

City Council Protocols

For the Conduct of Public Meetings
and Standards of Conduct



City of Hemet

Adopted December 10, 2024

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PREAMBLE

The City Council for the City of Hemet (“City”) affirms its commitment to ensuring that all residents, businesses, and staff of the City are served by a fair, transparent, ethical, efficient and accountable local government. City officials are entrusted with the responsibility of continually earning the public’s confidence through their actions and decisions. Accordingly, the City Council pledges to hold each of its Members responsible for observing the standards set forth in these Protocols, and to take appropriate action to enforce these Protocols when necessary to safeguard the integrity of City government and maintain the public’s trust in the City.

The City Council Protocols are established to create an effective and collaborative environment for leadership by the City Council. The Protocols may be amended by resolution adopted by a majority vote of the City Council and should be reviewed on a regular basis to ensure the Protocols continue to support the City Council’s mission, effectiveness, and the evolving needs of the City.

1. DEFINED TERMS

“**Brown Act**” means the California Ralph M. Brown Act; Sections 54950 – 54963 of Chapter 9, of Part I of Division 2 of Title 5 of the California Government Code as the Act or any of its sections or subparts may be amended from time to time.

“**City**” means the municipal corporation and general law city incorporated as the City of Hemet, California.

“**Council**” means the City Council of the City of Hemet, acting through a majority of its Membership.

“**Development Project**” means those projects seeking or requiring a Development Agreement, Density Bonus, Subdivision Tract Map, or a Conditional Use Permit for a sensitive use (i.e. adult business, massage parlor, etc.), or an industrial or commercial use.

“**FPPC**” means the Fair Political Practices Commission (FPPC) established pursuant to Government Code Section 83100 *et seq.*

“**FPPC Regulations**” mean the rules and regulations promulgated by the FPPC to implement the Political Reform Act: Sections 18109—18997 of Division 6 of Title 2 of the California Code of Regulations.

“**Members**” mean all Members of the Council collectively.

“**Member**” means each Member of the Council individually.

“**Measure U Citizen Oversight Committee**” means the seven-member committee established to furnish independent advisory review of the expenditure of the tax revenues following the passage of Measure U, a 1.0% 10-year temporary General Transactions and Use Sales Tax, in November 8, 2016, the sunset provision related to Measure U was eliminated with the passage of Measure H on November 8, 2022.

“**Political Reform Act**” means the California Political Reform Act of 1974; Sections 81000 – 91014 of Title 9 of the California Government Code.

“**Serial Meeting**” means a series of communications of any kind, by a majority of Members, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the City Council, as prohibited under Government Code section 59952.2.

2. SETTING A HIGHER STANDARD WITHIN THE EXISTING FRAMEWORK

By adopting these Protocols, the City Council and each of its Members intends to supplement and not to supersede California's existing legal framework applicable to local governments. Similarly, the City Council intends that these Protocols will not merely restate existing legal obligations, but will establish a higher standard of conduct for Members in the governance of the City. Members are referred to **Appendix "A"** (Legal Framework & Resources) for pertinent resources. Members are expected to be familiar with and to seek guidance about the applicability of the legal framework.

3. OPENNESS

Openness or transparency in decision making is of the utmost importance in maintaining ethical, representative local governance. Members shall adhere to the following standards:

3.1 Public Meetings.

Members shall hold public meetings in accordance with the Brown Act. Members shall seek guidance from the City Attorney as to the accepted interpretation of Brown Act requirements and shall apply those provisions broadly in favor of the public's right to participate in public decisions.

3.2 Council Communications and Serial Meetings.

Communications between Members shall be conducted in accordance with the Brown Act. Members shall not engage in "*serial meetings*" with colleagues – a discussion of City issues among a majority of Members either collectively (i.e., all meeting together) or in a sequence (A talks to B who talks to C). Members shall knowingly not use other persons as intermediaries to accomplish a serial meeting or to circumvent the Brown Act.

3.3 Closed Session Discussions.

It is the intent of the City Council to limit the number of items held for Closed Session to provide for greater transparency to the public. As part of a properly agendaized meeting, Members may only hold sessions closed to the public, at advisement of the City Attorney, in accordance with the commonly accepted interpretation of Brown Act requirements. Discussions held in closed session are to be directly limited to the matter at hand. Such discussions, along with materials reviewed, are **confidential** and **shall not be disclosed** except as the City Attorney may advise or as the City Council may otherwise direct.

4. FAIRNESS OF PROCESS

Members shall comply with the meeting and hearing procedures set forth by Council Ordinance or Resolution. Additionally, in order to cultivate an environment of fairness and to encourage public confidence in City decisions, Members shall adhere to the following standards of conduct:

4.1 Decisions on the Merits.

Members shall base their decisions on the facts and merits of each matter, not upon personal or other biases, and shall strive to make decisions that are in the best interests of the community as a whole.

4.2 Meetings with Applicants and Interested Persons.

Except as provided below, a Member may meet and/or communicate with any person interested in a Development Project at any time before or after the filing of an application for the Development Project. All meetings and communications must be in compliance with the Brown Act.

After an application for an approval or permit has been filed with the City relating to the Development Project, Members shall only meet and communicate with the project applicant and/or owners (including their agents, representatives and contractors) with regard to the Development Project as part of a noticed and agendaized Council meeting, as may otherwise be directed by Council (e.g., at an ad hoc Committee meeting), or in the presence of the City Manager or his/her designee which will require disclosure should the project be discussed at a future City Council meeting.

4.3 Disclose Meetings, Site Visits, and Independent Research.

Prior to any Council deliberations regarding a Development Project at a noticed Council meeting, Members shall publicly disclose information about the Development Project that they have obtained from sources other than those presented in the staff report. For example, Members should disclose meetings with the project owner, property owner and/or applicant, the Members own site visit, communications received from members of the public, or interested parties concerning the project. Disclosure is required to provide for transparent decision making, and to share information with the other Members and the public that may influence their decision or that of Members.

4.4 Decorum & Debate.

To ensure the fairness and integrity of the deliberative process, the presiding officer shall preserve decorum and conduct meetings in an orderly manner consistent with Council Resolution 4545, attached hereto as **Appendix "G"** as it may be amended, or repealed and replaced, from time to time.

Members are encouraged to ask probing questions, engage in debate, and challenge assertions where necessary in making decisions. However, Members agree to conduct themselves in a manner that is civil, polite and respectful, exhibiting courtesy and respect to their fellow Members and the public. Members shall refrain from unnecessarily interrupting speakers and shall not engage in abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City staff and/or the public.

4.5 Parliamentary Procedure: Rosenberg’s Rules of Order.

Except as may otherwise be adopted by Council or as may otherwise be provided by applicable provisions of state law or federal law or the State or Federal Constitutions, the conduct of Council meetings shall be governed by the system of parliamentary procedures set forth in the latest revised edition of Rosenberg’s Rules of Order. Irregularities or mistakes in the application or practice of such order or parliamentary procedures in general shall not invalidate an otherwise legal decision or action of the Council. Members are referred to Rosenberg’s Rules appended hereto as **Appendix “C”** for reference.

4.6 Quasi-Judicial Hearings.

Except as may otherwise be adopted by Council or as may otherwise be provided by applicable provisions of state law or federal law or the State or Federal Constitutions, the conduct of quasi-judicial hearings shall be governed by the rules set forth in **Appendix “E”** attached hereto.

4.7 Attentiveness at Meetings.

Members shall remain attentive to the business at hand at Council and Committee meetings. Members shall not communicate via phone calls, text messages or e-mails from the dais regarding any matter that is currently being considered by the Council. Members shall place cell-phones and other communication devices in “off” or “silent” mode unless being used to review the agenda, staff reports or other pertinent information. Members shall refrain from side-bar conversations with other Members while at the dais.

5. AGENDA PREPARATION & PLACING ITEMS ON THE AGENDA

5.1 Preparing the Agenda.

The Brown Act requires that no action may be taken by Council outside of a properly noticed and agendized public meeting. The City shall adhere to the requirements of the Brown Act in noticing meetings and in preparing, posting and providing agendas for Council meetings. Prior to agenda posting, a draft agenda shall be prepared by the City Manager and City Clerk in consultation with the City Attorney and the City’s Department Heads.

5.2 Agency Items – Placement by City Manager.

Subject to the authority reserved to the Council in 5.4, below, the Council authorizes the City Manager to prepare and place such items on the agenda for each Council meeting, whether regular, special or emergency, as the City Manager reasonably determines to be necessary for the orderly management and operation of the City. The City Manager shall also have authority to remove items from the agenda or to reschedule items to subsequent Council meetings. The City Manager shall place such items on the agenda as may be requested by the City Attorney from time to time.

5.3 Agenda Items – Placement by Mayor.

Subject to the authority reserved to Council in Section 5.4 below and the authority of the City Council as a whole to control its agenda, the Council authorizes the Mayor to place such items on the agenda for each Council meeting, whether regular, special, or emergency, as the Mayor reasonably determines to be necessary for consideration by Council. The Mayor shall consult with the City Manager in advance of the agenda publication deadline regarding such items to ensure they are ready for Council discussion, do not unduly interfere with other City Council business, and that Brown Act requirements may be met.

5.4 Agenda Items – Placement by Council.

Future Agenda Items. The agenda for each regular Council meeting shall designate a place for Council to identify “future agenda items” which the Council, by the affirmative vote of a majority of its Membership, may direct the City Manager to place on the agenda of a future Council meeting, and shall specify the relative priority of the item along with date or time frame within which the item shall return to Council for study, discussion, or action. The items must be items of City Business or other items relevant to the City including without limitation informational presentations or ceremonial items.

5.4.1 Further Work on Existing Item.

The Council may by the affirmative vote of a majority of its Membership, direct the City Manager to place items related to or in furtherance of an existing agenda item on a future agenda of the City Council to study, discuss, or act.

5.5 Agenda Items – Placement by Council Committee.

Where a Council Committee (whether standing or ad hoc) has been established as provided for in these Protocols, the Council Committee, is authorized to direct the City Manager to submit an update, report, and/or recommendation of the Council Committee, directly related to its subject jurisdiction on an upcoming agenda of the Council either as an update report, a study item or an item for

discussion and action.

5.6 Agenda Items – Placement by Individual Members.

Individual Members may not direct the City Manager to place an item on a future Council meeting agenda. Individual Members may consult with and recommend to the City Manager items of City Business that they desire to be included on an agenda. However, Members are encouraged to utilize the process identified in Section 5.4 to place matters on a Council agenda.

5.7 Consultation Regarding the Draft and Posted Agendas.

Each Member is encouraged to schedule time with the City Manager to review the draft agenda for an upcoming meeting for the purpose of preparing for the meeting and having an opportunity to ask questions and obtain desired facts in advance of the meeting or to have such available at the meeting. Members are encouraged to identify to the City Manager and/or City Attorney any questions or additional information they desire related to any item on the posted agenda as soon as possible before the holding of a regular or special meeting, so as to provide the City Manager or City Attorney sufficient time to adequately address the question or request.

5.8 Matters Not Appearing on the Agenda.

No action or discussion shall take place on any item not appearing on the agenda for a regular meeting as posted, unless it falls under a noted exception within the Brown Act (i.e., item of subsequent need or emergency item). However, where an item has been raised by a member of the public during the public comment period, a Member may ask the speaker for additional information or for contact information. The Member may also inquire of the City Manager about the topic, or the Council may direct the City Manager to review the matter and report back at a subsequent meeting or to have the appropriate Department Head follow up with the speaker.

6. COUNCIL COMMITTEES

6.1 Purpose.

From time to time, the Council will find it desirable to create a Committee of the Council consisting of two of its Members. These Committees are typically formed to study, investigate, and make recommendations to the full Council regarding specific topics. In some instances these are standing Committees subject to the agenda and open meeting requirements of the Brown Act and in other instances these are ad hoc Committees that are not open to the public. In order for the Committees to serve effectively, it is necessary to establish certain policies for the conduct of City business by Committees.

6.1.1 Appointment.

Council Committees shall be appointed by the Council. Committee Members shall be promptly notified of their selection and the scope of the Committee assignment. The Council shall designate the term of the Committee and identify whether it is a standing appointment (on-going) or a short-term (ad hoc) assignment.

a) Standing Committee

Standing Committee is a Committee that has a continuing subject matter jurisdiction or has a meeting schedule that is fixed by the Council and must comply with the same agenda and meeting requirements as does a full meeting of the Council. Standing Committees may include staff members or members of the public as Members of the Committee.

b) Ad Hoc Committee.

Ad Hoc Committee is a Committee that has a specific purpose and limited duration, does not have a continuing subject matter jurisdiction, and does not have a meeting schedule that is fixed by the Council. Ad Hoc Committees may only include two Members as Members, but may request that the City Manager provide certain staff members to assist the Committee.

c) Committee Meetings.

Council Committee meetings shall be scheduled at times which allow for each Member to attend. Each Member should make an effort to accommodate the Committee meeting schedule. The schedule of Committee meetings shall be promptly communicated to each Committee Member.

d) Communications.

Committee Members are obligated to keep the full Council well informed of the Committees' meetings and work and may report to the full Council at least once per month either by written or oral report offered at a regular Council meeting.

6.2 Committee Recommendations.

Generally, Committee Members should reach agreement on findings and recommendations to present to the City Council. When the opinions of Committee Members are divergent, each Member may submit his/her findings and recommendations separately to the City Council. Although written minutes of each

Committee meeting are not required, Committee findings and recommendations should be presented to the City Council in a written document.

6.3 Staffing.

A Committee may request the City Manager assign staff to Committees for the purposes of administrative services, to attend Committee meetings, and to assist with Committee presentations to the City Council, as staff are available for such tasks. Committees are encouraged to provide the City Manager with sufficient notice to allow for staff to prepare and attend any requested meetings.

7. APPOINTMENTS

7.1 Appointments by Mayor to Other Public Agencies.

The Mayor shall at least annually or as more often as is reasonably necessary, appoint Members to positions (including alternates) with other governmental entities (e.g., Hemet / San Jacinto Water Master; Riverside Transit Agency; WRCOG, RCTC, etc.), and other public oriented organizations on which the City is entitled to positions (e.g., voting delegates at the League of California Cities). In making these appointments, the Mayor shall be mindful of the best interests of the City, of creating a fair distribution of assignments among the Members, and any specific knowledge or interest expressed by Members as may be appropriate under the Brown Act.

7.2 Appointments by Council to City Commissions.

Except for those committees, boards, and commissions (collectively referred to herein as "City Commissions") that have an alternative procedure, such as the Measure U Oversight Committee, which is governed by the terms of Measure U adopted by the voters of Hemet and Section 7.3 below, all appointments to City Commissions shall be through the following process:

Each Commission seat shall be assigned a number 1 through 5 each corresponding to a separate Member's District.

When a Commission seat becomes vacant, or in advance of the current term of an appointee expiring, the City Clerk shall provide notice to the public soliciting for interested persons to submit completed applications to the City Clerk. The City Clerk may group several vacant or expiring seats in one public notice.

The above does not prohibit a Member whose Commission appointee seat(s) become vacant or are expiring, from directly communicating with potential applicants within their District or the City at-large (or sphere of influence where allowed by City Ordinance) and encouraging them to submit an application for their open seat(s).

All applications for a particular Commission seat, received by the City Clerk on or prior to the submittal deadline, shall be provided to the relevant Member for review and consideration.

Within the time specified by the City Clerk, the Member may conduct any interview or meeting process determined best in their own judgment. The Member is encouraged to contact the City Department Head assigned to the Commission to discuss the specific knowledge, skills, experience or other traits, that may be helpful in serving on the Commission. The Member shall then nominate and submit the name of one person per Commission seat assigned to them for ratification by the City Council. No Commissioner may be seated without their appointment first being ratified by a majority of the members of the City Council voting at a duly noticed regular City Council meeting. Notwithstanding the expiration of a term, any person appointed to a Commission shall continue to serve until a successor is appointed or the seat is otherwise vacated.

7.3 Measure U Citizen Oversight Committee.

7.3.1 Qualifications. The Measure U Citizen Oversight Committee (“Committee”) is composed of seven members. All members of the Committee must be either:

- a) a resident of the City of Hemet;
- b) a resident of the City of Hemet’s Sphere of Influence; or
- c) own a business having its primary offices located within the City of Hemet.

7.3.2 Applications.

- a) On or about the first regular meeting of December of each even-numbered year, the City Council shall set a future meeting date for interviews and consideration for appointment to the Committee.
- b) The City Clerk shall thereafter post a public notice soliciting applications to the Committee with the deadline for returning applications set at least thirty days prior to the date set by the City Council for interviews. All applicants for appointment or reappointment must fill out a City of Hemet Measure U Citizen Oversight Committee application as approved by the City Council. The City Clerk shall transmit the applications to the members of the City Council at least fourteen days prior to the date set by the City Council for interviews and consideration of appointment to the Committee.

7.3.3 Appointment.

- a)** On the day and time set by the City Council for interviews and consideration of appointment to the Committee, the City Council shall interview each applicant. Each Member shall then rank the applicants in order of preference.
- b)** The top-ranked applicant for each Member shall be deemed nominated to the Committee. In the event two or more Members have the same applicant as their top-ranked applicant, then either Council Member may elect to nominate their second ranked applicant, if not already nominated.
- c)** The City Clerk shall then tally the remaining applicants, and the applicants receiving the highest ranks who were not nominated in the manner described above shall be deemed nominated to the Committee until there are seven nominations.
- d)** The City Clerk shall then verify that the seven nominations contain a sufficient number of residents of the City of Hemet (a minimum of four). If a sufficient number of residents have been nominated, the City Clerk shall read the names of the seven nominees to the Committee and the City Council shall vote whether to approve the nominations to the Committee.
- e)** If there are fewer than four residents nominated to the Committee through the process described above, or in the event that the City Council does not approve any of the applicants nominated in the process described above, the City Council may receive nominations from Members and vote upon such nominations until seven applicants have been appointed to the Committee.
- f)** The foregoing shall not be construed to limit the authority of the City Council to appoint any qualified person to the Committee or require the appointment of any person. The purpose of this section is only to describe the process by which nominations to the Committee will be considered by the City Council.

7.4 City Council Vacancies.

Consistent with state law, the preference of the City Council is to fill any vacancy that may occur on the City Council by appointment rather than incur the costs of calling a special election. Therefore, to ensure that the City Council has adequate time to receive and consider applications for appointment, the following actions shall be taken in the event a vacancy occurs on the City Council:

- 7.4.1** The City Clerk shall immediately notify the remaining members of the City Council of any vacancy that occurs.
- 7.4.2** The City Clerk shall publish a Notice of City Council Vacancy in a newspaper of general circulation for the City of Hemet stating that the City Council is seeking applications for appointment to fill a vacancy on the City Council. The notice shall state the length of the term to be filled, the deadline by which applications must be received, and the date by which an appointment must be made. Applications will only be considered from applicants who meet the residency and voter registration requirements of the Hemet Municipal Code for the district in which the vacancy exists. The deadline for receiving applications shall be no later than thirty (30) days after the vacancy occurs.
- 7.4.3** The application may request the applicant provide such information as the City Council may desire, and amend from time to time, but shall include the applicant's name, age, primary residence address for the previous thirty (30) days, whether applicant is a registered voter, and a certification from the applicant that all information contained in the application is true and correct.
- 7.4.4** Following the application deadline, the Mayor may call a special meeting of the City Council for consideration of appointing any applicant the City Council determines qualified to fill the vacancy, otherwise the City Clerk shall place the matter on the next regular City Council meeting agenda. If an applicant is appointed by the City Council, the applicant shall immediately take the oath of office and subsequently assume the duties as prescribed.

8. CITY COUNCIL INTERACTION AND COMMUNICATION

Teamwork has been defined as an organization functioning effectively as a group. Here are a few methods by which city councils can become effective teams.

8.1 Courtesy.

Members treat each other with the respect and courtesy that is their duty as

residents and public officials.

8.2 Collaboration.

Each Member has the responsibility to initiate action to resolve problems cooperatively and as soon as possible, either directly with other Members or with the City Manager.

8.3 Civility.

The Council maintains a respectful decorum, and avoids personal attacks during public meetings, in the press, or at any other time. Legitimate dissent or opposition to another Member's voting record or positions on issues are within the bounds of appropriate political discourse.

8.4 Perception.

Members should be sensitive to the negative impact that inappropriate conduct has on the public perception of the City. Members should be mindful of the fact that they are representatives of the City in all their public activities.

8.5 Adaptable.

Members are flexible and cooperative in filling in for one another at meetings or important functions.

8.6 Transparent.

Members do not engage in private discussions in violation of the Brown Act. A Member who feels that a conversation is potentially a violation should express their concern and immediately withdraw from the conversation. Members are expected to honor such concerns and immediately cease the conversation even if they do not agree that the Brown Act applies in that particular instance.

8.7 Practice Tolerance.

Personal attacks are always off-limits. Members start with the assumption that other members have the best interests of the City at heart, even if they disagree with their positions.

8.8 Public Relations.

If a Member takes a position in the media, or at any public hearing, critical of a decision, or critical of fellow Members or members' positions on issues, such public comments should stick to the issues under contention and never involve personal attacks. Members shall be mindful when representing views or making comments and, if they do not reflect the majority of the Council, must claim the comments as their own personal opinion. Positions set forth in writing on City letterhead should clearly indicate if the position stated is one officially voted on by the City Council, or

if it only represents the position of the individual Member.

8.9 Liability.

Members should avoid expressions, comments, or opinions of city fault, responsibility, or liability in any matters involving property damage, personal injury, or alleged breach of contract or alleged violation of law.

8.10 Unity.

These Protocols do not, by themselves, carry the weight of law. Members are expected to abide by them out of a desire to have a well-run City that treats its residents respectfully and with dignity. A governing body that strives to be fair, informed, honest, diligent, dignified, efficient and respectful of others will win the respect and trust of its residents.

8.11 Extenuating Circumstances.

If any Member feels that a Protocol is being violated, it is appropriate for that member to discuss it individually with the Member. If the City Manager or staff are involved, it is appropriate to discuss it with the City Manager. If this does not resolve the situation, it is appropriate, as a last resort, to bring up the matter within the future agenda Item period of a public meeting and ask for the issue to be put on a future agenda.

8.12 Influence.

A principal purpose of the Protocols is to establish or uphold procedures and behavior that win the trust of the public by promoting efficient, productive and civil interaction between Members.

8.13 Originator.

A Member who originates an idea or program shall continue to be identified as the originator even if the idea or program is pursued by another Member or City official. Members may request, through the City Clerk, certificates or other awards recognizing special events, organizations or individuals of importance to the City. All such requests must be approved by the Mayor, who should ask staff to vet the organization, if necessary. Such certificates or awards are normally to include the name and/or signature of all Members.

8.14 Disclose.

Members who request the use of City staff or resources for programs or events shall provide prior notice of these programs or events to all other Members.

9. CITY COUNCIL INTERACTION AND COMMUNICATION WITH STAFF

9.1 Effectiveness.

The Council and City Manager work together as a solution-oriented team.

9.2 City Manager Communication.

Members feel free to communicate with the City Manager about any City issues, including resident concerns. However, Members are also mindful of the City Manager's busy schedule and competing requests for access.

Complaints or concerns about any City departments or staff are first taken up with the City Manager. It is not appropriate, in any situation, to publicly critique, ridicule, or complain about other staff to any staff person other than the City Manager Executive Staff Communication.

Members may routinely ask Department Heads for information relative to their department. However, inquiries that require extensive research, or reports that may occupy more than cursory staff time should first be discussed with the City Manager, and may require action or approval by the entire Council.

9.3 Chain of Command.

Department Heads report to the City Manager. Members do not insert themselves into or interfere with that chain of command.

9.4 Notify.

The Council should expect to be fully and promptly informed by the City Manager or his designee regarding any unusual activities or events of public concern.

9.5 Business Professional Conduct.

Members keep a friendly, professional relationship with staff members, but avoid getting involved with personal matters, operational matters, work assignments or projects with any staff other than the City Manager.

9.6 Judicious.

It is staff's role to provide factual, objective, and unbiased information to the Council and the public in its reports. Members do not interfere or attempt to unduly influence the content of reports being prepared by staff. If a Member disagrees with a staff recommendation, he or she is not obligated to vote for it and is likewise free to attempt to convince his or her colleagues on the Council of his or her position.

9.7 Budget Practices.

Members establish action and budget priorities for the City once a year during the annual budget review process.

Changes from the priorities or budget allocations established during the annual budget review process should be pursued only after careful consideration, as they may involve changes in staff work load and appropriations, and because the original priorities were established with the benefit of a public hearing.

Members should bring forward requests for deviations from the established budget priorities only if they involve a degree of urgency that cannot wait until the next budget review.

9.8 City Attorney Communications.

Members may individually ask the City Attorney general questions involving matters related to City business. However, for inquiries that require extensive research, opinions or reports, the City Attorney may refer the matter to the City Manager or action/approval may be required by the City Council.

10. APPOINTED COMMISSIONS, COMMITTEES, AND BOARDS

10.1 Appointment Protocol.

Commission appointments are generally based on the recommendation of one nominee from each Member. The nominations are then subject to approval by the entire Council. The Commissions shall elect a Chair and Vice Chair from among themselves, which positions shall rotate.

10.2 Vision Statement.

The Council is responsible to make its vision for the City clear to all appointed and advisory bodies as policy guidance for those bodies.

10.3 Ethics Standards.

The Council holds Commissions and Boards to the highest standards of ethical and professional conduct in the performance of their appointed duties.

10.4 Altruistic.

Like the City Council, Commissions and Boards work for the benefit of the community and never for personal purposes.

10.5 Authority.

The Council spells out the role, jurisdiction, authority and prerogatives of appointed

bodies.

10.6 Proactive.

Commissions and Boards are expected to make specific recommendations on matters brought before them, and not merely to pass them on to the City Council for final decision.

10.7 Refrain from Dictating.

Members do not dictate the decisions of Commissioners and other board members. Commissioners and Board members come to their own conclusions based on the evidence, the City's Municipal Code, and other governing and visioning documents. Substantial consideration is to be given by Commissioners to the recommendations of staff contained in the agenda reports.

10.8 Liaison Communication.

Commissioners are encouraged to discuss questions or concerns about any agenda items with the Commission's staff liaison prior to Commission meetings in order to be prepared to take action at public meetings. Commissioners are to be mindful of undo consumption of staff time and resources.

10.9 Recording.

Any Commission or Board action should clearly state for the record the specific, so that the Council and the public may have the benefit of its reasoning.

10.10 Re-Appointment Application Process.

a) All persons requesting appointment or re-appointment to a Commission or Board shall make written application to the City Clerk. The City Clerk is to acknowledge receipt of each application by letter to the applicant which includes an explanation of the appointment process. The City Council shall provide an opportunity for applicants to come before the Council and be interviewed before nominations are made.

b) All nominations for appointment to a Commission or Board are to be placed on the Council's public agenda with the applicant's name and a copy of the application (with personal information redacted). All nominees are encouraged to appear before the Council prior to appointment or re-appointment. The City Clerk shall send a letter to all applicants stating the results of the appointment process in which they participated.

11. CORRESPONDENCE AND USE OF CITY LETTERHEAD, SEAL, AND LOGOS

11.1 Mayor is Spokesperson.

When appropriate, the Mayor shall make representations on behalf of the entire Council as provided at a Council meeting, and may sign any letters representing the official position of the City Council.

11.2 Ceremonial Head.

The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.

11.3 Use of City Letterhead, City Seal, & Logos.

Members shall only use City letterhead for the purpose of corresponding as a matter of official City business or matters within the scope of the Member's official duties as a Member. Members shall adhere to the City's ordinance and policies regarding use of the City Seal and Logos.

In addition to the restrictions by City ordinance or policy, Members shall not use City letterhead, City Seal or Logos, or other City resources where doing so would create the appearance of impropriety, including without limitation:

- a) Using public office for personal gain or to promote personal business,
- b) Giving preferential treatment to any person or group,
- c) Pursuing primarily personal interests or purposes,
- d) Impeding governmental responsiveness or efficiency.
- e) Use for Member campaign purposes.

All Member correspondence using City letterhead shall be copied to the City Manager.

11.4 Personal Correspondence.

These communications (including e-mail responses) shall be prepared by and sent at the expense of individual Members. Members may utilize the City's outgoing mail service, however, postage shall be at the Member's expense. Personal correspondence to or from Members do not require listing on the City Council agenda.

11.5 Correspondence Responding to Proposed County, State or Federal Legislation.

The City Council adopts a bi-annual Legislative Platform to guide City

positions on proposed County, State, or Federal legislation. A request to the City to take a position on County, State, or Federal Legislation or regulations from a Member or recognized organization shall be brought to the City Manager who shall review the request and determine if there is policy guidance provided in the Legislative Platform to guide preparation of a letter. If there is not clear policy direction provided by the Platform, the City Manager shall place the proposed position letter or resolution on a Council meeting agenda for consideration. Copies of letters signed on behalf of the City Council with respect to legislative matters will be provided to the City Council.

11.6 City Council Meeting/Agenda Related Correspondence.

If the correspondence relates to an item on a forthcoming City Council meeting agenda, it is provided to the City Clerk for inclusion in the Council packet for that business item and copied to the City Manager and appropriate staff members.

11.7 Urgency Matters.

If the proposed legislation or regulation is considered by the City Manager or Mayor to be extremely beneficial or extremely detrimental to the City's interests, a letter may be prepared immediately for the Mayor's signature, with copies being provided to the whole Council.

This procedure is particularly appropriate if the City's position is similar or identical to a past City position on this matter, consistent with City Council approved legislative policy, and/or is consistent with the position taken by the League of California Cities.

12. USE OF CITY PERSONNEL, EQUIPMENT OR RESOURCES

12.1 Overview.

The City has many complex services, programs and projects being carried out at the direction of the Council. The orderly management and control of these programs and projects are essential to the effective and efficient accomplishments of these efforts. The Council's role is to provide policy direction and the role of the City Manager is to organize and carry out the policies. Effective management and control require Council and professional staff to maintain their respective roles. The following rules and procedures are designed to help assure clear direction and efficiency of City operations.

12.2 Use of City Resources.

State law prohibits the use of City personnel or other public resources for any personal use or personal business and other non-City activity by elected or appointed official of which said use is not directly related to City business. Member

campaign activities are considered personal and not City business.

12.3 City Manager Authorization.

12.3.1 Outside Activities.

The use of City personnel or other resources for outside activities which are directly related to City business, such as Joint Power Authorities (JPAs) or recognized community groups, requested by an individual Member shall be considered by the City Manager and approved at the City Manager's discretion or by the Council as an agenda item at a regular public meeting. Prior to volunteering or encouraging the use of staff for an issue of a Council Committee, ad hoc Committee, neighborhood meeting, regional board, the board of another jurisdiction, or other activity, a Member shall confer with the City Manager, the latter of whom shall determine if it conforms to Council policy or if it is necessary to present the request for staff use to the Council at a City Council meeting.

12.3.2 Requests from Public.

Requests from the public (including governmental entities) for information, whether directly or to Member or City staff, shall be treated as a public records request and handled in accordance with the City's policies and the Public Records Act.

13. COMMUNITY RELATIONS AND POLICIES

13.1 Mayor to Act as Council Ceremonial Representative.

The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the "Mayor Pro Tem," or available Member, assumes this responsibility.

13.2 Honoring Residents and Other Worthy Persons.

It is the policy of the City Council to honor people and organizations who have contributed to the improvement or to the welfare of the City. Recommendations may be made by citizens to an appropriate Commission, Board, or Committee or directly to the City Council. The City Council may request the advice of a Commission, Board or Committee to determine merit. Recognition may also be given to individuals for their personal achievement or for enhancing the image of the City. The accolades could include awards, certificates, resolutions or proclamations. In addition, perpetual plaques or awards can be bestowed on individuals.

13.2.1 Proclamations and Resolutions of Support.

If any person requests a proclamation or resolution of support for any person or organization, the following procedure should be followed:

- a)** Incoming requests for proclamations or resolutions of support shall be coordinated with the City Clerk for approval by the Mayor.
- b)** If a request for a proclamation or resolution is submitted with insufficient content, the requestor should be contacted and advised that a certificate of recognition is more appropriate for the occasion.
- c)** If a request for a certificate of recognition is submitted with insufficient content that requestor should be contacted to provide additional information about the request.
- d)** Certain requests for recognition are considered routine in nature and may be processed by the offices of the City Manager/City Clerk in whatever manner deemed appropriate. Such routine requests include, but are not limited to Student of the Month, New Business Recognitions, Recognition of certain days/weeks/months to coincide with their customary observance (a standing list of which may be approved by the Council and updated as the Council directs) and recognition of significant life events for Hemet residents (e.g., recognition of Centenarians, 50-year anniversaries) and retirements of City staff following significant years of service.
- e)** Ceremonial items presented at Council meetings shall be limited to a maximum of three presentations. Mayor may allow exceptions for additional presentations.
- f)** If a request for a perpetual plaque or award is submitted, or if a request for dedication of a municipal building, room, or facility, is submitted, the request shall be directed to City Council for public hearing consistent with the City's naming policy. If after the public hearing the Planning Commission recommends dedication to the Council, the Council shall hold a public hearing prior to taking action on the dedication request.

13.3 Council Member Participation in Community Activities.

From time to time, Members may choose to participate in non-city organized or sponsored organizations, activities, committees, events, and task forces. When a Member participates in these types of activities, the Member is not acting on behalf of the City Council. Members may identify themselves as Members of the Council, but must indicate that they are acting as an individual Member, rather than representing the Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Member as its representative to the organization or for the activity.

14. ETHICAL DECISION MAKING

Members, the City Treasurer, and their appointed Commission, Committee and Board Members, shall observe and conduct themselves in accordance with the highest standards of ethical conduct in dealing with the community and carrying out their official duties. In every action and decision, Members should ***avoid even the appearance of impropriety*** and are strongly encouraged to apply the guidelines for “Making Ethical Decisions” provided below.

14.1 Avoiding the Appearance of Impropriety.

14.1.1 Making Ethical Decisions.

Members are referred to **Appendix “B”** (Guidelines for Making Ethical Decisions) for the process Members are encouraged to utilize in making City related decisions.

14.1.2 Council Members May Need to Refrain From Participating.

Conflict-of-interest issues are complex and opaque to the public. Some situations are not “legal” conflicts of interest, but may nevertheless pose the “appearance of impropriety” to the public. In such situations, the Member should not participate in the matter.

14.1.3 Smell Test.

Members shall do an ethical “smell check” or “gut check” regarding the matter. What is your conscience telling you?

14.1.4 Assistance.

To assist in making a decision regarding whether to participate, Members should consult the City Attorney or the Fair Political Practices Commission (FPPC) helpline.

14.2 Ethical Principles to Follow.

14.2.1 Be a Good Steward.

Good stewardship of the public's interest must be the Member's primary concern.

14.2.2 The Common Good.

Members shall work for the common good of the citizens and not for any private gain, political advantage or personal interest.

14.2.3 Fairness and Equity.

Members shall work for the common good of the citizens and not for any private gain, political advantage or personal interest.

14.2.4 Impartiality.

Members shall be independent of special interests and impartial in decision making.

14.2.5 Avoid Personal Interests.

Members are prohibited from using their official positions to influence decisions in which they have a personal financial interest, are members of an interested organization, or have a personal relationship that would be affected.

14.2.6 No Personal Gain.

Members shall not take advantage of, or use, public property and equipment, public services, confidential public information, public resources, or other opportunities afforded by their office, for personal gain.

14.2.7 Appearing Before Council.

Members shall not appear before the City Council or other City Board or Commission representing any private interest or community group. Members are permitted to speak as a member of the public on any matter that affects them personally, but may not participate in the matter as a Member.

14.2.8 Gifts.

Members shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, or the appearance that they are independent and unbiased.

14.2.9 Campaign Contributions.

As an integral part of running for an elective office, Members have a right to receive campaign contributions, to the extent and as allowed by law. Members should review and become familiar with the City's local campaign contribution limitation.

14.2.10 Conflict where Campaign Contribution Received.

No Member shall participate in any City decision or action where the Council Member is subject to California Government Code Section 84308 (the Levine Act).

15. EFFICIENCY AND ACCOUNTABILITY

The City of Hemet operates under a Council-Manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its implementation. The City Manager serves as the City's administrative head and is responsible for directing the day-to-day operations of the City and for administering all City business.

15.1 Members Shall Not Interfere with Operations.

No Member of the City Council shall interfere with the execution by the City Manager of his/her powers and duties; nor shall any Member direct the City Manager to appoint or remove any officer or employee of the City. Except for the purpose of inquiry, no Member shall deal with the administrative services of City except by and through the City Manager; nor shall any Member give any order or direction to any subordinate officer or employee of City. This section shall not apply during a period of disaster proclaimed by the Governor or City Council in accordance with California law, when the normal functioning of the City's government is not feasible based on the Circumstances.

15.2 Role Related to Personnel Matters.

Members shall not interfere with the appointment, evaluation, discipline or removal by the City Manager of any Department Head or employee of the City.

15.2.1 Exception – City Attorney.

The City Attorney is hired, appointed, evaluated, and removed directly by the City Council.

15.2.2 Exception – City Manager.

The City Manager is hired, appointed, evaluated and removed directly by the City Council.

15.3 Orders and Direction to Employees.

Only the City Manager may give orders and direction to City employees. Members shall not direct the work or actions of City employees.

15.3.1 Responses.

Responses to Member substantive information inquiries shall be provided to all Members.

15.3.2 Notification.

Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, it should be provided to all Members.

15.4 Staff Liaisons to City Commissions / Committees and Outside Agencies.

Members serving as the City's representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.

15.5 Operations and Service Levels.

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about Staff performance should only be made to the City Manager.

15.6 Political Solicitation and Activities.

Members shall not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members shall not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

16. ENFORCEMENT

16.1 Member Responsibility.

Upon adoption of these Protocols and thereafter upon assuming office,

each elected and appointed official shall sign a statement affirming they read and understood these Protocols. Each elected and appointed official is responsible for adhering to these Protocols, as well as the laws that comprise the basic legal framework for local government discussed in the first part of the Protocols.

16.2 Council Authority.

Only the City Council has the authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

16.2.1 Training and Education.

The City Council shall sponsor periodic training opportunities for elected and appointed officials to become more familiar with the Protocols and the legal framework (See **Appendix "A"**).

16.2.2 Council Members.

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 15.4, a majority of the Members may remove a Member from all Council honorary and/or ceremonial positions and ad-hoc and standing Committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

16.3 Violation of Oath of Office or the Law.

All Members take an oath upon assuming office, pledging to uphold the Constitutions of the State of California and United States of America, laws of the City, and the statutes of the state and the federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law. Constitutional and legal violations do not fall under these enforcement procedures and should rather be investigated and enforced under the appropriate civil or criminal proceedings by the appropriate authorities.

16.4 Violation of Protocols.

16.4.1 Complaint.

Where any person has substantial evidence that a Member has materially violated these Protocols, they may file a written statement with the City Clerk who shall then provide it to the City Council at the next regularly scheduled City Council meeting.

16.4.2 Enforcement.

The City Council shall enforce these Protocols against Members utilizing the procedures outlined in the City of Hemet's Admonition/Censure Policy, attached hereto as **Appendix "F."**

17. FAILURE TO OBSERVE COUNCIL PROTOCOLS

These Protocols are adopted to expedite the transaction of the business of the Council in an orderly fashion and are procedural only and the failure to strictly observe such rules does not affect the jurisdiction of the Council or invalidate action taken at a meeting that is otherwise held in conformity with law. These Protocols shall not be construed as creating any private right of action with any person for their enforcement. Enforcement of the Protocols rests exclusively with the City Council in their sound discretion.

APPENDIX A – LEGAL FRAMEWORK & RESOURCES

1.0 Legal Framework

<u>Law or Regulations</u>	<u>Citation</u>
<u>California Laws</u>	
California Constitution <i>General City Authority</i>	Article XI §§ 2, 5, 7, & 11.
Ralph M. Brown Act <i>Open Meeting Laws</i>	Government Code §§ 54950 <i>et seq.</i>
California Public Records Act <i>Public Records Disclosure</i>	Government Code §§ 6250 <i>et seq.</i>
California Political Reform Act <i>Conflicts, Disclosures & Campaigns</i>	Government Code §§ 81000 <i>et seq.</i>
FPPC Regulations <i>Conflicts, Disclosures & Campaigns</i>	2 Cal. Code Regs. §§ 18109 <i>et seq.</i>
<i>Legally Required Participation</i>	2 Cal. Code Regs. § 18708
California Anti-Self Dealing Law <i>Self Interest in Contracts</i>	Government Code §§ 1090 <i>et seq.</i>
California Incompatibility of Office Law <i>Holding Two Public Offices</i>	Government Code § 1126 & § 1099
<u>Hemet City Documents</u>	
City Municipal Code	Chapter 2 “Administration”
City Council Rules of Order and Protocols	
Reimbursement Policy	

2.0 Online Resources

<u>Resource</u>	<u>Web Address</u>
State of California <i>Portal to State Websites</i>	www.ca.gov/index.asp
Official Cal. Legislative Information <i>California Bills & Codes Online</i>	www.leginfo.gov
Cal. Fair Political Practice Commission <i>Conflict of Interest Info</i>	www.fppc.ca.gov
Cal. Attorney General <i>See AG Opinions</i>	https://oag.ca.gov
Cal. Senate <i>Bill Information Online</i>	www.senate.ca.gov
Cal. Secretary of State <i>Election Information</i>	www.sos.ca.gov
LA County Registrar–Recorder/County Clerk <i>Election Information</i>	www.lavote.net
League of California Cities <i>Municipal resources</i>	www.cacities.org
Institute for Local Government <i>Municipal resources</i>	www.ca-ilg.org
Marrkula Institute for Applied Ethics <i>Ethical Decision Making</i>	www.scu.edu/ethics/practicing/decision

APPENDIX B – GUIDELINES FOR MAKING ETHICAL DECISIONS¹

How to Make an Ethical Decision. When presented with an opportunity to participate in making a decision for the City, the City Official should:

A. Recognize whether an ethical issue is involved.

1. Will the decision result in damage or injury to people?
2. Is there a clear good or bad result?
3. Is the result compelled under the law or does it hinge on budgetary, efficiency, or other community concerns?
4. Ethical decisions are often not the easiest decision, nor the most popular.

B. Get the facts.

1. Read the staff report and get questions answered by the City Manager in advance.
2. Are there alternatives that would lead to better or worse results?
3. What are the viewpoints of the stakeholders? Are some more important than others?
4. Are there any unanticipated consequences?

C. Evaluate alternative actions. Which option will:

1. Produce the most good and do the least harm? (See The Markkula Center's Utility Test.)
 - a. Identify the *alternative actions* that are *possible* and the persons and groups (the stakeholders) *who will be affected* by these actions.
 - b. For each of the most promising alternatives, determine the *benefits and costs* to each person or group affected.
 - c. Select the action in the current situation that *produces the greatest benefits over costs for all* affected.
 - d. Ask what would happen *if* the action were a policy for *all* similar situations.

¹ From the Markkula Center for Applied Ethics at the University of Santa Clara, available at <https://www.scu.edu/media/ethics-center/resources/making.pdf>

2. Best respect the rights of all who have a stake? (See The Markkula Center's Rights Test.)
 - a. *Identify the right* being upheld or violated.
 - b. Explain why it *deserves the status* of a right.
 - c. Ask whether that *right conflicts with the rights* of others.
3. Treat people equally or proportionately? (See The Markkula Center's Justice Test.)
 - a. What is the *distribution of benefits and burdens*? Is the distribution *fair*?
 - b. If disagreement persists over which outcome is fair, select a *fair process* to decide the issue.
4. Best serve the community as a whole? (See The Markkula Center's Common Good Test.)
 - a. *Identify* what parts of the *common good* are involved.
 - b. Explain obligations to *promote or protect* the common good.
 - c. Discern whether the proposed action *conflicts with an* obligation to promote or protect the *common good*.
5. Lead the City Official to act as the sort of person or official as they want to be? (See The Markkula Center's Virtue Test.)
 - a. Will the action help to *make you the kind of person you want to be*?
 - b. Will the action fit the City's reputation or vision of what it would like to be?
 - c. Will the action maintain the right balance between *excellence and success* for the City?

D. Make a decision and test it.

1. Which approach best suits the situation and arrives at the *most ethical decision*?
2. Which option is likely to be *most respected* by the Member's colleagues and constituents?

E. Act and reflect on the outcome.

1. How can the decision be *implemented to best reflect the intention and reasons* for the decision?

2. What was the end result of the decision and what feedback has the City Official received?

APPENDIX C – ROSENBERG'S RULES OF ORDER



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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APPENDIX D – EXPENSE REIMBURSEMENT FOR CITY COUNCIL



**CITY OF HEMET
Hemet, California
RESOLUTION NO. 4004**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HEMET ESTABLISHING A REIMBURSEMENT
POLICY FOR THE EXPENSES OF ELECTED AND
APPOINTED OFFICIALS**

**THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY RESOLVE AS
FOLLOWS:**

SECTION 1. FINDINGS. The City Council of the City of Hemet ("City") finds as follows:

A. In addition to performing their day-to-day duties and responsibilities, it is in the best interests of the City that elected and appointed officials (hereinafter, "officials") remain informed and trained in activities, developments and professional trends affecting the affairs of the City and that attendance at institutes, hearings, meetings, conferences, or other gatherings is of value to the City and its citizens.

B. The City's officials include members of any legislative body (as defined in Government Code Section 54952(a), (b)) of the City (hereinafter "legislative body"), including the City Council, as well as the Planning Commission, Simpson Center Advisory Commission, Traffic and Parking Commission, Disaster Planning Commission, Parks Commission, Mobilehome Rent Review Commission, Library Board, and any other City-affiliated commission, committee, board or other body created by ordinance, resolution, or formal action of the City Council.

C. The City takes its stewardship over the use of its limited public resources seriously.

D. Public resources should only be used when there is a substantial benefit to the City, including:

1. Attendance and participation at meetings of the official's legislative body or at meetings of an advisory body of the legislative body.
2. Attendance and participation at meetings of any body or organization to which the official has been appointed by the official's legislative body or at which the official serves as a designated representative of the City.
3. Communicating with constituents on matters within the jurisdiction of the official's legislative body.
4. Attending community events as a representative of the City.

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- 5. Communicating with representatives of local, regional, state and national government on City matters, policy positions, or legislation that may affect the City.
- 6. Participating in local, regional, state and national organizations and entities whose activities affect City interests.
- 7. Attending seminars designed to improve officials' skill and information levels.

E. It is in the best interests of the City to adopt a policy to provide guidance to officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured.

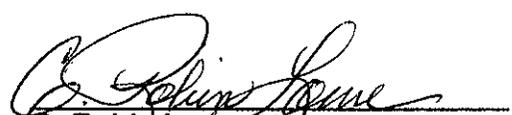
F. Government Code section 36514.5 allows the Mayor and City Councilmembers to be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

G. The travel and expenses reimbursement policy adopted by this resolution is intended to and does satisfy the requirements of Government Code sections 53232.2 and 53232.3.

SECTION 2. Adoption of Reimbursement Policy. The "City of Hemet Reimbursement Policy for Elected and Appointed Officials" as set forth in Attachment "A," is hereby adopted, and will apply to all applicable requests for the reimbursement of expenses incurred after January 1, 2006.

SECTION 3. The City Clerk must certify to the adoption of this Resolution.

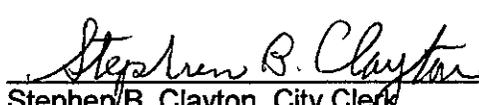
PASSED, APPROVED, AND ADOPTED this 14th day of March, 2006.


C. Robin Lowe, Mayor

APPROVED AS TO FORM:


Eric S. Vail, City Attorney

ATTEST:


Stephen B. Clayton, City Clerk

1 State of California)
2 County of Riverside)
3 City of Hemet)

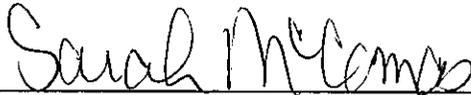
4 I, Sarah McComas, Deputy City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet
6 and was passed at a regular meeting of the City Council on the 14th day of March, 2006 by
7 the following vote:

8 AYES: Council Member VanArsdale, Vice Mayor Searl, and Mayor Lowe

9 NOES:

10 ABSTAIN:

11 ABSENT: Council Member Christie, and Council Member Meadows

12 
13 Sarah McComas, Deputy City Clerk

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CITY OF HEMET

Reimbursement Policy for Elected and Appointed Officials

PURPOSE

To establish a policy for the reimbursement of expenses incurred by elected and appointed officials (hereinafter "officials") of the City of Hemet ("City") in the performance of City business. This Policy will be applicable to all elected or appointed members of any legislative body (as defined in Government Code Section 54952(a), (b)) of the City, including the City Council, Planning Commission, Simpson Center Advisory Commission, Traffic and Parking Commission, Disaster Planning Commission, Parks Commission, Mobilehome Rent Review Commission, Library Board and any other City-affiliated commission, committee, board, or other body created by ordinance, resolution, or formal action of the City Council.

POLICY

It is the policy of the City to reimburse actual and necessary expenses incurred by officials in the performance of City business.

A. Activities Eligible for Expense Reimbursement

Expenses incurred in connection with the following types of activities are eligible for reimbursement:

1. Attendance and participation at meetings of the official's legislative body or at meetings of an advisory body of the legislative body.
2. Attendance and participation at meetings of any body or organization to which the official has been appointed by the official's governing or legislative body or at which the official serves as a designated representative of the City.
3. Communicating with constituents on matters within the jurisdiction of the official's legislative body.
4. Attending community events as a representative of the City.

5. Communicating with representatives of local, regional, state and national government on City matters, policy positions, or legislation that may affect the City.
6. Participating in local, regional, state and national organizations and entities whose activities affect City interests.
7. Attending seminars designed to improve officials' skill and information levels.

Reimbursement for expenses incurred with respect to activities not authorized above require prior approval by the City Council or applicable legislative body.

B. Expenses Authorized for Reimbursement

1. Transportation. Transportation expenses incurred in connection with activities authorized under Section A of this Policy are subject to the following requirements:
 - a. Airlines and Other Commercial Carriers: Travel reimbursement is generally limited to coach class fare at government rates or group rates when available. Fares that are equal to or less than those available through the through the League of California Cities or the State of California (www.catravelmart.com) are presumed to be economical and reasonable for purposes of reimbursement. If rates comparable to those available through the League of California Cities or the State are either not available or the fare to the applicable destination is not specified by these sources, then fares that do not exceed the median retail price of the fares posted on websites like www.expedia.com or www.travelocity.com, or an equivalent service will be considered reasonable.
 - b. Automobile (Personal Vehicle): Travel using personal vehicles will be reimbursed at the IRS mileage rate in effect at the time.
 - c. Car Rental: Rental vehicles may be used if more economical and reasonable than other forms of transportation. Rental is generally limited to the most economical and reasonable mid-sized vehicle. Government rates or rental rates that are equal or less than those listed by the State of California (www.catravelmart.com) will be considered the most reasonable and economical for purposes of reimbursement. If government rates or rates comparable to those listed by the State are either not available or the State does not specify a rate for a particular location, then rental rates that do not exceed the median retail price of the rates posted on websites like www.expedia.com or www.travelocity.com, or an equivalent service will be considered reasonable.

- d. Taxis/Shuttles: Taxi or shuttle fares, when reasonable and necessary, will be reimbursed, including a 15% gratuity per fare.
2. Lodging. Lodging expenses incurred in connection with activities authorized under Section A of this Policy when travel requires an overnight stay are subject to the following requirements:
 - a. Officials must use government or group rates for lodging when available.
 - b. If lodging is in connection with a conference or organized activity, lodging expenses must not exceed the maximum group rate published by the conference or activity sponsor if such rate is available at the time of booking.
 - c. If group or government rates are not available, lodging rates that do not exceed the median retail price for lodging in the area listed on websites like www.hotels.com or an equivalent service will be considered reasonable.
 3. Meals. Meal expenses incurred in connection with activities authorized under Section A of this Policy will be reimbursed at the applicable IRS meal rates in effect at the time.
 4. Miscellaneous Expenses. Actual and necessary miscellaneous business expenses, as defined by the IRS and incurred in connection with activities authorized under Section A of this Policy, may be reimbursed.

C. Reporting

1. Report Forms. Officials shall submit their expense reports within 30 calendar days after the end of the month in which the expense was incurred, accompanied by receipts documenting each expense. In no event may a request for reimbursement be submitted later than the close of the fiscal year in which the expense was incurred absent exigent circumstances.
2. Reports to City Council, Board, or Commission. Each official must briefly report, subject to the Brown Act, on outside meetings that are attended at public expense at the next regular meeting of the official's legislative body. If multiple officials attended such a meeting, a joint report may be made.
3. Expense Reports As Public Records. All expense reports of officials and City reimbursement expenditures are public records subject to disclosure under the Public Records Act and other applicable laws.

APPENDIX E – PROCEDURAL RULES FOR QUASI-JUDICIAL HEARINGS

Rule 1 - Hearing Procedures

1.01 The Mayor shall announce the agenda item number and state the subject of the agenda item. The Mayor shall then identify that the agenda item is a quasi-judicial hearing and announce that the hearing is open.

1.02 The Mayor shall direct the City Clerk to administer the following oath to any person that desires to testify before the City Council on the item:

"Any member of the public wishing to address this City Council on this item please stand and raise your right hand."

The City Clerk shall then administer the following oath:

"Do you solemnly affirm that the testimony you are about to give before the City Council will be the truth, the whole truth, and nothing but the truth? If so, please say 'I do.'"

1.03 The Mayor shall then request that the members of the City Council disclose any communications they have had under **Rule 6** or any item required to be disclosed under the Council Protocols.

1.04 The Mayor shall then invite the City Manager, or other appropriate City staff member, to report on the item including any recommendation that they might have. The City Manager, or other appropriate City staff member shall have a reasonable amount of time, not to exceed fifteen (15) minutes, to report on the item.

1.05 The Mayor shall then ask members of the City Council if they have any questions for the City staff giving the report. At this point, the members of the City Council may ask clarifying questions to the City staff person who reported on the item and City staff shall be given a reasonable amount of time to respond.

1.06 The Mayor shall then invite the applicant or appellant, if any, to provide evidence and testimony on the item. The applicant or appellant shall have a reasonable amount of time, not to exceed fifteen (15) minutes, to provide evidence and testimony.

1.07 The Mayor shall then ask members of the City Council if they have any questions for the applicant or appellant. At this point, the members of the City Council may ask clarifying questions to the appellant or applicant and they shall be given time to respond. The Mayor shall then invite any members of the public to provide evidence and testimony on the item. The Mayor shall inquire as to whether the member of the public has been sworn in and request that they state their name

and address for the record. Members of the public shall have a reasonable amount of time, not to exceed three (3) minutes, to provide evidence and testimony.

- 1.08 The Mayor shall then invite the applicant or appellant, if any, to provide any rebuttal evidence and testimony. The applicant or appellant shall have a reasonable amount of time, not to exceed five (5) minutes, to provide rebuttal evidence and testimony.
- 1.09 The Mayor shall then ask members of the City Council if they have any final questions for the applicant or appellant. At this point, the members of the City Council may ask clarifying questions to the appellant or applicant and they shall be given a reasonable amount of time to respond.
- 1.10 The Mayor shall then announce that the public hearing is closed and invite a motion for the City Council to consider. The Mayor shall announce the name of the member of the City Council who makes the motion. The Mayor shall then invite a second to the motion and announce the name of the member of the City Council who seconds the motion.
- 1.11 The Mayor shall then invite members of the City Council to discuss the motion. If there is no desired discussion, or after the discussion has ended, the Mayor shall then announce that the City Council will vote on the motion. If there has been no discussion or only brief discussion, the vote may proceed immediately. If there has been substantial discussion, the Mayor may ask the City Clerk to read the motion before the vote is taken.
- 1.12 The City Council shall memorialize the decision in writing and may instruct the City Manager to prepare a written decision for approval during a subsequent meeting of the City Council.

Rule 2 - Hearings Are Informal; Rules of Evidence

Quasi-judicial hearings before the City Council are intended to be informal in nature and accessible to members of the public. Formal rules of evidence and discovery do not apply.

Rule 3 - Records of Proceedings

The City Clerk shall record all quasi-judicial hearings by audio and/or video recording device, as available.

Rule 4 - Time Limits

Notwithstanding the time limits contained in Rule 1 above, the Mayor shall give City staff providing the report on the item, the applicant or appellant bringing the matter before the City Council, and any other person with a direct interest in the decision sufficient time to

provide evidence and testimony, and may, at the discretion of the Mayor, allow for additional time.

Rule 5 - Oaths; Identification

Any person wishing to provide testimony during a quasi-judicial hearing may do so without the oath described in these Rules being administered or providing their name and address. The City Council may determine both the weight and credibility given to unsworn or anonymous testimony.

Rule 6 – Communications

6.01 Members of the City Council may receive information relevant to the item through communications with any person prior to the hearing. These communications are known as "ex parte communications" and are substantive oral or written communications concerning quasi-judicial matters that occur outside of the quasi-judicial hearing. Such communications raise due process concerns for the parties involved in the hearing. When members of the City Council have had ex parte communications relevant to the quasi-judicial hearing, the Member of the City Council shall disclose the communication and the substance of the information received at the beginning of the hearing.

6.02 While the hearing is before the City Council, there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the members of the City Council, without notice and an opportunity for all persons present at the hearing to participate in the communication.

6.03 Ex parte communications after the hearing has closed and before the final decision is rendered are prohibited because there is no opportunity for rebuttal.

Rule 7 – Attention

The Members of the City Council shall be attentive to the evidence and testimony being presented.

Rule 8 - Identification of Quasi-Judicial Matters on the Agenda

The City Manager, in consultation with the City Attorney, will identify agenda items involving quasi-judicial decisions on the agenda for the City Council with reference given to these Rules. This identification is intended to inform the City Council, interested parties, and the public that these Rules will apply to the item, but the failure to identify an item shall not be cause for continuance.

APPENDIX F – ADMONITION/CENSURE POLICY

CITY OF HEMET ADMONITION/CENSURE POLICY

I. Purpose

This policy applies to the elected and appointed officials of the City of Hemet and concerns conduct offensive to the laws, regulations, rules, and norms governing ethical, effective, and transparent government. Any action taken by the City Council under this policy shall be a final action and is not subject to an appeal or reconsideration.

II. Policy

It is the policy of the Council that all elected and appointed officials of the City shall perform their duties in an ethical and lawful manner that furthers the public interest. Actions counter to these principals undermines the effectiveness of the City government as a whole and foster distrust from the public.

The Council therefore determines that it may take action to admonish or censure any elected or appointed official of the City, by the affirmative votes of a majority of the members of the Council for any of the following (“Violations”):

- A. Conviction of, or plea of guilty or nolo contendere to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the City’s or elected/appointed official’s reputation;
- B. Failure of the elected or appointed official to observe or perform any of his or her duties and obligations, or failure to follow the provisions of state law or City ordinance or policy, when such failure continues for a period of thirty (30) days from the date of his or her receipt of notice from the City Council specifying the acts or omissions deemed to amount to that failure;
- C. Conviction of any crime involving an “abuse of office or position,” as that term is defined in Government Code Section 53243.4;
- D. Any action or inaction by the elected official that materially and adversely: (a) impedes or disrupts the operations of City or its organizational units; (b) is detrimental to employees or public safety; or (c) violates City’s properly established rules or procedures.

Depending on the circumstances of alleged violations, the Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy. An investigation, however, is not required.

Nothing in this policy shall preclude individual elected or appointed officials from making public statements regarding such alleged conduct. While the Council has broad discretion in deciding certain actions it may choose to take for violations of the above, which would not require the Council to adopt policy, including but not limited to voting to remove a elected official from a Committee or Board, a vote of no confidence in a particular elected official, or reassignment of duties as authorized by state law, this policy provides definitions and procedures related to two types of actions: admonition and censure.

III. Admonition

An admonition of an elected or appointed official is informal in nature. An admonition may be issued in response to a particular alleged Violation and may be issued by the Council without any findings of fact regarding allegations. As an admonition it is by its nature a warning or reminder, the Council is not required to conduct an investigation or separate hearings to determine whether the allegation is true. The Council recognizes the right to criticize is protected by the First Amendment, and that the Council may do so as a body.

IV. Censure

Censure is an official reprimand or condemnation made by Council in response to specified conduct by an elected or appointed official of the City. Censure is disciplinary in nature and requires the formal adoption of a resolution setting forth the elected or appointed official's alleged Violation(s). Although not required, censure could involve an investigation and it must protect the due process rights of the elected official being investigated. Censure carries no fine or suspension of the rights of the elected official.

V. Procedure

- A. **Admonition.** The Council may determine, by a vote of a majority of its members, to make an informal admonition at any Council meeting during the Reports of Members portion of the meeting. The Member moving the informal admonition must state on the record the basis for the informal admonition, including the alleged Violation(s). After receiving the motion, the Presiding Officer shall ask for a second. If no second is received, the motion shall not be considered. If a second to the motion to admonish is received, the City Council shall, after discussion and public comment, vote on whether to make the informal admonition. The vote on the informal admonition shall then be entered into the minutes by the City Clerk and shall

state the following:

1. The name of the elected official admonished and the particular type of behavior that is alleged to be Violation(s); and
2. Any direction given to the elected official to correct the behavior that is alleged to be Violation(s).

B. **Censure.** The Council may, as part of a public hearing item placed on the agenda at a regular meeting of the Council, discuss and take action on to formally censure an elected official. The City Clerk shall provide a formal notice of the public hearing to the elected official who is the subject of the potential censure. The notice shall contain the specific allegations and/or charges on which the proposed censure is based and the date and time that the matter will be heard. At the hearing, the Members who requested the hearing shall have a cumulative total time of no more than 10 minutes to state the reason(s) they are requesting the censure, and the elected official who is the subject of the action shall have up to 10 minutes to respond. Following the hearing, the Council may take action by a majority vote of its members setting forth its findings and decision.

The Council may direct the City Attorney to prepare for adoption at the next regularly scheduled Council meeting, a resolution of censure that clearly sets forth the facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure may include the imposition of such actions against the elected official that are permitted by law, such as removal from a Committee or Board, a vote of no confidence in a particular elected official, or reassignment of duties as authorized by state law

APPENDIX G – RULES OF DECROUM, RESOLUTION NO. 4545



CITY OF HEMET
Hemet, California
RESOLUTION NO. 4545

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADOPTING RULES OF DECORUM APPLICABLE TO THE PERSONAL CONDUCT OF INDIVIDUALS ATTENDING MEETINGS OF THE CITY COUNCIL, PLANNING COMMISSION, LIBRARY BOARD, HOUSING AUTHORITY, AND ALL OTHER SUBSIDIARY OR ADVISORY BOARDS, COMMISSIONS, OR COMMITTEES OF THE CITY COUNCIL OF THE CITY OF HEMET.

WHEREAS, California Government Code Section 36813 authorizes the City Council to establish rules of conduct for its proceedings and the proceedings of bodies subject to the Council's authority, and to punish any person for disorderly behavior at a meeting; and,

WHEREAS, Government Code Section 54954.3(b) authorizes the City Council to adopt reasonable regulations to effectuate the Legislative intent that public comments at meetings be limited to items within the scope of the meeting body's jurisdiction; and,

WHEREAS, it is the desire and duty of the City Council to ensure its business, and the business of other meeting bodies subject to its authority, is conducted in an orderly, efficient and fair manner and to ensure that the public has a full opportunity to be heard on matters of interest to the community; and,

WHEREAS, disruptive conduct at meetings prevents the meeting body from accomplishing its business in an orderly, efficient and fair manner, and may interfere with the right of other individuals to be heard; and,

WHEREAS, the City Council of the City of Hemet respects an individual speaker's right to disagree and to express his or her opinions and beliefs.

1 **NOW THEREFORE**, the City Council of the City of Hemet does find, determine,
2 and resolve as follows:

3 **SECTION 1:** The Rules of Decorum set forth in Section 2 shall apply to meetings
4 of the City Council, Housing Authority, Planning Commission, Library Board and all
5 other subsidiary or advisory boards, commissions and committees of the City Council of
6 the City of Hemet (hereinafter "Meeting Body" or "Body").

7 **SECTION 2: Rules of Decorum.**

8 A. The City Council recognizes that the First Amendment to the United
9 States Constitution preserves the ability of members of the public to criticize and
10 question government and government officers. The City Council also recognizes that
11 the right of members of the public to speak is fundamental and essential to the proper
12 functioning of our democratic government. However, the City Council acknowledges
13 that the right to speak is not absolute, and government may adopt reasonable
14 regulations to protect its legitimate interest in conducting an orderly public meeting, and
15 to ensure that in the exercise of their right to speak, he or she does not impinge on the
16 rights of others. California has codified the right of local government to adopt
17 reasonable regulations of this kind in Government Code Section 54954.3. Accordingly,
18 the City Council for the City of Hemet adopts the following Rules of Decorum.

19 B. *Decorum.* Meetings shall be conducted in an orderly manner to ensure
20 that the public has a full opportunity to be heard and that the deliberative process is
21 retained at all times. The presiding officer of the Council, who shall be the Mayor of the
22 City Council, the chair of the Meeting Body, or, in their absence, another member so
23 designated by the Meeting Body, shall be responsible for maintaining the order and
24 decorum of meetings.

25 C. *Rules of Decorum.* While any meeting is in session, the following rules of
26 order and decorum shall be observed:

27 1. *Members.* The members of the Meeting Body shall preserve order
28 and decorum, and a member shall not by conversation or other means delay or interrupt

1 the proceedings or disturb any other member while speaking.

2 2. *City Staff Members.* Employees of the City shall observe the same
3 rules of order and decorum as those which apply to the members of the Meeting Body.

4 3. *Persons Addressing the Body.*

5 a. The primary purpose of oral communications is to allow
6 citizens the opportunity to formally communicate with the Meeting Body as a whole, for
7 matters that cannot be handled during the regular working hours of the City
8 government. Public oral communications at meetings should not be a substitute for any
9 item that can be handled during the normal working hours of the municipal government.

10 b. Each person who addresses the Meeting Body shall do so in
11 an orderly manner and shall not make personal, impertinent, slanderous or profane
12 remarks to any member of the Meeting Body, staff or general public. Any person who
13 makes such remarks, or who utters loud, threatening, personal or abusive language, or
14 engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes
15 the orderly conduct of any meeting shall, at the discretion of the presiding officer or a
16 majority of the Meeting Body, be barred from further audience before the Body during
17 that meeting.

18 c. No member of the public shall approach the Meeting Body
19 seating area for any reason during a public meeting.

20 4. *Members of the Audience.* Any person who violates any provision
21 of this Section C.4. shall, at the discretion of the presiding officer or a majority of the
22 Meeting Body, be barred from further audience before the Meeting Body during that
23 meeting.

24 a. No person in the audience at a meeting shall engage in
25 disorderly, disruptive, disturbing, delaying or boisterous conduct, including the utterance
26 of loud, threatening or abusive language, clapping, whistling, stamping of feet or other
27 acts which interrupt, disturb, delay or otherwise impede the orderly conduct of any
28 meeting.

1 b. No person shall eat or drink anything other than water during
2 a meeting.

3 c. Unless entering or leaving the meeting room or approaching
4 or standing at the podium to address the Meeting Body, all persons in the audience
5 shall remain seated or standing in an area designated for standing members of the
6 audience, if any. To facilitate a safe and orderly evacuation in an emergency, the
7 doorways to a meeting room shall not be blocked and all aisles and shall be kept clear.

8 d. Persons who desire to video or audio record a meeting or
9 take photographs during a meeting may do so in a manner that does not cause undue
10 distraction, interfere with the orderly conduct of the meeting, or interfere with the ability
11 of the audience to view, hear or participate in the meeting.

12 i. Persons recording or photographing a meeting must
13 comply with all other applicable provisions of this Resolution, including but not limited to
14 the requirement that they remain seated or standing in an area designated for standing
15 members of the audience, and shall not block any doorway or aisle.

16 ii. Persons may video or audio record or photograph a
17 meeting from their seat if the equipment is compact and can be used in a manner that
18 does not block the view of other members of the audience.

19 iii. There is limited standing space in the Council
20 Chambers for persons to stand. Persons who desire to video or audio record or
21 photograph a meeting who cannot do so from a seat as allowed in C.4.d.ii are
22 encouraged to make arrangements with the City Clerk to reserve standing space for
23 their activities. Standing space is available on a first come, first serve basis.

24 D. *Addressing the Body at a Public Meeting.*

25 1. A person wishing to address the Meeting Body regarding an item
26 which is on the meeting agenda is asked to submit a request on the form provided, or
27 he or she may seek recognition by the presiding officer during discussion of any such
28 item by coming to the public podium during the public comment period for that item.

1 2. Persons wishing to discuss a non-agenda item are asked to submit
2 a request on the form provided, or may seek recognition by the presiding officer during
3 the oral communications portion of the meeting.

4 3. No person shall address the Meeting Body without first being
5 recognized by the presiding officer. The following procedures shall be observed by
6 persons addressing the Meeting Body:

7 a. Each person shall step to the podium provided for the use of
8 the public and is requested to state his or her name and address; the organization, if
9 any, which he or she represents; and, if during the oral communications portion of the
10 meeting, the subject he or she wishes to discuss. The City requests, but does not
11 require, that the speaker fill out a form provided by the City containing this information to
12 ensure the City has proper records of its speakers and to provide the speakers with
13 appropriate notices in the future. The speaker may decline to state his or her name or
14 address if he or she so desires.

15 b. During the oral communications portion, any subject which is
16 not deemed relevant by the Body shall be concluded.

17 c. Each person shall confine his or her remarks to the agenda
18 item or approved oral communications subject being discussed.

19 d. Each person shall limit his or her remarks to three (3)
20 minutes, unless further time is granted by the presiding officer. When it appears the
21 number of speakers during a public meeting will exceed 15 persons, the presiding
22 officer may limit remarks to two (2) minutes.

23 e. Individuals present at a meeting may request that another
24 person speak on their behalf, and in such cases the speaker should submit a speaker
25 request form stating the names of the individuals present at the meeting who have
26 requested the speaker speak on their behalf, and the individuals present at the meeting
27 who have given their time to the speaker should also submit speaker request forms
28 indicating the name of the speak to whom they have asked to speak on their behalf.

1 i. A person speaking on behalf of one to four individuals
2 shall be given as much time to speak as would have been allowed if each person had
3 addressed the Meeting Body individually.

4 ii. A person speaking on behalf of five or more
5 individuals shall be given fifteen (15) minutes to speak.

6 iii. Persons addressing the Meeting Body may not
7 request individuals in the audience give them additional time to speak once they have
8 commenced addressing the Meeting Body.

9 iv. A person speaking on behalf of persons who are not
10 present at the meeting will not be given any additional time to speak for those persons
11 who are not present.

12 5. All remarks shall be addressed to the Body as a whole and not to
13 any single member thereof, unless in response to a question from such member.

14 6. No question may be asked of a member of the Body or of the City
15 staff without permission of the presiding officer.

16 7. If a person wishes to distribute written materials to the Meeting Body, the
17 person shall submit the materials to the City Clerk or Minutes Secretary before or at the
18 beginning of the meeting. The City Clerk, Minutes Secretary, or a designee will
19 distribute the written materials to the Meeting Body before or during the meeting.

20 E. *Addressing the Body at a Public Hearing.* No person shall address the Meeting
21 Body without first being recognized by the presiding officer. The following procedures
22 shall apply to persons speaking at a public hearing:

23 1. The project proponent shall be allowed to speak first and given a
24 reasonable time to present their matter. The presiding officer shall determine the
25 reasonable amount of time a project proponent shall be given.

26 2. Upon the conclusion of the project proponent's allotted time,
27 members of the public shall be given the opportunity to comment, subject to the
28 restrictions in paragraph D (Addressing the Body at a Public Meeting) of this Section.

1 3. Upon the conclusion of the public comment, the project proponent
2 shall be allowed to speak to rebut any comments made during the public comment
3 portion of the hearing. The project proponent shall be given five (5) minutes of rebuttal
4 time.

5 F. *Display of Video and Audio Recordings.*

6 1. When Display Is Allowed. Video and audio recordings may be played in
7 presentations to the Meeting Body during the discussion of an item on the agenda,
8 including but not limited to public hearings, work studies, action items, or presentations
9 to the Meeting Body, subject to the limitations in F.2 below. Video and audio recordings
10 shall not be displayed during public comments on items not on the agenda.

11 2. Requirements for Display. Video and audio recordings may be played in
12 presentations to the Meeting Body only if the recording is submitted to the City Clerk at
13 least three (3) business days prior to the meeting. The City may review the recording
14 prior to the Meeting to ensure that it is compatible with the City's technology and does
15 not contain any viruses, malware or would otherwise harm the City's equipment if
16 displayed. The City may refuse to display any video or audio recording that is irrelevant
17 to the agenda item or violates these rules of decorum. The time used to display the
18 video or audio recording, including any set up or loading time, will count toward the
19 presenter's allotted speaking time.

20 G. *Enforcement of Decorum.* The rules of decorum set forth above shall be enforced
21 in the following manner:

22 1. *Warning.* The presiding officer shall request that a person who is
23 breaching the rules of decorum be orderly and silent.

24 2. *Order to Leave.* If, after receiving a warning from the presiding
25 officer, a person persists in disturbing the meeting, the presiding officer shall order him
26 or her to leave the meeting. If such person does not remove himself or herself, the
27 presiding officer may request any law enforcement officer who is on duty at the meeting
28 as sergeant-at-arms to remove that person from the meeting.

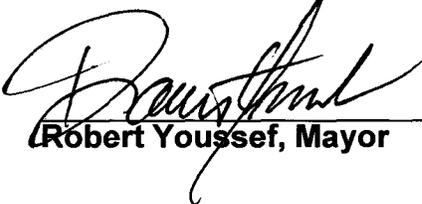
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2. *Removal.* If the presiding officer has ordered a person who is breaching the rules of decorum to leave a meeting and the person does not comply with the presiding officer's order, any law enforcement officer who is on duty at the meeting as sergeant-at-arms shall assess the situation and may remove the person and place him or her under arrest for violation of California Penal Code Section 403, or any other applicable provision of law.

3. *Motion to Enforce.* If the presiding officer fails to enforce the rules set forth above, any member of the Meeting Body may move to require him or her to do so, and an affirmative vote of a majority of the Meeting Body shall require him or her to do so. If the presiding officer fails to carry out the will of a majority of the Meeting Body, the majority may designate another member of the Body to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

6. *Adjournment.* If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or a majority of the Meeting Body, and any remaining Council business may be considered at the next meeting."

PASSED, APPROVED AND ADOPTED this 25th day of June, 2013.


Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:


Sarah McComas, City Clerk


Eric S. Vail, City Attorney

1 State of California)
County of Riverside)
2 City of Hemet)

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
4 foregoing resolution was passed, approved and adopted the 25th day of June, 2013, and
5 was passed by the following vote:
6

7 **AYES: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith**
8 **and Mayor Youssef**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

12 
13 Sarah McComas, City Clerk

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