



**City of Placerville
M E M O R A N D U M**

DATE: November 27, 2007

TO: City Council

FROM: Susan Zito, CMC, City Clerk/Human Resource Officer

**SUBJECT: ADOPTION OF COMMITTEE, COMMISSION AND BOARD
POLICY**

Recommendation:

Recommendation that the City Council take the following action:

1. Adopt a Resolution incorporating the Council legislation established in Resolution 5902, (Recreation & Parks Commission) and Resolution 5929 (Community Pride Committee), and adopting a Committee, Commission and Board Policy Manual outlining, in one comprehensive document, the efficient operation and legally required issues relating to the City's committees, commissions and boards.
2. Introduce an Ordinance amending City Municipal Code 2-2-4, relating to terms of office for Planning Commissioners to confirm the Council's action taken on March 27, 2007, and
3. Waive the First Reading of said ordinance.

Background:

The City Council, at its regularly scheduled meeting of March 27, 2007, (a copy is attached) directed staff to change the terms of office for all City Committees, Commissions and Boards from an expiration date of December 31st of even-numbered years, to March 1st of odd-numbered years. In 1995, the City Council comprehensively reviewed the City's Committees, Commissions and Boards, and at that time, reduced the number of committees that existed, streamlined the recruitment and interview process, and consolidated the various terms of office into a unified recruitment and appointment procedure. As a result of that Council review, an enacting resolution was drafted for each separate committee, commission and board outlining the number of members, terms of office, etc.

The current method of recruiting and interviewing of the candidates for City committees, commissions and boards has worked well overall and is outlined in a separate document, The Interview Process for Committees, Commissions and Boards (a copy is attached). The theory that the terms should end following a November general election to allow new Councilmembers involvement in the recruitment and interview process, is sound. However, the turnaround time from the November elections in even-numbered years, to the interview process to appoint new Committee members before the end of that calendar year, has proved challenging for staff and has been compounded by the end of the year holidays. In March of this year, staff recommended that the terms be extended by a few months following an election, and the City Council concurred.

Since the last comprehensive Council review of its Committees, Commissions and Boards, there have been changes in the Fair Political Practices Commission requirements affecting advisory bodies, state mandated sexual harassment training, ethics training and other issues that did not affect various committee members in 1995. Each of these additional issues are currently addressed in separate documents. In revising the individual enacting resolutions for each committee, commission and board to correct the terms of office, it became apparent to staff that one document addressing numerous issues common to all of the advisory bodies was a more efficient method of revising not only the terms of office, but in addressing other related issues. Staff solicited existing policy manuals from several cities, including Los Altos, Anaheim, Sunnyvale, Pittsburg, Napa and Norwalk. Based on a review of those documents, staff believes that the adoption of one comprehensive policy manual would increase the operating efficiency of the advisory bodies and would respond to various issues that have not been addressed in past documents. If adopted, this policy manual would be given to each new committee member and would be used by staff as an orientation document.

Staff also surveyed other agencies for policies addressing such issues as attendance and appointment/removal criteria that were not addressed in previous Council action. Of 40 cities surveyed recently through a League of California listserv service, 33 cities had committee attendance policies in place for addressing excessive absenteeism. Several policies required appointed members to attend 75% or 80% of all regular meetings within a calendar year. Other policies allowed for removal after missing three consecutive meetings or for missing four meetings within a calendar year. Other cities specified how many meetings were grounds for removal, for example: Planning Commission – 7 absences per year, Park and Recreation Commission – 4 absences per year, Beautification Committee – 4 absences per year, etc. Staff recommends an attendance policy as outlined on page 12 of the Policy Manual, requiring attendance at 80% of all regularly scheduled meetings in a calendar year, or three consecutive absences. The staff liaison would notify the City Clerk of absence issues and the Clerk would then agendaize the issue for the City Council Consent Calendar to declare the seat vacant and begin a recruitment process. Staff believes that this would be the most efficient method of determining if a seat should be considered vacated and notifying staff to initiate the recruitment process.

Fiscal Impact:

Minimal fiscal impact associated with the codification of the amendment to Municipal Code § 2-2-4 and publication in the Mountain Democrat.

Submitted for Council Consideration

Approved for Council Consideration

Susan Zito, CMC, City Clerk

John W. Driscoll, City Manager/Attorney



City of Placerville Committee, Commission & Board Policy Manual

Congratulations on your appointment to one of the City of Placerville's Committees, Commissions or Boards. The City Council and staff look forward to working with you and receiving the benefit of your insight and guidance. As a citizen member, you will serve an advisory capacity to the City Council and will help address community needs.

This Policy Manual is designed to serve as a reference for the basic protocols that apply generally to all City advisory bodies. As a new member, you may want to meet with the staff liaison to gain a better sense of your role and the business of the body. You may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the advisory body's current goals.

There are both challenges and opportunities inherent in holding public office. It is a privilege and a public trust. It can be difficult and demanding. It is hoped that this Policy Manual will provide information to assist you in the performance of your new duties and help make your experience interesting and rewarding. Learning your voice and developing an effective voice takes time and familiarity. Your participation is deeply appreciated by the City Council, City staff, and by the community.

Adopted by City Council Resolution No. _____

Date:

Revised:

Disclaimer: This Policy Manual is offered as a guide for appointed advisory bodies of the City of Placerville. However, it is not all-inclusive nor is it intended to supersede any federal, state or local laws.

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SECTION 1: ROLES AND RESPONSIBILITIES

WORKING TOGETHER

As a Committee, Commission or Board Member, (hereinafter referred to collectively as Committee) you are essential to the City’s commitment to developing policies and services which reflect the needs and values of the community. In carrying out your responsibilities you will work closely with your fellow advisory body members, the City Council, and staff – all of which play a critical role in the City organization.

THE CITY COUNCIL

The City Council is the governing body of the City. It is vested with broad powers in the areas of legislative policy, budgetary adoption and establishment of service levels. The City Council, elected at-large, represents the entire community, and serves as the “Board of Directors” for the municipal corporation.

COMMITTEES, COMMISSIONS AND BOARDS

Most City Committees are standing bodies that are established by Council action and appointed by the City Council to provide ongoing citizen input to major policy areas. The Board of Building Appeals and the Planning Commission are established by Ordinance and are required by Government Code or statute. The members of the Board of Building Appeals and the Planning Commission are appointed by the City Council. Other Commissions, Committees and Boards are established by Resolution and the members are also City Council appointed. Both types of advisory body members serve at the pleasure of the City Council. Their responsibilities include:

1. Providing ongoing recommendations to the City Council and City staff regarding special program areas; and
2. Identifying issues which the Committee believes should be addressed by the City Council or staff.

Most City Committees are comprised of five members, serving staggered four-year terms; the Community Pride Committee is comprised of ten members serving staggered four-year terms; the Community Development Block Grant Rehabilitation Loan Review Committee is comprised of three members.

Ad hoc committees can also be created by the City Council to serve as needed to address a particular issue (such as Downtown Parking Advisory Committee). These ad-hoc committees are created for a time specific period, to study and make recommendations to the Council on issues of relatively short-term nature. The work of an ad hoc committee should be reviewed annually by the City Council and may be dismissed or authorized to continue, depending on the status of their assigned task. The City Council benefits by using Commissions, Committees and Boards in their decision making process by relying on these bodies to:

1. Focus attention on specific issues.
2. Encourage broad citizen participation through public hearings.
3. Weigh community values in making recommendations to the Council.
4. Thoroughly research and review alternatives to accompany formal recommendations to the Council.

STAFF

The City Staff, under the direction of the City Manager, is responsible for carrying out the policy of the City Council and implementing the programs and services set out in the Council adopted Fiscal Year Budget. The City Manager is appointed by, and reports directly to, the City Council. Department Heads and staff members are responsible to the City Manager.

As the City's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the City, including assigning staff liaisons to assist the various Committees in carrying out their responsibilities. These staff liaisons, by virtue of their technical training and experience, are competent to provide such staff assistance. Committees work closely with staff liaisons; however, they do not have the authority to supervise or direct the work of staff. Special assignments to staff are made through the City Manager.

THE ROLE OF STAFF LIAISON

- Attend all meetings of the committee.
- Provide administrative support to the committee.
- Work with the chair to prepare agendas and post agendas in accordance with the Brown Act.
- Research information and prepare reports for the Committee.
- Prepare summary or action Minutes.
- Serve as the liaison between the committee.
- Refer matters to the appropriate staff member for review on behalf of the committee.

AREAS OF RESPONSIBILITY

THE BOARD OF BUILDING APPEALS

Municipal Code § 2-7-2: The Board of Appeals shall have the power to determine on appeal the suitability of alternate materials and methods of construction, handicapped accessibility, and provide reasonable interpretation of the technical codes adopted in Title 4 of this Code. The board shall also review new editions of the technical codes prior to their submission for adoption. (Ord. 1451, 10-25-1988)

§ 2-7-3: Members: The members of the board of appeals shall be appointed by the mayor and shall receive the approval of the majority of the city council. The initial terms shall be one member for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years; thereafter each member shall be appointed for a four (4) year term. Vacancies shall be filled for the unexpired term of a member affected. (Ord. 1528, 9-26-1995)

§ 2-7-4: Officers: The board of appeals shall meet in regular sessions and elect from their members a chairman and vice-chairman. Their duties shall respectively be such as are usually carried by such officers. Officers shall hold offices for one year or until their successors are elected. The building official and the fire chief shall be ex officio members and the building official shall act as secretary of the board. The board shall adopt rules necessary to the conduct of its affairs and shall keep minutes of its proceedings. The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. (Ord. 1226, 6-10-1980)

§ 2-7-5: Appeals to the Board: Any person, body, public or private citizen may appeal the decision of the building official or fire chief in the interpretation of the technical codes, matters concerning handicapped accessibility or the use of alternative materials and types of construction. Such an appeal shall be filed with a fee of one hundred dollars (\$100.00) to defray the costs incidental to conducting the proceedings of the board. The appeal shall be filed with the secretary to the board within ten (10) days of the decision of the building official or fire chief. (Ord. 1451, 10-25-1988)

§ 2-7-6: Hearings on Appeals: The board shall have a hearing on any appeal within twenty (20) days from the date the appeal is filed with the secretary of the board. The board shall render its decision and finding in writing to the appellant, building official and fire chief within thirty (30) days from the date the appeal is filed with the secretary. (Ord. 1226, 6-10-1980)

§ 2-7-7: Decision of the Board: The decision of the board of appeals shall be final. (Ord. 1226, 6-10-1980)

COMMUNITY DEVELOPMENT BLOCK GRANT REHABILITATION LOAN REVIEW COMMITTEE

The Community Development Block Grant (CDBG) Rehabilitation Loan Review Committee assists staff with the review of housing rehabilitation loans, and helps ensure that applications meet the loan qualification criteria.

COMMUNITY PRIDE COMMITTEE

The Community Pride Committee was originally established by Resolution 5139, as a requirement of the City's General Plan. The function of the Community Pride Committee was further clarified by Resolution 5929, adopted in 1995, as follows:

- a) To review and make recommendations on beautification efforts on city property, including the development or alteration of city facilities, city cemeteries, public open space, pedestrian linkages, Hangtown Creek, public works projects, and major public thoroughfares;
- b) To encourage and recognize beautification efforts by private property owners and community volunteers within the city through awards and special events;
- c) To encourage a sense of community by promoting voluntary participation in implementing and maintaining beautification projects on city facilities and public property;
- d) To facilitate the development and implementation of beautification projects for city facilities and public property through donations and fund-raisers;
- e) To develop partnerships with city, county, and other agencies and parties relating to city beautification;
- f) To identify and make recommendations to the City Council concerning current and future needs for beautification of city facilities and public property;
- g) To recommend ways to implement the General Plan policies as they relate to beautification.

PERSONNEL BOARD

Municipal Code § 1-8-3: Personnel Board: There is hereby created a personnel board to consist of five (5) members, to be appointed by the City Council, utilizing the following procedure for selection:

- (A) Two (2) members shall be selected by the city council.
- (B) Two (2) members shall be selected by employees through the process of secret ballot elections. The two (2) candidates receiving the highest number of votes will be certified to the city council, and the council shall appoint same to serve on the board.
- (C) The four (4) members thus selected shall then submit one additional name to the council, and the council shall appoint same to serve as the fifth member of the board.

The first board to be appointed shall, at its first meeting, so classify its members by lot that three (3) shall serve for a term which shall expire December 31, 1977, two (2) shall serve for a term which shall expire December 31, 1978. At the expiration of each of the terms, so provided for, a successor shall be appointed by the city council in the same manner prescribed above for a term of three (3) years. The personnel board shall adopt rules of procedure and shall select a chairman from among its members who shall act as presiding officer.

Vacancies on the personnel board shall be filled by appointment by the city council in the manner prescribed above for the unexpired term. Each member shall serve until a successor is appointed. A majority vote of the city council shall be required to appoint or remove a member of the personnel board.

No person shall be appointed to the board that holds any elected or appointed office or employment with the city.

The personnel board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses and the power to require the production of evidence by subpoena. Subpoenas shall be issued in the name of the city and attested by the city clerk.

Each member of the personnel board shall have the power to administer oaths to witnesses. (Ord. 1310, 11-9-1982)

§ 1-8-4 Duties of the Personnel Board: The personnel board shall determine the order of business for the conduct of its meetings and shall meet on call of the chairman or the personnel officer. A majority of the members of the board shall constitute a quorum for the transaction of business.

The board, in a manner provided for in the rules and regulations of the classified service, shall hear appeals submitted by any person in the classified service (who is eligible for appeals pursuant to these rules and regulations or by state and/or federal statute) relative to any disciplinary action, dismissal, demotion, charge of discrimination or alleged violation of this chapter or the rules and regulations of the classified service and shall certify its findings and recommendations as provided in the rules and regulations of the classified service. (Ord. 1310, 11-9-1982)

PLANNING COMMISSION

As a member of the Planning Commission you have the unique opportunity to share your vision and help direct the future of Placerville.

Municipal Code § 2-2-1 Establishment of Planning Commission: There is hereby established a planning commission pursuant to chapter 3 of title 7 of the California Government Code, to be known as the “planning commission of the city”. (Ord. 856, 4-20-1961)

2-2-2: Duties of Commission: The planning commission shall prepare and adopt a master plan setting forth a comprehensive, long term general for the physical development of the city, and shall have such other duties, functions and powers as are set forth in title 7 of the California Government Code. (Ord. 856, 4-20-1961)

2-2-3: Members: The planning commission shall consist of five (5) regular members. Each regular seat on the commission shall be designated by number from one to five (5). All appointments to the planning commission shall be made as follows:

- (A) Interview: When an appointment is to be made to the planning commission the city council shall interview all eligible persons who have applied for an appointment together with any other eligible person who has been recommended by any member of the city council. (Ord. 1361, 12-11-1984)
- (B) Interview Vacancy Procedures: The interview time shall be set by the mayor. If there is a scheduled or unscheduled vacancy, any of the council members desiring to submit names for consideration shall do so at least five (5) days before the interview. Notice of the scheduled vacancy shall be published at least once in a newspaper of general circulation in the city and shall be posted in the office of the city clerk no later than forty five (45) days before the scheduled vacancy. Interviews for a scheduled vacancy shall take place no later than fifteen (15) days before the vacancy occurs, and the appointment shall be made at the council meeting immediately preceding the scheduled vacancy, with the appointment to be effective as of the date of scheduled vacancy. In the event that there is an unscheduled vacancy, notice of such vacancy shall be posted as required by Government Code section 54974, and the appointment shall be made at the next council meeting after the interviews are completed, but in not event shall the appointment be made prior to ten (10) working days after the posting of said notice, unless an emergency exists, in which case the appointment may be made pursuant to Government Code section 54974 (b). Members appointed for a scheduled or unscheduled vacancy shall be by majority vote of the city council members. (Ord. 1500, 12-8-1992)
- (C) Qualification Requirements: Upon appointment to the planning commission, the appointee shall be either be: 1) a city resident, or 2) a property owner within the city limits and who lives within the community region, or 3) a primary business owner within the city limits who lives within the community region, as shown on exhibit A attached to ordinance 1555, available for inspection in the office of the city clerk. A majority of the planning commissioners shall be residents within the city limits. Said term shall automatically expire if he/she no longer meets the qualification requirements. (Ord. 1555, 2-9-1999)

2-2-4: Terms: The terms of regular members appointed shall be for four (4) years, and shall expire on December 31 of even numbered years. The terms of three (3) members of the commission shall run simultaneous to the same year in which a city council election is held for three (3) seats. The terms of the other two (2) members of the commission shall run simultaneous to the same year in which a council election is held for two (2) seats. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term. (Ord. 1526, 7-25-1995)

2-2-5: Removal; Compensation: Any regular member of the commission may be removed by a majority vote of the council. The regular members of the planning commission shall receive the sum of seventy five dollars (\$75.00) each for each day's attendance at a regular, adjourned or special meeting of the commission; provided, however, that no member shall receive in excess of one hundred fifty dollars (\$150.00) in any one month. (Ord. 1599, 10-12-2004)

2-2-6: Officers of the Commission: The planning commission shall elect a chairperson and a vice chairperson from among the regular members, and shall appoint a secretary, who need not be a member of the commission, for the terms and in the manner set forth in the bylaws of the commission. (Ord. 856, 4-20-1961)

2-2-7: Bylaws and Records: The planning commission shall adopt bylaws providing for the method of electing officers, time and place of regular meetings of the commission, which shall be held at least once each month, and such other rules as may be necessary for the transaction of the business of the commission and shall keep a public record of its resolutions, transactions, findings, and determinations. (Ord. 856, 4-20-1961)

RECREATION & PARKS COMMISSION

The Recreation and Parks Commission was originally established November 9, 1965 by Ordinance. In April 1995, the City Council passed Ordinance No. 1521, abolishing § 2-5-1 through 2-5-7 in favor of delineating the duties, methods of appointment, terms of office, appeals, etc., by resolution. Resolution No. 5902 was passed by Council action on April 25, 1995 clarifying the function of the Recreation and Parks Commission. "The function of the Recreation and Parks Commission shall be to act in an advisory capacity to the City Council and the Community Services Director in all matters pertaining to parks and public recreation, and to cooperate with other governmental agencies and civic groups in the advancement of sound park and recreation planning and programming.

SECTION 2: OPERATIONAL GUIDELINES

CITY COUNCIL PHILOSOPHY ON COMMITTEES, COMMISSIONS & BOARDS

Governmental policy for the City is decided by the City Council. However, there are particular areas of decision-making which benefit from the advice and counsel of qualified citizens. For these reasons the City Council has established Committees. Members are appointed from the community-at-large. Members are not selected to represent a business, district, or organization. Each member, and the Committee as a whole, is concerned with the general public good. Where personal interest conflicts with the general welfare of the public, the latter must prevail.

A Committee may be established by Council resolution or by ordinance. Those enacting documents define the duties of the Committee. It is incumbent upon the Chair of the Committee to limit discussion and recommendations to the scope of these assigned responsibilities. When a Committee's interest reaches beyond these parameters, the Chair and staff liaison should discuss the matter with the City Manager. It may be necessary to request authority from the Council to consider and make recommendations in that particular area.

REPRESENTING THE CITY OF PLACERVILLE

In addition to their role as advisors to the City Council, committees serve as liaisons between the City and the general public regarding issues under their purview. Each committee functions as a communication link between the community and the City, explaining City programs and recommendations, advocating established City policy and services, as well as providing a channel for citizen expression.

Outside of their official meetings, individual committee members are not authorized to represent the City or their committee unless specifically designated by the City Council for a particular purpose.

Members shall represent the official policies or positions of the City to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their advisory body or the City of Placerville, nor will they allow inference that they do.

Although a committee may disagree with the final decision the Council makes, the committee shall not act in any manner contrary to the established policy adopted by the Council.

REPRESENTING THE COMMITTEE AT COUNCIL MEETINGS

A member should represent each Committee at Council Meetings when a Committee has an item of interest on the Council agenda. The purpose of this practice is to respond to questions from Council members as necessary. When addressing the Council, it is important to speak as a member of the Committee as a whole, rather than an individual Committee member. Should you be communicating your individual viewpoint on an issue, it is imperative that you first state that for the record. From time to time, there may be instances when the Staff's recommendation on an issue may differ from that of the Committee. If this occurs, both recommendations are presented to the Council for consideration.

USE OF THE TITLE “COMMISSIONER”

Only when a member is acting in an “official capacity” as a member of the Commission, may there be occasion for a Commissioner to send a letter pertaining to Commission business to an individual, group, or the editor of a newspaper. When signing as a Commissioner, care should be taken that the views expressed are the adopted position of the Commission as a whole. If this is not the case, it should be clear that the views stated are those of the individual Commissioner. The same holds true when presentations are made to other groups. When a letter is written or public testimony is given as a private citizen, and not in an official capacity, on issues unrelated to Commission business or position, the title of “Commissioner” should not be used. If there is any question on the appropriateness of using the official Commissioner title, the staff liaison to the Commission should be consulted. *For further information, see Appendix B, City of Placerville Code of Ethics, Page 22, Item #13.*

MEMBERSHIP ELIGIBILITY

Persons appointed to most City committees, commissions or boards must maintain their primary residence within the City for the duration of their terms, or own a business within the City limits during their terms. If, at any time during the term, a member moves to a principal residence outside the City, he/she shall become ineligible to continue as a member of that body.

There are limited exceptions to the residency/business ownership or operation requirement for certain bodies. These exceptions are specified by ordinance.

The Planning Commission: “Upon appointment to the planning commission, the appointee shall either be: 1) a city resident, or 2) a property owner within the city limits who lives within the community region, or 3) a primary business owner within the city limits who lives within the community region, as shown on exhibit A attached to ordinance 1555, available for inspection in the office of the city clerk. A majority of the planning commissioners shall be residents within the city limits. Said term shall automatically expire if he/she no longer meets the qualification requirements” (Ord. 1555, 2-9-1999).

Community Pride: “Members of the community pride/beautification committee must be residents of El Dorado County”. (Ordinance No. 1605, 10-25-2005)

APPOINTMENT PROCESS

Members are appointed by the City Council and serve at the pleasure of the Council.

Terms of office: With the exception of the Recreation & Parks Youth Commissioner, members serve for a term of four years and may be reappointed at the expiration of their term. A committee member is appointed by a majority vote of the Council and may be removed prior to the expiration of his/her term by a majority vote of the council, and such removal may be with or without cause. The youth commissioner is appointed by a majority vote of the Council and normally serve one-year terms. Incumbents are eligible to reapply for appointment through and including their senior year. Terms expire at the end of the school year, usually in May.

Resolution 7494, passed by Council action on March 27, 2007, revised the committee, commission and board terms of office from ending on December 31st of even numbered years, to March 1st of odd numbered years. This reason for the revision is two-fold: 1) Councilmembers newly elected in November

of even-numbered years, have a greater opportunity to understand the roles of the various committees, commissions and boards; and 2) the recruitment period shifts from the end of year holiday scheduling conflicts to the beginning of the calendar year to encourage more citizen awareness and interest.

Normally incumbents are interviewed at the same time as new candidates. The Recreation and Parks Commission and Planning Commission interviews are held separately, but in open session with all candidates being interviewed by the full Council. Following the interviews, ballots are distributed to the Council, votes are tallied by the City Manager and City Clerk and those candidates receiving a majority vote of the Council are then declared appointed. The Oath of Office is administered following the vote. A detailed description of the interview process is outlined in The City Council Interview Process for Committees, Commissions and Boards. A copy is available for viewing in the office of the City Clerk.

As an incumbent's term of offices nears the expiration date, a letter will be sent thanking them for their past service to the City and inviting them to re-apply for appointment. Upon completion of the application for appointment form, the incumbent will be interviewed with any new candidates for the seat.

THE MADDY ACT APPLICATION REQUIREMENTS

The Maddy Act (The Act) establishes procedures for appointments to City Committees, Commissions and Boards. The State Legislature adopted the Maddy Local Appointive Act List of 1975, which added Government Code § 54970 et. seq. to deal with vacancies and appointments of citizens to public Commissions. The Act provides that an appointment list be prepared each year noting members serving, appointment and expiration dates and qualifications for the positions.

ATTENDANCE

A quorum (or majority) of the members is necessary to conduct business. Members are required to attend 80% of the regularly scheduled meetings in each calendar year. Individual commission members may be automatically removed from a committee, commission or board after the third consecutive absence from a meeting, or for other causes determined by the Council. The staff liaison will notify the City Clerk of attendance issues and following the third consecutive absence or missing 20% of the regularly scheduled meetings, the City Clerk will agendize the issue for the Council Consent Calendar and the member's seat shall be declared vacant by Council action. This action will trigger the City Clerk to begin the recruitment, and schedule the City Council interview and appointment process.

The Committees, Commissions and Boards need the benefit of every member's expertise and judgment in formulating recommendations to the City Council. If a member must miss a meeting because of an extended business trip, vacation, or illness, he/she should so advise the Chair and staff liaison. Repeated absences can be grounds for Council's consideration to terminate or replace a member.

ORGANIZATION OF APPOINTED BODIES

CHAIRPERSON

On an annual basis, each Commission, Committee and Board is required to elect officers. Most Committees should reorganize following the revised appointment process in the spring of odd numbered years. A Chair and Vice-Chair are to be elected from the members to serve as presiding officers at all meetings. In the event of either's disability, resignation, or removal, the body shall elect another member to

fill the unexpired term. During a temporary absence of the Chair, the Vice-Chair shall preside. If he or she is absent, the body may elect a Chair pro tem to conduct the meeting.

STAFF LIAISON

The City Manager assigns a staff liaison to each advisory body. The role of the staff liaison is to provide assistance in carrying out assigned responsibilities. This role may vary considerably given the nature of the Committee, Commission or Board and its duties. Staff liaisons or their designee shall be responsible for taking Minutes of the meetings, and posting the meeting Agendas in accordance with the Brown Act.

SECTION 3: OPEN MEETING REQUIREMENTS

The Ralph M. Brown Act, Government Code Section 54950 *et seq.*, sets forth strict requirements for meetings, noticing of meetings, agendas and related subjects. It applies to all advisory bodies, permanent Boards and Commissions, standing Council subcommittees and the City Council, when a quorum of that body is present at the meeting.

A meeting is defined as the coming together of a quorum or more of a particular body where public business is discussed and action is taken or an agreement is reached as to a course of action. Purely social events are not meetings.

POSTING OF NOTICES FOR REGULAR MEETINGS

The agenda for a regular meeting must be posted at least 72 hours prior to the commencement of the meeting, and the legislative body may discuss, but is prohibited from taking action, on any items not appearing on the agenda, including items brought up by the public, unless the body finds by a 2/3 vote that an item needing prompt action arose after the 72 hour deadline.

SPECIAL MEETINGS

A legislative body (committee/commission/board) may need to call a meeting for a particular purpose so that action can be taken on items that cannot wait until the next regular meeting. State law requires that the meeting must be called by the chair with a minimum of 24-hour advance notification of all members. The agenda for the meeting must be delivered to the City Clerk to allow posting at City Hall and notification of the press within 24 hours of the meeting.

EXCEPTIONS

There are very limited exceptions to the requirement for properly noticed, advance agenda, open meetings that the public is entitled to attend. The exceptions include matters relating to labor relations or personnel, pending or threatened litigation, and acquisition of real property. It is unlikely that most City of Placerville advisory bodies will hold any closed session. Advance consultation with the City Attorney prior to the holding of such a session is essential.

MEETING LOCATION

One additional provision of the Brown Act is a prohibition on conducting any meeting, conference or other function in any facility that prohibits admittance of any person or persons on the basis of race, religious

creed, color, or national origin, ancestry or sex. While there are not many of such facilities today, care should be taken to schedule events in facilities that are open to all. All meetings must be held within the Placerville City limits.

VIOLATIONS

The penalties for Brown Act violation can not be significant. In addition to being a misdemeanor, the validity of actions taken can be challenged in court. The prevailing party will be entitled to set aside the action under some circumstances, and will receive, in addition, attorney's fees, which can be very costly.

SECTION 4: MEETING CLASSIFICATIONS

REGULAR MEETINGS

Committees, Commissions and Boards accomplish work in regularly scheduled meetings. The Planning Commission holds regular meetings as established by Ordinance; Committees set their own meeting schedules, as needed to complete their charges. Boards are normally called upon the request of the City Manager or City Clerk to respond to an appeal or personnel hearing. Commission and Committee meetings are open to the public. If it is not possible to obtain a quorum on a regular meeting date, consideration may be given to rescheduling the meeting. Care should be taken to notify all parties with business on the agenda of the meeting change. A quorum at any regular meeting may, by formal action, substitute another day or time for a regular meeting.

ADJOURNED MEETINGS

If, for any reason, the agenda for a regular meeting cannot be completed, the Commission may designate a time and place for an adjourned meeting to consider any unfinished business. This action will serve as notice to the members present; members not present shall be notified of the adjourned meeting by the Chair or Staff Liaison. In addition, a notice of the adjourned meeting must be posted at City Hall and the press must be notified pursuant to Brown Act regulations. (GC 54955)

SPECIAL MEETINGS

A majority of the membership or the Staff Liaison may call a special meeting of the Planning Commission for items that cannot wait until the next regular meeting, pursuant to Brown Act regulations. (GC 54956)

HEARINGS

Various committees, commissions and boards may hold public hearings as needed or as required by law. These hearings are to be fair and impartial. Members receive public testimony and decisions are not to be made until the conclusion of the hearings. Persons who are interested or affected by the subject of the hearings are to be notified and given an opportunity to speak. They may also present written documentary information.

The Chair must ensure that everyone who wishes to speak has an opportunity to be heard before the hearing is closed. When applicable, at the Chair's discretion, time limits of a reasonable nature may be imposed equally to all speakers in the interest of timely and orderly proceedings.

SECTION 5: MEETING PROCEDURES AND CONFLICT OF INTEREST

RULES OF ORDER

Robert's Rules of Order governs the conduct of meetings of City Committees, Commissions and Boards. Information regarding *Robert's Rules of Order* is available through the City Clerk's Office. A summary of Robert's Rules of Order is included as Appendix A.

VOTING

- **Quorum:** A majority of the members of the Committee/Commission/Board constitutes a quorum for the conduct of routine business. Official action requires a majority vote of the quorum.
- **Conflict of Interest:** No Committee/Commission/Board, or the City Council, may enter into a contract of any type with private persons or businesses if any member of said body has any type of financial interest in it, whether disclosed or not, and whether or not the member disqualifies him/herself.

POLITICAL REFORM ACT § 87195: MANNER OF DISQUALIFICATION

A public official who holds an office specified in Section 87200 of the Political Reform Act (Planning Commissioners), who has a financial interest within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address is not required.
2. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
4. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

The City Attorney should be consulted as early as possible on such matters, which you think might be a problem. He will provide confidential advice to you on these subjects.

SECTION 6: MEETING MINUTES

Minutes are a record of all actions and proceedings, but not a record of discussions. Written Minutes of all regular and special meetings of Committees/Commissions/Boards must be kept as the official record of business transacted and are taken by a staff member or the secretary to the advisory body. Minutes are modeled after the City Council form of Minutes. That form includes a brief summary of the discussion and should contain mainly a record of the legislative actions from the meeting. This type of Minutes is known as "Action Minutes". For example, who made the motion, who seconded the motion, what was moved and seconded and the vote. The Minutes should not include what is said by individual commission members or

members of the public. Also, members abstaining for legal conflict of interest requirements are required to state their reason for recording in the Minutes.

Minutes of a Public Hearing list only the names of the individuals who spoke. Minutes are approved at the next regular meeting of the body and become the official record of its activities. Any corrections to the Minutes may be made in public meetings with approve of a majority of the body. Copies of the Minutes are distributed to the City Council.

If a member of the public submits a document to the body during a meeting, the liaison makes a notation on the handout of the date it was submitted and files it with the meeting packet. The retention for agenda packets is ten years.

In summary the Minutes should contain:

- ♦ Name of the legislative or advisory body
- ♦ Meeting time, date and place
- ♦ The name of the presiding officer
- ♦ The names of those members present and those absent
- ♦ A description of each item of business highlights of discussion resulting in the action, and the exact disposition of each item.
- ♦ All main motions whether passed or lost
- ♦ Signature of the secretary
- ♦ “Respectfully submitted” is no longer ever used at the end of the Minutes

Points to remember:

- ♦ The tone of the Minutes should be impersonal and objective
- ♦ Descriptive or judgmental phrases are not appropriate such as “a heated debate”
- ♦ Always use formal names, never use first names
- ♦ Always individual members by their titles, for example, Commissioner Smith, Committee Member Jones
- ♦ Always spell out acronyms for the first reference, for example, Sacramento Area Council of Governments (SACOG) and refer thereafter to SACOG
- ♦ Use few adjectives and a minimum of pronouns and never use the personal pronouns of I, You, We, Our
- ♦ Keep in mind that Minutes must make sense to a reader who may be reading the Minutes twenty years from now and who knows nothing about the committee, commission or board

SECTION 7: AGENDAS AND CONTENT

The agenda is an outline of topics or items of business to be introduced, discussed and acted upon at the meeting. Agendas for meetings of regularly scheduled Committees, Commissions and Boards shall be posted pursuant to the requirements of the Ralph M. Brown Act, requiring posting in the City Hall meeting notice window not less than 72 hours prior to the meeting day and time.

California statutes require that the following elements be included on agendas:

- ♦ Name of the legislative or advisory body
- ♦ Meeting time, date, and place
- ♦ Public Comment (before discussion items)
- ♦ Description of item (need not exceed 20 words)
 - The description should contain sufficient description to enable the public to determine the general nature of the subject matter.

Additional statutory requirements include:

- ♦ Post agendas 72 hours in advance outside of the meeting place or in a generally accepted location that the public would find public announcements, such as the City Hall notice window.
- ♦ Mail agenda to those making a written request.
- ♦ No action can be taken on any item not appearing on the agenda.
- ♦ An item may be added if there is an emergency or with a 2/3 majority if there is need for immediate action in the interest of public health or safety

SECTION 8: STATEMENTS OF ECONOMIC INTEREST & ETHICS TRAINING

A BASIC OVERVIEW OF STATE ECONOMIC DISCLOSURE LAW AND REPORTING REQUIREMENTS

The Political Reform Act of 1974 (Government Code Sections 81000 – 91014) requires many state and local public officials and designated employees to disclose certain personal financial holdings. The Act, which frequently has been amended, began as a ballot initiative approved by over 70 percent of California voters.

The Act and its practical implementation have a broad reach across California government. Many tens of thousands of public workers, ranging from the governor to local department heads to board and commission members, are required to file public, personal financial disclosure reports known as Fair Political Practices Commission (FPPC), Form 700, “Statement of Economic Interest” (SEI). The City Clerk serves as the Filing Official/Officer for the City and forms filed with the City Clerk are available for public inspection. The SEI’s must include sources of income, including gifts and loans, real estate holdings and investments in business entities.

The Act establishes a complex, decentralized system of managing this disclosure in which each state and local government agency is required to adopt and implement a separate conflict of interest code. Each agency must review its Conflict of Interest Code biennially by October of even-numbered years. The Code revision must include a list of “Designated Employees” who are officers, employees, members of advisory committees, commissions and boards and consultants who, by their position, may “make or participate in the making of a governmental decision”.

Each required filer must file a Form 700, under penalty of perjury (Political Reform Act Section 81004). Once filed, the form is a public document and must be made available to the public upon request. Public officials are not required to list their home addresses or home telephone numbers on the form.

The Form 700 alerts public officials about their own economic interests and potential areas of conflict in relation to their duties, and provide information to members of the public who may monitor official actions for any conflicts. The FPPC and individual agencies have the authority to levy penalties when a Statement of Economic Interest is not filed on time. The FPPC also has the authority to levy administrative fines up to \$5,000 per violation of the Political Reform Act or seek civil penalties in the courts. **The filing deadline is April 1 of each year.**

The Planning Commission, Recreation and Parks Commission and Community Pride Committee members are required by the Political Reform Act, Section 87200, and the City of Placerville's Conflict of Interest Code to file a Statement of Economic Interest, Form 700, upon assuming office, annually thereafter, and a Leaving Office Statement upon the end of their term. Other City committees and boards are not subject to these regulations at this time. The City Clerk as the Filing Official/Officer for the Fair Political Practices Commission (FPPC) will notify each required filer of their filing requirement annually.

ETHICS TRAINING (ASSEMBLY BILL (AB) 1234

Committee members shall adhere to the City's Code of Ethics (**see Appendix B**). Council conduct with Committees is outlined in the Code Ethics as follows: "Because of the value of independent boards and commissions to the public decision-making process, members of the City Council shall refrain from using their position to duly influence the deliberations or outcomes of board and commission proceedings" (Code of Ethics, Item #18).

Members of appointed Committees, Commissions and Boards shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his or her public service every two years. New members must receive this training within their first year of service. The City will use an ethics training course that has been approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep ethics training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act. All non-compliant committee/commission/board members who do not provide a proof of participation certificate to the City Clerk by the prescribed deadline shall be subject to removal by the City Council from the committee/commission/board and their seat shall be declared vacant.

SECTION : COMMUNICATION WITH THE CITY COUNCIL/INVOLVMENT IN ADMINISTRATIVE MATTERS

COMMUNICATION WITH THE CITY COUNCIL

Good communication between advisory bodies and the entire Council is critical to a shared understanding of goals and direction for the City. To avoid possible compromising situations, the invitation to individual committee, commission and board members to address the Council on matters relating to their official capacity rests solely with the City Council. It should be emphasized, additionally, that when a member who is present at a Council meeting is asked to address the Council on a matter, the member should represent the viewpoint of the particular committee, commission or board as a whole (not a personal opinion), unless a proper qualification is made. Public statements should not include promises that may be construed to be binding on the committee, commission or board, the City Council or staff. When making a public

statement, members of advisory bodies should always indicate that the committee, commission or board actions are recommendations only, and that the final action must always be taken by the City Council.

COMMUNICATION AND INTERACTION WITHIN COMMITTEES, COMMISSIONS AND BOARDS

Each member should work to establish a good relationship with fellow advisory body members. The success or failure of committee efforts may be dependent upon the degree of cooperation evident among the individual members of the body. Each member should keep in mind these important points:

- ♦ Show respect for another's viewpoint
- ♦ Allow others adequate time to fully present their views before making comments
- ♦ Be open and honest
- ♦ Make new members welcome and help them become acquainted with their duties
- ♦ Strive to minimize political action among members

INVOLVEMENT IN ADMINISTRATIVE MATTERS – REQUEST FOR STAFF ASSISTANCE

Committee, commission and board members should not become involved in the administrative or operational matters of City departments unless specifically provided for in their prescribed powers and duties. A committee member may not direct staff to initiate major programs, conduct large studies, or establish department policy without the approval of the City Council. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies, program reviews and other services of a general staff nature. Committees, commissions or boards may not establish department work programs or determine department program priorities unless specifically authorized in their prescribed powers and duties. The responsibility for setting policy and allocating City resources properly rests with the City's duly elected representatives, the City Council, and cannot be delegated to an outside group, however capable and interested it might be. All requests for staff assistance on new projects or policy development from committee, commission and board members must be made through the City Manager who is responsible for the assignment of work to all departments. It is his/her responsibility to keep the City Council informed of all such requests and to insure that there is sufficient staff time available to work on such requests.

The Council may consider joint study sessions with committees as warranted. The Council shall encourage members of the public to submit issues and/or concerns to the appropriate committee prior to the Council considering the matter.

Committee members with questions or concerns about committee administrative matters are to first contact the staff liaison for resolution. Only when this process does not result in satisfactory resolution are they to so inform the City Manager.

Appendix A

The City of Placerville, like most agencies throughout the United States, follows the basic tenets of Robert's Rules of Order, Newly Revised (RRONR) in the conduction of meetings. RRONR provide a useful set of rules of conduct of meetings. The goal of the Rules is to permit each member of the body an opportunity to be heard and to provide an orderly process for decision-making. A brief description of the parliamentary process used by RRONR follows:

A MOTION is a proposal that the body take a certain or "go on the record" as having taken a certain stand on an issue. Motions need to be concise and should be state positively (e.g. "I move to deny That I move to not approve...) the motion needn't contain its rationale. Sometimes makers of motions give their reasons for the proposal as if it were part of the motion. The integration of debate into the motion tends to confuse the proceedings.

Once a motion is made, it must be SECONDED. If it is not seconded, it dies without any debate. If seconded, the motion may be DEBATED, unless there is no debate or it is a type of motion, which is not subject to debate. Finally, following debate, (if any), the motion is subjected to a VOTE.

A motion must in ORDER for the body to entertain it. That means that the motion must relate to the business at hand and be presented at the appropriate time.

In addition, the practice of "friendly amendments", which are offered to the maker of the motion, and which, if accepted by the maker and the seconder, effectively amend the motion without the formality of a separate motion.

The most important element in the RRONR may be that everyone know and understand the rules in advance. After all, rules of procedure are intended to facilitate, not complicate, the transaction of business.

The table below is meant for easy reference. The first nine motions set forth below are in their order of precedence. They are enumerated for easy identification. The remaining motions have no precedence and are taken in the order they are offered. The table also addresses these five basic questions for each motion: (1) may one interrupt the speaker to make a motion? (2) does the motion require a second? (3) is the motion subject to debate? (4) is the motion subject to amendment? And (5) what vote is required for the motion to pass.

Roberts Rules of Order – Motions in Order of Precedence

OBJECTIVE	MOTION	Interrupt?	2 nd ?	Debate?	Amend?	Vote?
1. Adjourn meeting	I move to adjourn.....	No	Yes	No	No	Majority
2. Call a recess	I move that we recess for.....	No	Yes	No	Yes	Majority
3. Complain about noise, heat.....	Point of personal privilege	Yes	No	No	No	None
4. Suspend consideration of an item	I move to table the motion	No	Yes	No	No	Majority
5. End debate & amendments	I move the previous question	No	Yes	No	No	2/3rds
6. Postpone discussion for a certain time	I move to continue the item to (meeting date)	No	Yes	Yes	Yes	Majority
7. Refer to staff or committee for review or report	I move to refer the matter to...	No	Yes	Yes	Yes	Majority
8. Amend a motion	I move to amend the motion by...	No	Yes	Yes, if subject to	Yes	Majority
9. Introduce business	I move that	No	Yes	Yes	Yes	Majority
10. Protest breach of procedure	Point of order	Yes	No	No	No	None
11. Overrule the chair	I appeal from the chair's decision	Yes	Yes	Yes	No	Majority
12. Suspend rules	I move to suspend the rules so that....	No	Yes	No	No	2/3rds
13. Request for information	Point of information	Yes	No	No	No	None
14. Reconsider a hasty action (must be made by one who voted on the prevailing side at the same meeting or adjourned meeting)	I move to reconsider the vote on...	Yes	Yes	Yes, if subject to	No	Majority

Appendix B

CITY OF PLACERVILLE CODE OF ETHICS

Adopted by City Council action on May 13, 1997

Declaration of Policy and Purpose

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people, that government decisions and policy be made in the proper channels of government structure, that public offices not be used for personal gain, and that the public have confidence in the integrity of its government.

In recognition of these goals, this Code of Ethics for the City of Placerville is hereby established for all officials, elected, appointed or employed, paid or unpaid, who shall be referred to hereinafter throughout as “officials.”

The purpose of this Code is to establish ethical standards of conduct for all such persons by setting forth those acts or actions that are incompatible with the best public interest or with the best interests of the City, and to direct the disclosure by such officials of private, financial and/or other interests affecting the City.

While not all conduct will fit neatly under a Code of Ethics, officials must have a standard of conduct that avoids even the appearance of impropriety. It is not the purpose of this Code, however, to establish unattainable standards of behavior.

The provisions and purposes of this Code of Ethics and such Rules and Regulations as may be established, are hereby declared to be in the best interests of the City, and are for the protection of the public welfare of its citizens.

1. *Confidential Information – Disclosure Prohibited*

Disclosure of confidential information by any City official is prohibited. Officials must respect and protect information that they have access to by virtue of their position and office. No official shall be a party to illegal or improper activity associated with access to confidential information. No official shall use confidential information to advance their personal, financial, or other private interest.

2. *Incompatible Activity*

No official shall engage in any business or have a financial interest which is in conflict with the proper discharge of their official duties. Officials are also subject to Government Code Sections 1090, 1126, and 87100.

In order to assure their independence and impartiality on behalf of the common good, officials shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal friendship which may give the appearance of a conflict of interest.

3. *Gifts and Gratuities*

Officials shall not accept money or other consideration or favors from anyone other than the City, for the performance of an act which they would be required or expected to perform in the regular course of their duties.

Officials shall not accept any gifts, gratuities, or favors of any kind which might reasonably be interpreted as an attempt to influence their action or actions with respect to City business, or as a reward for performance of a service rendered in the course of their official duties.

Officials shall not accept any fee, compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.

4. *Favored Treatment*

No official shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person in similar circumstance.

5. *Influence Decision*

Staff is directed to reject any attempts by individual members of the Council to unduly influence or otherwise pressure them into making, changing or suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff shall report such attempts to influence them, in confidence, to the City Manager, who may inform the Council as a whole of such attempts. Staff is to be protected from undue influence and pressure, and must be allowed to execute priorities given by the City Manager, department heads and Council, as a whole, without fear of reprisal.

The City Manager shall establish a procedure by which the Councilmembers can direct complaints, suggestions and information, directly and quickly, to department personnel. It is important that problems be handled promptly through the City Manager's office for the satisfaction of the Councilmember and their constituents.

If a Councilmember wishes to influence the actions, decisions, recommendations, work loads, work schedules and priorities of the staff, that member must prevail upon the Council as a whole to do so as a matter of Council policy. Individual Councilmembers are not entitled to staff cooperation for personal benefit.

Individual Councilmembers, as well as the Council as a whole, shall be permitted complete freedom of access to any information request of staff, and shall receive the full cooperation and candor of staff in being provided with any requested information.

It is the duty of every official to discourage any inappropriate contact or encroachment on one's official duties by others seeking to influence a decision.

6. *Uphold Laws*

All officials must uphold and adhere to all federal, state and local laws, ordinances and regulations, and never be a party to their evasion.

7. *Diligent Work and Effort*

All officials shall conduct and perform duties and responsibilities diligently and promptly, giving a full day's work for a full day's pay.

8. *Be Efficient and Economical*

All officials should, on a continuous basis, seek to find ways to do their jobs more efficiently and economically.

9. *Expose Corruption*

It is the duty of every official to expose corruption wherever discovered.

10. *Public Office Held as Public Trust*

All officials of the City shall uphold the principles of this Code, mindful that public office is a public trust and that local government exists to serve the needs of all the citizens of the City.

11. *Private Use of Government Resources Prohibited*

The following rules govern the personal use by officials of City-owned equipment, other than motor vehicles.

- a. No City equipment will be used by an official in his or her private business.
- b. No City equipment will be removed from City premises where it is normally kept, for an official's personal use, unless such equipment is available to the general public.
- c. With permission of their supervisor, officials may use City equipment occasionally for personal tasks, as long as these tasks are performed on the official's own time, and the equipment is not removed from the premises where it is normally kept.
- d. Officials will be responsible for any damage to the City equipment occurring during their personal use thereof.
- e. Officials will reimburse the City for any supplies consumed in their personal use of City equipment.
- f. The City's letterhead will not be used for personal correspondence or for personal business correspondence.
- g. Individual departments may establish more strict rules governing the use of specific types of equipment.

12. *Honest and Integrity in Public Duties*

Officials shall dedicate themselves to the highest ideals of honor and integrity, and conduct official duties in a professional and caring manner.

13. *Communication on Issues by City Officials Using City Title and/or City Letterhead*

Any communication by a City official to the public, to other governmental agencies, to private organizations, and/or to the press, which states or implies that the communication represents the City's position on an issue, and/or which uses City stationery, shall be permissible: (1) if the communication accurately represents the City Council's approved policy; (2) the City Council has approved the communication; and (3) if the communication does not include the City official's personal position on the issue.

It is permissible for City official to use City stationery for City-related ceremonial letters, correspondence to City constituents, and when requesting information relating to issues affecting the City, and to use their title when doing so.

City officials, as private individuals, can communicate to any party their personal position on any issue, but shall not use City stationery when doing so, and shall state that they are expressing their personal opinion, and not City policy, if they use their City title.

"City official" includes all persons appointed by the City Council to advisory boards, commissions, committees and all City staff.

14. *Protection from Reprisal*

No official shall use or threaten to use their official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the City Council or other appropriate agency, office or department, any information which, if true, would constitute a work-related violation of any law or regulation. Such violations could include waste of City funds, abuse of authority, a specified or substantial danger to public health or safety due to an act of an official, use of a City office, position or resource, for personal gain, or a conflict of interest for an official.

15. *Positive Work Environment*

Officials shall support the maintenance of a positive and constructive work place environment for City officials and for citizens, and businesses dealing with the City.

16. *Representing Private Interest Before City Agencies*

Officials shall not appear on behalf of private interest before any council, commission or department of the City. They shall not represent private interests in any action or proceedings against the interests of the City in any litigation to which the City is a party.

Officials may appear before City departments and commissions or the City Council, on behalf of constituents in the course of their duties as representatives of the electorate, or in the performance of public or civic obligations. However, no retainers or compensation contingent upon a specific action by the City can be accepted. This section cannot be construed as prohibiting the appearance of any official when subpoenaed as a witness by parties which might also involve the City, or the appearance for support of an official's own interest or that of an official's spouse or children.

Actions which may be lawful, but the appearance of impropriety, should be avoided.

17. *Lobbying*

During City service, or for one (1) year after leaving City service, no official shall attempt to lobby or influence any current official on matters spending before the City. This rule shall be strictly enforced against both persons, the lobbyist and the person contacted. (For this paragraph, a "lobbyist" is defined as a person paid to try to influence legislation.)

18. *Independence of Boards and Commissions*

Because of the value of independence of boards and commissions to the public decision-making process, members of the City Council shall refrain from using their position to duly influence the deliberations or outcomes of board and commission proceedings.

19. *Advocacy*

Officials shall represent the official policies or positions of the City Council, board or commission, to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body, or the City of Placerville, nor shall they allow the inference that they do.

20. *Implementation*

As an expression of the standards of conduct for officials expected by the City of Placerville, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for all City Officials. Officials entering office or employment shall sign a statement affirming that they read and understood the City of Placerville Code of Ethics. In addition, this Code of Ethics shall be annually reviewed by the City Council, and the City Council shall consider recommendation from boards and commissions, and updated as necessary. J