

RESOLUTION NO. 2023-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF CITY COMMISSIONERS, COMMITTEE MEMBERS AND BOARD MEMBERS AND REPEALING AND REPLACING RESOLUTION NO. 98-26 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 a city commission, committee or board before any action is taken on any item. The Brown Act mandates that city commissions, committee and boards 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 commission, committee, and board meetings. The rules of procedure, as amended by the City Council, provide an opportunity for members of the public to directly address the commission, committee, and board 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 the commission, committee, and board 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. 98-26 in its entirety.

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

SECTION 1. PURPOSE AND INTENT

The City Council, by Ordinance, has established a number of commissions, committees and boards (collectively referred to herein as "commissions") which receive information, investigate, review and make decisions and recommendations regarding many areas of the City's business. In creating these commissions, the City Council has further obligated itself to the establishment of procedural regulations and standards of conduct for commissioners in carrying out their duties on behalf of the City. The purpose of this Resolution is to set forth those procedural regulations and standards of conduct, with the intent that these regulations and standards will apply to all City commissioners, committee members and board members (collectively referred to herein as "commissioners").

It is specifically not the intent of this Resolution that the regulations and standards set forth herein should preempt or supersede conflicting regulations and standards or State or Federal law. Where a conflicting provision appears in State law or City ordinances relating to a particular commission, the specific law or ordinance shall apply rather than the general provisions set forth herein.

SECTION 2. PROCEDURAL RULES AND STANDARDS OF CONDUCT

A. Commissioner Appointment: Members of each commission shall be appointed and shall serve for the period of time set forth in the ordinance creating the commission. Where there is no ordinance establishing a term, members of the commission shall be appointed and shall serve terms concurrent with the appointing Council Member.

Planning Commissioners shall only serve as a member of the Planning Commission and not serve on any other City of Calimesa advisory commissions while serving as a Planning Commissioner.

B. Commissioner Removal: Commissioners shall serve at the pleasure of their appointing City Council Member. Commissioners may be removed by the City Council without cause, as follows:

1. At the request of the appointing Council Member a Commissioner may be removed from office by a majority vote of the City Council.

2. At the request of a Council Member other than the appointing Council Member (with the appointing Council Member dissenting), a Commissioner may be removed from office by a 4/5 vote of the City Council.

Vacancies must be reported to the City Clerk and shall be filled in accordance with the law.

C. Commission Attendance: Commissioners are strongly encouraged to attend all regularly scheduled meetings. Any member of a commission who misses more than three consecutive regularly scheduled meetings within a twelve-month period, without an excuse accepted by the majority of the members of the Commission, shall be deemed to have vacated his or her position on the commission. The chair of the commission shall report to the Mayor or other person charged with appointing members of the commission, to the City Clerk and to the member whose position has been declared vacated, that vacancy exists.

D. Terms of Office: Any commissioner may be appointed and reappointed to an unlimited number of repeated terms of office.

E. Residency Requirements: No person who is not a resident of the City shall serve on any commission having authority to make binding decisions, except as expressly allowed by City ordinance.

F. Commission Meetings: Each commission shall hold regular meetings as such times and dates are established by resolution of each commission, in accordance with meeting room and staff availability. Such meetings shall be held at the stated time and in a public place and notice of such meetings shall be given in accordance with the provisions of the Brown Act, Government Code Section 54950 et seq. Each commission shall meet at least

once a year for the purpose of reorganization.

G. Commission Members to Serve Without Pay: Except where otherwise specifically provided by ordinance, commissioners shall serve without pay. Commissioners shall not be reimbursed for time lost from work on City business. Commissioners may be reimbursed for actual costs expended while on City business, with the prior approval of the City Manager. Commissioners may be reimbursed for the use of their personal vehicles for City business at the rate allowed per mile for City employees and officers using personal vehicles on City business, with the prior approval of the City Manager.

H. Commission Demeanor, Decorum and Conduct of Meetings:

1. Any commissioner desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself/herself to the question under debate.

2. A commissioner 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 member of his/her staff for that purpose.

3. A commissioner, once recognized, shall not be interrupted while speaking unless called to order by the chair; unless a point of order is raised by another commissioner; or unless the speaker chooses to yield to questions from another commissioner.

4. Any commissioner 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 the point or issue is ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with these rules.

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

6. Any commissioner may move to require the chair to enforce the rules and the affirmative vote of a majority of the commission shall require him/her to so act.

I. Action by Resolution or Minute Action: Actions of commissions shall be taken by resolution or minute action.

J. Code of Ethics: The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every public official will conduct himself/herself in a manner that will tend to preserve public confidence in and respect for the

government represented. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the Law; and (b) avoid both actual and potential conflicts between their private self-interests and the public interest. This code of ethics should apply to all commissioners.

- K. Conflicts of Interest: The City's conflict of interest applies to all commissioners. Generally, no commissioner should have any financial or personal interest in any business or transaction with the City unless the commissioner first makes full public disclosures of the nature and extent of such interest. Whenever the performance of official duties shall require any commissioner to deliberate and vote on any matter involving financial or personal interest, the commissioner shall publicly disclose the nature and extent of such interest and be disqualified from participating in the deliberation as well as in the voting. A former commissioner shall not, within one year after the date of termination from office, represent any person or business with a matter in which the former commissioner has performed an official act.
- L. Representation of Private Persons: No commissioner shall appear on behalf of any private person, other than himself or herself, before any commission or the City Council on a matter which is within the jurisdiction of his or her commission except with permission of commission, where the commissioner does not otherwise have a financial interest in the representation and where the commissioner refrains from official participation in the matter.
- M. Incompatible Employment: No commissioner shall engage in private employment with or render services for, any private person who has business transactions with the City which may come before the commission for recommendation or decision, unless the commissioner has first made full public disclosure of the nature and extent of such employment services.
- N. Gifts and Favors: No commissioner shall accept any gift whether in the form of money, thing, favor, loan, or promise, that would not be offered or given if the commissioner were not in such a position,
- O. Confidential Information: No commissioner shall, without prior formal authorization of the City Council, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the City. Whether or not it shall involve disclosure, no commissioner shall use or permit the use of any such confidential information to advance the financial or personal interests of himself/herself or any other person.
- P. Fair and Equal Treatment: No commissioner shall grant or make available to any person any consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large. No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of the official or employee or any other person.
- Q. Political Activities: No commissioner shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the City. No commissioner may use his or her official authority or

position for the purpose of influencing or interfering with or affecting the results of any election, nor shall he or she solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes. No commissioner may distribute pamphlets, petitions or handbills while he or she is performing his or her official functions and duties with the City. Nothing herein shall be construed to prohibit any commissioner from participating in the political process in his or her capacity as a private citizen.

- R. Violations of Ethical Rules or Standards of Conduct: Any violation of an ethical rule or standard of conduct may result in removal from the commission.
- S. Channels of Communication: Commissioners should communicate with City staff through the City Manager or the City employee who has been designated by the City Manager as staff liaison to the commission.

SECTION 3. ADDRESSING THE COMMISSION - DECORUM AND ORDER

A. Manner of Addressing the Commission

1. Any member of the public desiring to address the Commission shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she shall state his/her name and address for the record.

2. All remarks and questions shall be addressed to the Chair and not to any individual Commission Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

3. Any member of the Commission who has been recognized by the Presiding Officer for such a purpose may address or respond to members of the public who have addressed the Commission pursuant hereto. Such an address or response shall not exceed three minutes in length, and shall be deemed to express the individual position or opinion of the Commissioner offering the same and shall not be construed to bind the Commission or the City in any manner. Unless otherwise directed by the Commission, the restrictions imposed by this Subsection (a) shall apply only to those portions of the Commission Agenda during which members of the public are permitted to make oral communications to the Commission.

- B. Time Provided for Communications from the Public: Any member of the public desiring to address the Commission shall be provided three minutes for his/her statement unless further time has been granted by the Presiding Officer in the individual case, or in accordance with Section 4.5. Public Comments to the Commission may also be submitted to the City Clerk or Planning Secretary in written format either by email or other form of written correspondence. The City Clerk or Planning Secretary shall provide all written public comments to the Commission when received and/or during the Commission meeting. The City Clerk or Planning Secretary is not required to read each comment into the record.
- C. Addressing the Commission after Motion is Made: After a motion has been made, or after a public hearing has been closed, no member of the public shall Commission.
- D. Limitations Regarding Communications from the Public and Reports: The making of oral communications to the Commission by any member of the public during the

“Communications from the Public” portion of the agenda shall be subject to the following limitations:

1. At any time, before or after the oral communication has commenced, the Presiding Officer may, if he/she deems it preferable, direct that the communication be made instead either to the Planning Director or other appropriate staff member during regular business hours, or in writing, for subsequent submittal to Commissioners.

2. The Presiding Officer may limit the number of speakers heard on non-agenda topics at a single meeting. Those whose presentations are postponed shall be given priority at the next meeting during the “Communications from the Public” agenda item.

3. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking, as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

- E. Decorum and Order – Public: Members of the public attending any Commission 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 Commission 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 Commission from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

- F. Enforcement of Decorum: As set forth in Government Code Section 54957.95, the Presiding Officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the Presiding Officer 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 Presiding Officer 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 Commission 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.

SECTION 4. MOTIONS

- A. 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.
- B. Motions Out of Order: The Presiding Officer may at any time, by majority consent of the Commission, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.
- C. 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.
- D. Precedence of Motions: When a motion is before the Commission, no motion shall be entertained except the following, which shall have precedence in the following order:
1. Adjourn
 2. Fix Hour of Adjournment
 3. Table
 4. Limit or Terminate Discussion
 5. Amend
 6. Postpone
- E. Motion to Adjourn (Not Debatable): A motion to adjourn shall be in order at any time, except as follows:
1. When repeated without intervening business or discussion;
 2. When made as an interruption of a member while speaking;
 3. When discussion has been ended, and a vote on a motion is pending; and
 4. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

- J. Motion to Continue: Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

SECTION 5. VOTING PROCEDURE

- A. 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 Commissioner present may be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The City Clerk or Planning Secretary 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 Chairperson 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 Commissioner not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall have his vote recorded as "aye."

Any question before the Commission 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.

- B. Failure to Vote: Every Commissioner 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.
- C. Reconsideration: Any Commissioner 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 Commission.
- D. Tie Votes: Tie votes shall be lost motions. When all Commissioners are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal unless the Commission takes other action to further consider the matter. If a tie vote results at a time when less than all members of the Commission are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Commission, unless otherwise ordered by the Commission.

SECTION 6. ADMINISTRATIVE OVERSIGHT OF AND ASSISTANCE TO COMMISSIONS.

- A. Each commission shall be assigned appropriate administrative support, under the oversight of the city manager, to provide administrative assistance with such matters as the preparation of agendas, recommendations for action, minutes, memoranda of decisions and official correspondence, and shall coordinate the clerical and technical work of the commission in administering their official functions. Such administrative

support shall attend commission meetings, but shall serve in an advisory capacity only and shall have no voting rights.

B. The city clerk shall be the custodian of records for all commissions. Minutes of commission meetings shall be provided to the City Council.

SECTION 7. This Resolution shall take effect immediately and the previous version of these Commission, Committee and Board Policies and Procedures that were adopted in 1998 and any other version of these Policies and Procedures are hereby repealed and replaced with the Policies and Procedures contained in this Resolution.

SECTION 8. The City Clerk shall certify 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. 2023-19** known as:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF CITY COMMISSIONERS, COMMITTEE MEMBERS AND BOARD MEMBERS AND REPEALING AND REPLACING RESOLUTION NO. 98-26 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.

