting its removal from the Consent Calendar, and the City Clerk shall record such abstention in the minutes.

SECTION 4. PRESIDING OFFICER

4.1 Presiding Officer

A. The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of both the Mayor and Mayor Pro Tempore, the City Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tempore or until adjournment, whichever first occurs.

B. The City Council shall meet annually to elect one of its members as Mayor and another of its members as Mayor Pro Tempore. In the years in which a general municipal election is scheduled, the selection shall occur at the meeting at which the election results are declared and new Council Members are installed, unless otherwise provided by state law. In years in which no general municipal election is scheduled, such meeting shall be held on the first regularly scheduled meeting of December.

C. At the meeting at which the Mayor and Mayor Pro Tempore are selected, the City Clerk shall preside at the portion of the City Council meeting which is concerned with the nomination for and selection of the Mayor and Mayor Pro Tempore.

D. Nominations for the office of Mayor or Mayor Pro Tempore may be made by any member of the City Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately, provided however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tempore, no person has been duly selected, the City Council may continue the selection to the next regular meeting of the City Council.

E. Except as provided in subsections (c) and (d) of this Section 3.1, the Mayor and Mayor Pro Tempore selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tempore pursuant to subsection (b) of this Section 3.1, and thereafter until their successors have been duly selected.

F. The office of Mayor and Mayor Pro Tempore shall be deemed vacant upon the happening of any of the following:

1. The death of the holder of such office;
2. The loss or resignation from membership on the City Council by holder of such office;
3. The acceptance by the City Council of the resignation from such office by the holder thereof.

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the City Council shall select a successor to such office pursuant to the selection procedures established by this Section 4.1.

4.2 Participation of Presiding Officer

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as a Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the City Council, he/she should consider turning the Chair over to another member.

4.3 RESERVED

4.4 Signing of Documents

The Mayor, or Mayor Pro Tempore, in the absence of the Mayor, shall sign ordinances adopted by the City Council. The City Clerk or Deputy City Clerk shall attest to the signature of the Mayor or Mayor Pro Tempore.

4.5 Maintenance of Order

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

SECTION 5. RULES, DECORUM, AND ORDER

5.1 Point of Order

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the City Council. If any appeal is taken, the question shall

be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

5.2 Decorum and Order – Council Members

A. Any Council Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate.

B. A Council Member desiring to question the staff shall address his/her question to the City Manager or City Attorney, in appropriate cases, who shall be entitled either to answer the inquiry himself/herself or to designate some members of his/her staff for that purpose.

C. A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

D. Any Council Member called to order while he/she is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with the rules of the City Council.

E. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

F. Any Council Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the City Council shall require him/her to so act.

5.3 Decorum and Order – Employees

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the City Council. The City Manager shall ensure that all City employees observe such decorum.

Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Council Member or member of the public.

5.4 Decorum and Order – Public

Members of the public attending any Council meeting shall avoid any conduct that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue the session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

5.5 Enforcement of Decorum

As set forth in Government Code Section 54957.95, the Mayor may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the Mayor must warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The Mayor may then remove the individual if they do not promptly cease their disruptive behavior. As used in this paragraph, "disrupting" means engaging in behavior during a meeting of the City Council that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.

Notwithstanding the preceding paragraph, if the individual disrupting the meeting is using force or a true threat of force, they may be removed without a prior warning to cease their behavior.

5.6 Personal Privilege

The right of a member to address the City Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned or impugned.

5.7 RESERVED

5.8 Limitation of Debate

Council Members normally should speak not more than once upon any one subject until every other member choosing to speak thereon has spoken. Members shall limit their statements to five minutes each time they have the floor, unless the City Council, by majority vote, approves an extended period.

5.9 Dissents, Protests, and Comments

Any member shall have the right to express dissent from or protest to or

comment upon any action of the City Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reason..."

5.10 Rulings of Chair Final Unless Overruled

In presiding over Council meetings, the Mayor, Mayor Pro Tempore, or temporary Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. And such decision or ruling shall be final unless overridden or suspended by majority vote of the City Council Members present and voting, and shall be binding and legally effective for purposes of the matter under consideration.

SECTION 6. ADDRESSING THE CITY COUNCIL

6.1 Manner of Addressing the City Council

A. Any member of the public desiring to address the City Council shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, all speakers are encouraged to state their names and addresses for the record.

B. All remarks and questions shall be addressed to the Chair and not to any individual Council Member, staff member or other person.

6.2 Written Correspondence from the Public

Public comments to the City Council may be submitted to the City Clerk in written format either by email or other form of written correspondence. The City Clerk shall provide all written public comments to the City Council when received and/or during the City Council meeting. The City Clerk is not required to read each comment into the record, however the comments are part of the record; the City Clerk shall also make such comments available for public inspection in accordance with the Brown Act.

6.3 Pending Matters Before Commissions and Boards

Speakers who desire to address the City Council on a topic which is currently before or about to be submitted for consideration by a City Commission, Board or other agency, should be encouraged by the Presiding Officer to make their comments to that other body and withhold further comment on the subject until that latter body has completed its deliberations and taken its final action.

SECTION 7. MOTIONS

7.1 Processing of Motions

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

7.2 Motions Out of Order

The Presiding Officer may at any time, by majority consent of the City Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

7.3 Division of Question

If the question contains two or more divisional propositions, the Presiding Officer may, and upon request of a member shall, divide the motion into two separate motions.

7.4 Precedence of Motions

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- a. Adjourn
- b. Fix Hour of Adjournment
- c. Table
- d. Limit or Terminate Discussion
- e. Amend
- f. Postpone

7.5 Motion to Adjourn (Not Debatable)

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion;
- b. When made as an interruption of a member while speaking
- c. When discussion has been ended, and a vote on a motion is pending; and
- d. While a vote is being taken.

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

7.6 Motion to Fix Hour of Adjournment

Such a motion shall be to set to a definite time at which to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

7.7 Motion to Table

A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

7.8 Motion to Limit or Terminate Discussion

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate

shall be reopened; if the motion passes, a vote shall be taken on the main motion.

7.9 Motion to Amend

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted on first, then the main motion as amended.

7.10 Motion to Continue

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

SECTION 8. VOTING PROCEDURE

8.1 Voting Procedure

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council Member present may be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The City Clerk shall call the names of all members seated when a roll call vote is ordered or required. The order of voting shall be the maker of the motion first. The second shall be next. The next two shall be alternated and the Mayor shall be last. Members shall respond "aye," "no" or "abstain," provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council Member not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall have his vote recorded as "aye."

Every ordinance (other than urgency ordinances) and any resolution or order for franchise or payment requires only three (3) affirmative votes. Urgency ordinances require four (4) affirmative votes. A roll call vote shall be used for urgency ordinances, other actions requiring a 4/5th vote, and consent calendar. Any other question before the City Council shall not require a roll call vote unless demanded by any member. It shall not be in order for members to explain their vote during roll call. Any member may change his/her vote before the next order of business.

8.2 Failure to Vote

Every Council Member should vote unless disqualified for cause. Disqualification for cause includes but is not limited to, a conflict of interest in the decision that legally requires his or her recusal and disqualification from the decision.

8.3 Reconsideration

Any Council Member who voted with the majority may move a reconsideration of any action at the same meeting. After a motion for reconsideration

has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

8.4 Tie Votes

Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

SECTION 9. RESOLUTIONS

9.1 Definitions

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for a long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by resolutions. The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the City Council, other than one taken by ordinance. As used in this City, however, three terms are in general use to denote such (non-ordinance) actions: "Resolution," "minute order," and "motion" (hereafter recorded by minute entry). Technically, all three are equally as legally effective and binding; they vary in the formality of respective memorialization. The most formal is referred to locally as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate identical document to be transmitted to another governmental agency, or when the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" as used locally denotes a separate document which is also maintained in a separate set of books, under a system of sequential numbering, and is referenced in the minutes; however, the "minute order" is drafted far more briefly than a "resolution" and is distinguished from a mere minute entry only by the need, in general, to have a separate document to facilitate certain administrative processes to which it pertains.

A "motion" (assuming it was one which passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

9.2 Resolutions Prepared in Advance

Where a resolution has been prepared in advance, the procedure shall be:

motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

9.3 Resolutions not Prepared in Advance

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Council meeting.

9.4 Urgency Resolutions

In matters of urgency, a resolution may be presented verbally, in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.2 above shall be followed.

Urgency resolutions shall be avoided except when absolutely necessary, and shall be avoided entirely when resolutions are required by law, in improvement acts, zoning matters, or force account work on public projects. Where the resolution has been drafted in written form, either before or during the meeting, this paragraph shall not be deemed applicable.

SECTION 10. **ORDINANCES**

10.1 Introduction and Adoption of Ordinances

Ordinances shall not be passed within five days of their introduction, or at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion and adopted by unanimous vote of the City Council Members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned meeting held at least five days after alteration.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

10.2 Effective Date

All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such a later date as may be designated in the ordinance.

10.3 Publishing

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within 15 days after adoption.

10.4 Urgency Ordinances

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5th majority, it may thereafter be considered and passed in the same manner as regular ordinances.

SECTION 11. STUDY SESSIONS

11.1 Study Sessions

Council Members able to attend scheduled Study Sessions will meet for the purpose of discussion of special subjects of immediate concern and meeting and conferring with a City Commission, Civic Organizations and City Officials relative to pending City business.

The time for sessions will be as specified by the City Council or by the Mayor on individual occasions when appropriate to the convenience of the City Council Members, provided that when this occurs, written notice shall be provided in accordance with the Government Code.

11.2 Open to the Public

Study Sessions shall at all times be open to the public and the news media, except: a) closed sessions held at such times pursuant to Government Code Section 54947.6 whereat the City Council meets with its designated representatives of employee organizations; b) Closed Sessions to consider possible or pending litigation in which the City is or could be a party; c) Closed Sessions to consider the purchase, lease, or sale of property; and d) Closed Sessions on any other subject permitted by the Brown Act.

11.3 Purpose

Study Sessions are not intended to constitute a regular meeting of the City Council and they shall be carried on if a majority of the City Council is present but otherwise regardless of the number of Council Members in attendance.

At such Study Session, no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the City Council and to allow Council Members to ask questions and to express personal opinions. This shall not, however, be deemed to apply with respect to Closed Sessions referred to in Section 11.2.

11.4 Agenda

The City Manager shall be responsible for preparing an agenda, along with any available supporting information, of items for discussion at each Study Session. Any Council Member may request that a matter be placed on the agenda for a Study Session. Except in urgent situations, Council Members should submit, on the appropriate form, such request three (3) working days before a Study Session, along with any available supporting information.

SECTION 12. INTERACTION WITH CITY STAFF

12.1 Council-Manager Form of Government

Like most California cities, Calimesa was formed as a general law city and has adopted a City Council-City Manager form of government. The City Council appoints a City Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that Council Members work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual Council Members.

12.2 Council-Manager Relationship

The employment relationship between the City Council and City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Council Members should avoid situations that may result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Further, Council Members should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council should evaluate the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with the City Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council Members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback.

12.3 City Manager Code of Ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure.

12.4 City Council-City Attorney Relationship

The City Attorney is the legal advisor for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep City Council and staff apprised of court rules and legislation affecting the legal interests of the City. It is important to note that the City Attorney does not represent individual members of the Council, but the City Council as a whole.

12.5 Roles and Information Flow

Objectives: It is the intent of staff to ensure Council Members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

Council Roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, work loads and schedules, departmental priorities, and the performance of City business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.

Should a Council Member become dissatisfied about a department, he/she should always talk it over with the City Manager, not the department head. Concerns about a department head must be taken to the City Manager only.

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

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through e-mail. And to ensure proper responsiveness, Council Members are

asked to “cc” both the department head and the City Manager on all correspondence with staff. Council Members should be careful not to inadvertently communicate their viewpoint on matters of city business outside of a meeting through an e-mail that is sent to two or more other Council Members.

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

City Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

Staff Roles: The City Council recognizes the primary functions of staff as serving the community executing Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors. Staff is directed to report to the City Manager any attempts by individual members of the City Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would more appropriately be assigned to staff through the direction of the full City Council. If a request by an individual Council Member is determined by the City Manager to take one hour or more of staff time to complete, that request may be included on the formal Council agenda for full Council discussion.

12.6 Dissemination of Information

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

12.7 Magnitude of Information Request

Any information, service-related request, or revised policy position perceived as necessary by individual Council Members, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Council Member in writing to the City Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

12.8 Staff Relationship with Advisory Bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the Commission/board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may serve as secretary, taking minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain approval for such a request from the full City Council before any work is planned or done. The annual work plan for the City's commissions is determined by the City Council at its priority-setting that precedes the adoption of the fiscal year budget.

SECTION 13. **SUPPORT PROVIDED TO CITY COUNCIL**

13.1 Staff Support

General administrative support to members of the City Council is provided through the City Manager's office. Secretarial services including scheduling of appointments, receipt of telephone messages, and word processing are available as needed. In addition to supporting the five City Council members, the two administrative support staff members also assist the City Manager, City Clerk, Finance Director, Public

Works Director, Planning Director and City Engineer. Sensitivity to the workload of support staff members in the City Manager's office is appreciated. Should the requested tasks require significant time commitments, prior consultation with the City Manager is requested.

SECTION 14. FINANCIAL MATTERS

14.1 Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. Each Council Member shall be entitled to a salary in the amount of \$300.00 per month.

14.2 Expenditure Allowance

Upon submission of an itemized accounting of expenses, a Council Member may be reimbursed for the actual and necessary expenses incurred in the performance of official duties.

14.3 Expenditure Guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

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

SECTION 15. CONFLICTS OF INTEREST

15.1 Conflict of Interest

State laws are in place to prevent an action by a Council Member that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a member believes a potential for a conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California – the Political Reform Act and Government Code § 1090. In

general terms, the Political Reform Act prohibits a public official from having an interest in government contracts. The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Council Members and certain staff are required to file statements of economic interests.

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

15.2 City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of the law, the only authority that can provide binding interpretations on the Political Reform Act is the State Fair Political Practices Commission (FPPC). Members or the full Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual members of the Council, but the City Council as a whole.

15.3 Conflict of Interest Forms

Annual disclosure statements are required of all Council members, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Council Members and the City Manager often serve on the governing boards of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

SECTION 16. This Resolution shall take effect immediately and the previous version of these City Council Policies and Procedures that were adopted in 2008 and any other version of these Policies and Procedures are hereby repealed and replaced with the Policies and Procedures contained in this Resolution.

SECTION 17. By motion of the Council adopted by a two-thirds vote, the Council has the authority to waive provisions of the procedures established by this Resolution

unless the procedure is required by law. Failure of the Council to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Council.

SECTION 18. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED, this 17th day of April, 2023.



WILLIAM DAVIS, MAYOR

ATTEST:



DARLENE GERDES, CITY CLERK

APPROVED AS TO FORM:



BRENDAN KEARNS, ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE }
CITY OF CALIMESA } SS.

I, **DARLENE GERDES**, City Clerk of the City of Calimesa, California, DO HEREBY CERTIFY, that the aforementioned **Resolution No. 2023-18** known as:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA ADOPTING UPDATED COUNCIL POLICIES AND PROCEDURES FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES AND RESCINDING RESOLUTION NO. 2008-38 IN ITS ENTIRETY.

And which is on file in the Office of the City Clerk, City of Calimesa California.

Said Resolution was adopted by the said City Council at an adjourned regular meeting thereof held on the 17th day of April 2023 by the following vote:

AYES: Cervantez, Davis, Hewitt, Manly and Molina
NOES: None
ABSENT: None
ABSTAINED: None



DARLENE GERDES, CITY CLERK

Dated this 18th day of April 2023.

