City of Victorville

City Council Policy and Procedures Manual

Adopted by the Victorville City Council
by Resolution No. 17-056 on October 3, 2017
Revised by Resolution No. 18-074 on September 4, 2018
Revised by Resolution No. 19-057 on October 1, 2019
Revised by Resolution No. 20-055 on June 23, 2020

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CHAPTER 1 - INTRODUCTION AND PURPOSE

I. PURPOSE OF MANUAL

A. Compile, Revise and Adopt Rules and Policies. By adopting this Policies and Procedures Manual ("Manual"), the City Council of the City of Victorville (the "City Council" or "Council") hereby establishes updated Rules of Procedure for the preparation of its agendas, conduct of its meetings, and transaction of other City Business. In addition, by adopting this Manual, the City Council further compiles, consolidates, updates, and supersedes any prior Council Policies, Resolutions, rules, and related administrative procedures that have been formally adopted by the City Council addressing the subject matter and/or the topics discussed herein.

B. Provide Standards and Guidance. The purpose of this Manual is to set a standard of professionalism for the conduct of the City Council's business. Victorville has a long and proud tradition of open government and civil, intelligent public discourse. This Manual is intended to enhance public participation and Council debate so that the best possible decisions can be made for Victorville. While attempting not to be overly restrictive; procedures, policies, and codes of ethics and conduct are being established and/or clarified so that expectations and practices are clearly articulated to guide City Councilmembers in their day-to-day conduct and actions.

C. Ease of Reference. Having the majority of the rules, procedures, practices and policies (hereinafter collectively "Rules") of the Victorville City Council consolidated and contained in a single, easily-accessible document will clarify expectations and responsibilities and will streamline the conduct of meetings and other City Council business in the public interest.

II. EFFECTIVE DATE AND PERIODIC REVIEW/UPDATE OF MANUAL

A. Effective Date. The Rules contained in this Manual shall be in effect immediately upon their adoption by City Council resolution, and shall remain in effect until such time as this Manual is amended and new Rules are adopted and/or updated by City Council resolution.

B. Biennial Review. This Manual will be reviewed at least biennially (once every two years) and be revised by City Council Resolution if and as needed.

CHAPTER 2 - ROLE OF CITY COUNCIL

I. OVERVIEW

A. City Council Acts as a Body. One of the fundamental tenets of city governance is recognizing that the City Council acts as a body. No individual Councilmember has extraordinary powers beyond those of other members. Although the Mayor and the Mayor Pro Tempore ("Pro Tem") have additional ceremonial, parliamentary and administrative responsibilities as described below and elsewhere in this Manual—with respect to the establishment of policies, voting, and in other significant areas—all members are equal.

B. Establishment of City Policy. City Policy is established and direction is given to City staff by a majority vote of the Council. Neither the Mayor nor the Mayor Pro Tem has veto power or any other policy-making authority beyond that of the other Councilmembers.

C. Decisions of Majority of Body Binding on City Council. While individual Councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action and provides City staff with clear direction to follow. Similarly, City staff is responsible to ensure that the policy set by the City Council is implemented and upheld consistent with the wishes of the majority. Implementation of City Council policy by staff does not reflect a bias against Councilmembers who held a minority opinion on an issue.

II. COUNCIL ELECTION AND GOVERNANCE

The City of Victorville is governed by a five-member City Council elected to four-year terms on a staggered basis. Councilmembers are elected in the general election in November of even-numbered years. The Mayor and Mayor Pro Tem will be appointed by a majority vote of the entire membership of the City Council. The City Council shall appoint the Mayor and Mayor Pro Tem for one-year terms at the first regular meeting in December of every year or as soon thereafter as feasible and, when applicable, following the certification of election results and seating of new City Councilmembers. The newly-appointed Mayor and Mayor Pro Tem assume their positions immediately following the majority vote.

The nomination and appointment procedure for the offices of Mayor and Mayor Pro Tem shall be conducted in successive order and as shown below.

1. The City Clerk opens nominations.
2. The City Clerk receives up to one nomination per Councilmember until no further nominations are forthcoming. Seconds are not required but may be offered to communicate endorsement.
3. The City Clerk closes nominations.
4. The City Clerk calls on each Councilmember to cast by verbal vote the name of his/her nominee of choice.

5. The City Clerk announces the outcome of the vote and declares the appointment upon a majority vote of the full membership.
6. If an appointment is not confirmed, the City Clerk repeats the foregoing procedure once more on the prospects of the City Council reaching agreement.

The newly-appointed Mayor shall preside over the process for the office of Mayor Pro Tem, unless he/she prefers the City Clerk facilitate the appointment.

Should the City Council be unsuccessful in its appointment efforts, whether it be by insufficiency of votes or failed action pursuant to Chapter 5, Section R, Tie Votes, the item shall be reconsidered during the next regular City Council meeting in expectation of securing the requisite consensus of the full body. If such consensus is not gained after the second consecutive Council meeting during which one or more appointments were considered, the sitting Mayor and/or Mayor Pro Tem, as applicable, shall remain in office until the next annual organizational meeting.

III. ROLE AND DUTIES OF MAYOR

A. Official Ceremonial Head of City. The Mayor is recognized as the official head of the City for all ceremonial purposes and shall perform such other duties consistent with the office as set forth in this Manual and as may be delegated to the Mayor by majority vote of the City Council.

B. Presiding Officer. The Mayor is the Presiding Officer at all meetings of the City Council and acts as the chair. **In this role, the Mayor has authority and discretion**

1. to preserve order at all Council meetings by facilitating the effective conduct of business during meetings and assisting, when deemed necessary, fellow Councilmembers in understanding their roles and responsibilities in municipal governance;

2. to enforce (or cause to be enforced) the Meeting Rules of Conduct and Decorum as set forth in Chapter 5 of this Manual;

3. to determine the order of business at meetings of the City Council; and

4. to require any person addressing the City Council to be sworn as a witness and to testify under oath when, for example, testifying in judicial or quasi-judicial proceedings. The Mayor or other Presiding Officer shall also require such swearing-in if directed to do so by a majority of the Council.

C. External Communication of Policy. The Mayor is to faithfully communicate the position of the Council majority in matters of policy.

D. Seating Arrangement for City Council. The Mayor assumes the center chair on the dais and oversees the seating location of the other Councilmembers at all meetings of the Council, in

council chambers or elsewhere. The Mayor will, following each Council election of officers and at such other times as the Mayor deems it necessary, establish the seating arrangement of the Councilmembers. The Mayor Pro Tem will always be seated immediately next to the Mayor.

E. Agenda Development. The City Manager, subject to the Rules in this Manual, sets the agenda for each Council meeting.

F. Signing Documents. The Mayor, whenever available, shall sign all ordinances, resolutions and other documents that have been adopted and authorized by the City Council and require an official signature. However, the City Manager or another City official may sign certain documents when so authorized by Council action and/or the provisions of the Victorville Municipal Code.

G. Absence of Mayor. In the absence of the Mayor, the Mayor Pro Tem performs the duties of the Mayor, including acting as the Presiding Officer at meetings. When both the Mayor and the Mayor Pro Tem are absent from any meeting of the Council, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tem, or until adjournment, whichever comes first.

H. New Councilmember Orientation. The Mayor will lead, with the assistance of the City Manager, new Councilmember orientations.

IV. ROLE AND DUTIES OF ALL COUNCILMEMBERS

A. Advance Preparation for Meetings.

1. **Prior Review of Agenda Materials**. Prior to attending Council and committee meetings, study sessions and/or workshops, Councilmembers shall read or otherwise familiarize themselves with each agenda and supporting documentation for the items thereon.

2. **Seek Prior Clarification of Agenda Materials**. In respect for everyone's time and to help ensure that individual Councilmembers may be equipped to make informed decisions, do his/her best work, and move meetings forward in a meaningful way, it is incumbent upon each Councilmember to promptly seek answers to questions he/she may have about the posted agenda items and agenda-package materials for the immediately pending meeting. Toward fulfilling these objectives, Councilmembers should seek the aforementioned assistance from the City Manager, City Attorney, City Clerk, or such Senior Management as the City Manager may designate (e.g., Assistant City Manager, Deputy City Manager, City Engineer, Public Information Officer, City Department Directors, or the Police Chief) as soon as possible after receipt of the agenda package and prior to the meeting to which the agenda package relates.

3. **Avoid Unfair Surprise**. Councilmembers should advise the City Manager in advance of issues or questions they intend to bring up at a public meeting. This refers to issues and questions that City staff would not normally anticipate or have researched for that particular meeting.

B. Councilmember Appointments and Assignments. In accordance with provisions of Resolution 13-049, individual Councilmembers nominate (and the City Council confirms, by a majority vote of the entire membership of the Council), Councilmember appointments to City commissions, boards, and standing committees, as well as appointments of Councilmembers to the various boards, commissions, and committees of outside agencies on which Councilmembers serve as representatives of the City. See Chapter 9 as to the roles and duties of such committee, commission, and board appointees. Chapter 9 also provides rules relating to the creation and purposes of Ad Hoc subcommittees composed of less than a quorum of the City Council.

C. Council Vacancies. Whenever a vacancy occurs in the office of City Councilmember, the City Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code section 36512 or the provisions of any ordinance adopted by the City Council thereunder.

D. Leadership, Goals and Policy; Ex-Officio Roles of the City Council.

1. **Leadership, Goals, and Policy**. City Councilmembers are elected to provide leadership in

setting goals and in formulating policies. The City Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs. Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the City Manager's direction, staff can provide assistance in analyzing the City's needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the City.

2. **Ex-Officio Roles**. The City Council also serves as the Boards for the Victorville Water District ("VWD"), the Southern California Logistics Airport Joint Powers Authority ("SCLAA"), the Southern California Logistics Rail Authority ("SCLRA"), the Library Board of Trustees, the Successor Agency to the Victorville Redevelopment Agency, the Housing Assets Successor, and the Victorville Joint Powers Financing Authority ("JPFA"), with all meetings being held concurrently. References made in this Manual to the City Council also include the Council when acting in it its roles as the boards of the aforementioned entities.

E. Engaging in Legislative and Quasi-Judicial Decisions/Acts. Almost all actions or decisions made by the City Council fall into one of two categories: legislative or quasi-judicial.

1. **Legislative**. These actions/decisions formulate rules to be applied to all future cases. Examples include, but are not limited to: adoption and amendments to municipal codes, general plans, zoning codes, and personnel regulations. These actions are generally taken by ordinance or resolution.

2. **Quasi-Judicial**. While legislative actions establish public policy and rules applicable to groups of property or people, quasi-judicial proceedings affect individual properties or parties. Quasi-judicial proceedings involve the application of established standards to individual facts to determine specific rights or to take specific actions under existing law.

3. **Due Process**. The distinction between these two types of acts/decisions comes into play in the due process afforded to parties (particularly in the public and appeal hearing context), as explained in more detail in Chapter 3, Section VI of this Manual.

F. Issuing Subpoenas. Pursuant to Government Code section 37104, the City Council may issue subpoenas to require attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before the Council. The form of oaths administered by the City Clerk will be substantially in the following form:

<Name of affiant>
"I hereby declare or affirm under penalty of perjury that the testimony I am about to give before the City Council is the truth."

G. Compliance with Code of Ethics. On July 7, 2009, the City Council adopted Resolution No. 09-

059 establishing a Code of Ethics setting forth principles and standards of conduct to be observed by

all Councilmembers. Immediately upon adoption of this Manual by resolution of the City Council, Resolution No. 09-059 shall be superseded in its entirety by the provisions of Section V, below.

V. CODE OF ETHICS FOR COUNCILMEMBERS

A. Intent and Purpose. To assure public confidence in the integrity of local government and its effective and fair operation, this Code of Ethics provides a framework for day-to-day actions and decision-making by Councilmembers and represents a commitment to uphold a standard of integrity beyond that required by law. The citizens and businesses of Victorville are entitled to a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. To ensure the effective functioning of democratic government, the City Council requires each of the following:

1. Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government.

2. Public officials be independent, impartial, and fair in their judgment and actions.

3. Public office be used for the public good, not for personal gain.

4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

B. Principles and Standards. The principles and standards of ethical conduct for Victorville City Councilmembers are hereby established as set forth below.

1. **Act in the Public Interest**. Recognizing that stewardship of the public interest must be their primary concern, Councilmembers will work for the common good of the people of Victorville and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Victorville City Council.

2. **Comply with the Law**. Councilmembers shall comply with the laws of the nation, the State of California, and the City of Victorville in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions, the Victorville City Charter, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open government, and City ordinances and policies.

3. **Councilmember Conduct**. The professional and personal conduct of Councilmembers must be above reproach and avoid the appearance of impropriety. While it is understood that Councilmembers enjoy First Amendment rights, they should practice civility and decorum in discussions and debate, and refrain from abusive conduct, personal charges, or verbal

attacks upon the character or motives of other members of the Council, boards, commissions, staff, or the public that is intended to disrupt and not further the City's business.

4. **Respect for Process**. Councilmembers shall perform their duties in accordance with the processes and rules of order established by the Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by City staff.

5. **Decisions Based on Merit**. Councilmembers shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

6. **Conflict of Interest**. In order to assure their independence and impartiality in the City's best interest, Councilmembers shall not use their official positions to influence decisions in which they have a conflict of interest.

7. **Gifts and Favors**. Councilmembers shall follow the laws that apply to the acceptance of gifts or favors as a public official.

8. **Confidential Information**. Councilmembers shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

9. **Use of Public Resources**. Councilmembers shall not use public resources, such as City staff time, equipment, supplies, or facilities, for private gain or personal purposes.

10. **Advocacy**. Councilmembers shall represent the official policies or positions of the Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Councilmembers shall explicitly state they do not represent the opinion of the entire Council.

11. **Positive Work Place Environment**. Councilmembers shall support the maintenance of a positive and constructive work place environment for City employees, private citizens, and businesses dealing with the City. Councilmembers shall recognize their role in individual dealings with City employees. Councilmembers shall not be immune to potential liability and/or legal proceedings by City employees when the rights of such employees who are acting within the scope of their employment have been infringed upon or violated by Councilmembers.

12. **Policy Role of Councilmembers**. Councilmembers shall respect and adhere to the Council-Manager structure of Victorville City government. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards, commissions, and City staff. Councilmembers shall not interfere with

the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

13. **Enforcement**. Councilmembers have the primary responsibility to ensure that this Code of Ethics is followed so the public may have full confidence in the integrity of government. Although this Code of Ethics and Conduct is intended to "be self-enforcing" and will be most effective when Councilmembers are thoroughly familiar with and embrace its provisions, City Councilmembers who intentionally and/or repeatedly do not follow proper conduct may be subject to an informal reprimand (a statement of disapproval) or formal censure as set forth in Chapter 10 of this Manual.

CHAPTER 3 - COUNCIL MEETINGS

I. REGULAR MEETINGS

A. Time and Place. As set forth in Section 2.20.040 of the Victorville Municipal Code, regular meetings of the City Council are held the first and third Tuesdays of each month at 5:00 p.m. (Closed Session) and 6:00 p.m. (Regular Session) in the City Council Chambers located at 14343 Civic Drive, Victorville, California. City Hall will be open and accessible to Councilmembers during regular City business hours and at such times as regular and special meetings of the City Council are being held. Regular City business hours are: Monday through Thursday 7:30 a.m. to 5:30 p.m. and Friday 7:30 a.m. to 4:30 p.m.

B. Compliance with Ralph M. Brown Act. To ensure that the deliberations and actions of the City Council are conducted openly and to ensure meaningful public participation, all meetings of the of the City Council shall be held in compliance with the provisions of the Ralph M. Brown Act, Government Code Section 54950 *et seq*. (the "Brown Act").

II. SPECIAL MEETINGS AND EMERGENCY MEETINGS

A. How Called and Held. Special meetings and emergency meetings of the City Council may be called by the Mayor or majority of the City Council and held from time to time consistent with and pursuant to the procedures set forth in the Brown Act. Any special meeting called pursuant to this section shall not be scheduled unless a majority of the City Council has confirmed their availability.

B. Accommodate the Public. To be respectful of the public, unfinished business in any special meeting held immediately prior to a regularly-scheduled meeting should be suspended until the regular meeting is adjourned.

III. CONSIDERATION OF NEW BUSINESS/CANCELLATION OF MEETINGS

A. Consideration of New Business. No new item of Council business as posted in the Written Communications portion of the meeting agenda (See Sections V.B and VI.F of this Chapter) shall be considered after 10:00 p.m. unless approved by a majority vote by the Council. New business not taken up by the Council shall be carried over to the next regular City Council meeting, or the meeting may be adjourned to a date specific at Council's direction.

B. Cancellation of Meetings. Any regular or special meeting of the Council may be cancelled in advance by a majority vote of the Council during a prior meeting of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have advised the City Clerk of their unavailability to attend a meeting. The City Manager may cancel a meeting when he/she determines there is no business to be conducted at the meeting. Appropriate notices will be provided. Solely for the purpose of confirming unavailability of members prior to cancelling a meeting, the City Clerk may poll the members of the City Council provided that the City Clerk does not communicate to any Councilmember the responses of any

other Councilmembers polled. Written notice of cancellation shall be given to each Councilmember and further shall be posted and distributed to the same parties and in the same manner as the agenda for regular meetings.

IV. MEETING MINUTES

A. Action Minutes. The City Council will use action minutes, which, at the discretion of the City Clerk, will contain either very little, if any, narrative content or a light summary to record their proceedings both during Open Session and Closed Session discussions. Action minutes will include final motions and will note for the record how each Councilmember voted. The minutes will also reflect the names of public speakers, if stated, and may contain brief summaries of the nature of comments, and in public hearings whether they spoke in support or opposition of the agenda item at issue. The City Clerk will have exclusive responsibility for preparation of the minutes, and any corrections to the minutes will be made by majority vote of the City Council.

B. Reading Not Required. Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, the minutes may be approved without a reading if the City Clerk has previously furnished the draft minutes in the City Council agenda packet.

C. Draft Minutes. Draft minutes of meetings are generally submitted to the Council for approval with the agenda packet. Any Councilmember who was absent from the prior meeting may participate and vote on the approval of the minutes and need not abstain on the approval of the minutes for that meeting.

D. Recordings. Recordings of all regular and special meeting proceedings are maintained by the City Clerk for a period of 2 years or as provided for in the City's currently-adopted records-retention schedule. Closed Session discussions shall not be recorded unless mandated by a court of competent jurisdiction. The City Clerk shall take action minutes of all Closed Session items.

V. CONDUCT OF BUSINESS

A. Generally. The order of business for a Council Meeting is generally shown on the agenda in the order set forth in Section B, below, but may be modified when necessary on a case-by-case basis by the Mayor on his/her own prerogative or by the City Manager, as the Mayor may deem appropriate.

B. General Order of Agenda Items of Business for Council Meetings.

1. Closed Session
   - Call to Order/Roll Call
   - Public Comment
   - Declaration of Closed Session Items by City Attorney
   - Recess to Closed Session
   - Adjourn Closed Session

- Return to Open Session
- Closed Session Announcements by City Attorney

2. Regular Session
   - Call to Order/Roll Call
   - Closed Session Announcements by City Attorney (to the extent not made immediately following Closed Session as noted above)
   - Invocation/Pledge of Allegiance
   - Proclamations/Special Presentations
   - City Clerk Presents Agenda to City Council/Revisions to Agenda
   - Conflict of Interest Declaration(s)

   A. Appeal Hearings
   B. Public hearings
   C. Consent Calendar
   D. Written Communications
   E. Public Comment/City Manager Reports/Possible Agenda Items and City Council Reports

      1. Public Comment on Items of Interest to the Public
      2. Reports of City Manager
      3. Discussion and Possible Action Regarding Upcoming Items
      4. Reports from Councilmembers

3. Adjourn

C. Public Interest. The public interest shall be taken into consideration when the order of business on the agenda is modified. When feasible, topics anticipated to be of greatest interest to the public will be placed at the beginning of the agenda.

VI. DESCRIPTION/EXPLANATION OF PURPOSE OF CERTAIN AGENDA ITEMS

A. Closed Session. The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law. The City Council shall exclude from any such closed session any person or persons who it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Brown Act. The City Attorney declares the items on the Closed Session Agenda and makes reports following Closed Sessions in accordance with the Brown Act.

B. Public Comment Periods. Depending on the meeting, these periods are provided at the start of each meeting (prior to Closed Session), after the Written Communications portion of each meeting, and prior to Council consideration of certain other agenda items to satisfy the requirements of the Brown Act. These periods provide the ability for **members of the public** to address the Council on items appearing on the agenda or on other matters of interest within

the jurisdiction of the City Council that do not appear on the agenda.

1. **Restrictions**. Public Comment Periods should not be utilized by Councilmembers to the extent said use impinges upon and/or diminishes the time allotted for other members of the public to speak, unless a Councilmember has recused himself/herself from participating in a decision of the Council on a particular agenda item for a financial or other conflict of interest and further is exercising a right to speak as a member of the public regarding an applicable personal interest under the conditions specified in sections 18707(a)(3)(C) and 18704(d)(2) of the regulations of the Fair Political Practices Commission ("FPPC").

2. **Reasonable Time, Place, and Manner Limitations**. Time and other reasonable limitations may be placed on these comment periods as more particularly described in Chapter 5, Section III of this Manual.

C. Appeal Hearings. Certain decisions made by the City's Planning Commission, the City Manager, Senior Management, department heads, and/or hearing officers (as specified in the City's Municipal Code or other applicable law) can be appealed to the City Council. Such decisions usually involve quasi-judicial matters, e.g., granting or denying of permits/licenses or other entitlements.

1. **Quasi-Judicial Decisions**. If a quasi-judicial appeal is at issue, the City Council must follow stricter procedural requirements similar to those used in a court. ("Quasi-judicial" means court-like.) Fair hearings and impartial decision-makers are required. Quasi-judicial hearings must be conducted in accordance with the principles of due process. When the City Council is acting as the decision-making body in quasi-judicial hearings, Councilmembers must refrain from testifying as members of the public, as such participation absent a recusal from the decision could impair due process and create conflicts of interest.

2. **Other Public Hearings.** Public hearings held prior to adoption of ordinances or other legislative/policy matters can follow less strict standards.

D. Public Hearings. In general, a public hearing is an open consideration within a regular meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, residents or concerned members of the public are invited to present protests or offer support for the matter under consideration, subject to reasonable time and other limitations.

1. **When Required**. Public hearings may be required on certain items as prescribed by the Victorville Municipal Code and/or state and federal law. Some examples of when public hearings are generally required include: zoning changes, some annexations, weed abatement items, introduction and first reading of ordinances, and increases of City fees and charges for utilities and other services.

2. **Cancellation and Continuances for Hearings Set by Council**. Public hearings set by the City

Council may be cancelled by a majority vote of the City Council or at the request of the City Manager or City Attorney for good cause. If needed, cancelled public hearings shall be re-noticed in accordance with applicable law. The City Council may also open a public hearing at a meeting, take testimony, leave such hearing open, and continue it to a date certain without re-noticing, upon a majority vote of the City Council, or by the Mayor at the request of the City Manager or City Attorney for good cause.

3. **Continuances for Proponents of Projects and/or Appellants**. Proponents of Projects for which a public hearing is required and Appellants who have an appeal hearing scheduled before the City Council shall be granted one continuance of that hearing under the following conditions:
   (a) Requests for continuances of public hearings and appeal hearings shall be submitted by the proponent/appellant in writing to the City Clerk by no later than the close of business on the date of the Council meeting at which the matter is scheduled to be heard.
   (b) The written request shall specify: (1) the reason for the request for continuance, and (2) the Council meeting date on which the proponent/appellant desires the matter to be heard.
   (c) The City Council reserves the right to continue the public hearing or appeal hearing to a date and time that is least likely to impact the conduct of regularly agendized City business.
   (d) If the proponent/appellant is unable to attend the meeting at which the matter will be heard, the proponent/appellant should designate a representative to appear on his/her behalf.
   (e) No further continuances shall be granted unless, in its discretion, the City Council determines by majority vote that it is necessary to do so after considering the testimony and findings presented at the hearing.

4. **General Public Hearing Procedure**. Public hearings shall generally be conducted as follows:

   (a) Staff presents its report, either by way of a written staff report or by in-person oral presentation.
   (b) Councilmembers may ask questions of staff, subject to the time limitations set forth in Chapter 5, Section II.D of this Manual.
   (c) The Presiding Officer opens the public hearing.
   (d) Members of the public may present their comments, subject to time limits established by the Presiding Officer and/or this Manual.
   (e) The Presiding Officer closes the public hearing after everyone wishing to speak has had the opportunity to do so.
   (f) Council deliberates and takes action.

5. **General Quasi-Judicial Public Hearing Procedure (Land Use Matters and Appeal Hearings).** If a public hearing involves a quasi-judicial matter, the provisions of Section VI.C.1 of this Chapter and other due process procedural safeguards will apply. Although the City Attorney shall advise the Council in this regard, such public hearings shall generally be

conducted as follows:

(a) Councilmembers disclose any ex parte communications or information obtained outside the Council Chamber, such as field trips, views of the premises, and discussions with individuals.
(b) Staff presents its report, either by way of a written staff report or by in-person oral presentation.
(c) Councilmembers may ask questions of staff, subject to the time limitations set forth in Chapter 5, Section II.D of this Manual.
(d) The Presiding Officer opens the hearing.
(e) The applicant and/or appellant have the opportunity to present his/her comments, testimony, or arguments. Each applicant or appellant will be allotted five (5) minutes to present his/her case unless additional time is granted by a majority vote of the Council. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
(f) Members of the public may present their comments, subject to time limits established by the Presiding Officer and/or this Manual.
(g) The applicant and/or appellant have the opportunity to present his/her rebuttal comments, testimony, or arguments. Each applicant or appellant will be allotted five (5) minutes to present his/her rebuttal case unless additional time is granted by a majority vote of the Council. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
(h) The Presiding Officer closes the hearing after everyone wishing to speak has had the opportunity to do so.
(i) Council deliberates and takes action.

E. Consent Calendar. Items on this portion of the agenda include matters considered to be of a routine, administrative, or non-controversial nature, such as approval of the minutes for a prior meeting(s), approval of the register of demands, and second readings of ordinances. Any discussion shall be limited in nature, and those items so listed shall be approved and adopted by one motion of the Council and a roll call vote.

1. **Clarification or Comment**. Councilmembers may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration.

2. **Pulling Consent Calendar Items**. Only those items that require detailed deliberation should be pulled for separate consideration by Councilmembers. This must be done by making a request immediately after the Consent Calendar is announced by the Presiding Officer. If a request is made, it shall serve as a motion to remove an item or items and must be seconded before a vote of the Council may be taken. If the motion to remove receives a majority vote, said item(s) shall be removed from the Consent Calendar and added as the final item(s) for Council's consideration in the Written Communications portion of agenda. If a motion to remove an item or items is not seconded, the motion to remove shall fail and the Council may proceed with voting on the Consent Calendar in the manner set forth in

Section VI.E, above.

3. **"No" Vote without Pulling Item**. It is acceptable to register a "no" vote on an item on the Consent Calendar without pulling the item for separate consideration. The Councilmember would state that the Councilmember wishes to vote "no" on the item before the Presiding Officer or City Clerk calls for the vote. After the vote, the City Clerk will announce the outcome as: "Motion carries unanimously with the exception of Councilmember A voting 'no' on item x."

F. Written Communications. Items on this portion of the agenda are each discussed/debated and voted on separately.

G. Public Comment Period. A second Public Comment period is provided after the Written Communications portion of the agenda as previously noted in Section V.B, above.

H. Reports from City Manager. The City Manager provides brief general announcements of current events and matters of interest to Council and the public. In accordance with the Brown Act, no substantive discussion of specific matters is permitted.

I. Discussion and Possible Action Regarding Items for the Upcoming Agenda. At this time, Councilmembers may make motions to place items on an upcoming agenda. The procedural requirements applicable to this item are in Chapter 4, Section III.

J. Reports from Councilmembers. This portion of the agenda provides Councilmembers the opportunity to briefly comment on City events or projects germane to the business of the City, make oral reports on meetings and events attended at the City's expense, or provide information on other items of interest related to City business. In accordance with the Brown Act, no substantive discussion of specific matters is permitted. Reports from Councilmembers are limited to three (3) minutes per Councilmember, and that time cannot be used to reargue failed motions. The City Clerk has the responsibility to assist Councilmembers with time limits by signaling when the Councilmember is nearing his/her three-minute speaking limit.

CHAPTER 4 - AGENDA

I. GENERAL PURPOSE OF THE AGENDA RULES

A. General. The following rules relating to the agenda for City Council meetings are based on the premise that it is in the interest of good government that the City Council be fully informed on all matters upon which it is called to act. The City Council relies upon City staff to perform research, review potential courses of action, furnish technical information, and recommend solutions to various problems of City Government and recognizes that proper, thorough research and investigation requires time to ensure that the City Council has sound background information before it takes action.

B. Council Preparation. To foster the orderly, effective, and efficient conduct of meetings and ensure the necessary business of the City is transacted, each Councilmember has a duty to review and be familiar with the agenda materials in advance of each meeting. (See Chapter 2, Section IV.A of this Manual.)

II. AGENDA PREPARATION

A. In General. Agendas for regular and special meetings are prepared and posted by the City Clerk in accordance with provisions of the Brown Act, this Chapter, and all other applicable rules and laws. The content of each agenda is overseen by the City Manager in consultation with the City Clerk (and the City Attorney as necessary) concerning the sequence of agenda items and other procedural matters.

B. Agenda Item Submission Schedule. Pursuant to a schedule established from time to time by the City Clerk in consultation with the City Manager, draft agenda items are submitted to the City Clerk's office prior to each meeting. A draft agenda document is prepared by the City Clerk and is provided to the City Manager and staff each Tuesday of the week prior to the regularly-scheduled City Council meeting. A copy of the draft agenda is then reviewed by the City Manager, City Attorney, City Clerk, and Senior Management the following Wednesday morning during its standing meeting.

C. City Manager Review. The City Manager reviews and approves all items for each Council agenda. The final agenda items, including staff reports and attachments, are then submitted to the City Clerk, compiled into the final Agenda packet, and distributed to the Council on the Thursday preceding each regularly-scheduled meeting. The agenda packet is simultaneously made available to the public and posted on the City's website by the City Clerk in accordance with the Brown Act. Once the agenda packet has been delivered to the City Council, items may be added to that agenda by the City Manager or the City Attorney when necessary, provided a supplemental or revised agenda is prepared and posted by the City Clerk in compliance with the Brown Act. In addition, the City Council may take action on items not appearing on the agenda, which are commonly referred to as emergency or urgency items, provided doing so complies with the provisions of Government Code section 54954.2(b).

D. Minimum Requirements. The agenda specifies the time and location of the meeting and a brief general description of each item of business to be transacted or discussed, including items to be discussed in Closed Session, if any. Each agenda item description includes a recommendation to the City Council of the action to be taken.

III. AGENDA ITEM SUBMISSION

A. Placing Items on the Agenda. As provided in sections B, C, and D, below, persons who may place matters on the agenda are City Councilmembers; the City Manager or his/her designated Senior Management staff; and the City Attorney. The City Council may also consider a request from a member of the public to place an item on a future agenda.

B. Councilmember Agenda Requests. To place an item on a future agenda, any Councilmember, including the Mayor, may make a motion or a request to do so during the "Discussion and Possible Action Regarding Items for the Upcoming City Council Agenda" portion of the agenda. In addition, a Councilmember, including the Mayor, may at any time during a meeting make a request or motion to place an item on a future agenda, if the item proposed for future consideration arises in direct relation to an item being discussed. Any request(s) made by a Councilmember shall be done with a simple contextualization and shall not exceed three (3) minutes unless there is an agreement by a majority vote of the Council to extend the time. No substantive discussion on the subject of the motion or request may occur except to explain the general nature of the item and the issue of timing for its placement on a future agenda. Limited questions may be asked for clarification or to help Councilmembers ascertain whether the motion or request is timely.

1. **Second and Majority Vote Required**. If the motion or request to place an item on a future agenda is seconded and approved by a majority vote of those Councilmembers present, the proposed item will be placed on a future agenda.

2. **Timing Direction**. If the motion provides specific direction regarding timing, the approved item together with a staff report will be placed on a future agenda consistent with that direction. If the motion is silent regarding timing, appropriate City staff will be directed to prepare a staff report, and the approved item will be placed on a future agenda at the earliest suitable time, as determined by the City Manager and the Mayor.

3. **Alterations of General Order of Agenda Items of Business.** Certain categories of items of business are required by statute to be on every agenda or are necessary to appropriately conduct the business of the City Council in accordance with its adopted Rules of Discussion and Debate and parliamentary procedure (See Chapter 5). Therefore, recurring categories of items of business such as: Roll Call/Call to Order, Public Comment Periods, Closed Session Declarations and Announcements, Consent Calendar, Public Hearings, Appeal Hearings, Written Communications, and Council Reports may not be altered without advance review or advice of the City Attorney.

4. **Requests for Recurring Agenda Items.** Requests by Councilmembers to add the same agenda item to every subsequent agenda are not permitted unless approved by a majority vote of the Council.

C. City Manager and City Attorney. When so directed by a majority vote of the City Council or upon his/her own initiative when circumstances warrant, the City Manager and the City Attorney may place items on the agenda.

D. Agenda Requests by Members of the Public. Upon agreement of a majority of the City Council, the City Council will determine whether to place on a future agenda an item requested by the public. A member of the public may request placement of an item on the agenda for Council consideration in the following ways:

1. A member of the public may write a letter to the City Council.

2. A member of the public may speak during the Public Comment period at a City Council meeting.

CHAPTER 5 - MEETING RULES OF CONDUCT AND DECORUM

I. PARLIAMENTARY RULES AND GENERAL AGENDA ITEM PROCESS

A. Rosenberg's Rules. Except as otherwise provided in this Manual, the proceedings of the Council at meetings shall be generally guided by the latest revised edition of Rosenberg's Rules of Order ("Rosenberg's Rules"). However, no ordinance, resolution, proceeding, or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow said rules. In the event of a conflict or ambiguity between Rosenberg's Rules and the rules set forth in this Chapter, the rules in this Chapter shall prevail over Rosenberg's Rules.

B. General Process for Handling Agenda Items. The following process is the normal order of business for agenda items, except for public hearings, which are discussed in more detail in Section V of Chapter 3.

1. The Presiding Officer announces the current agenda item.
2. The City Manager or Submitter of the agenda item briefly introduces the item.
3. Staff presents its report (as needed), either by way of a written staff report or by an in-person oral presentation.
4. Councilmembers may ask questions of the City Manager and/or such City staff as the City Manager may designate, although Council Members are encouraged to seek clarification by asking or providing such questions prior to the meeting. Councilmember questions on an item should not exceed three (3) minutes unless an extension of time is granted by a majority vote of the Council.
5. The Presiding Officer opens the item for public comment.
6. The Council asks any follow-up questions of staff that arise from public comments and are directly related to the agenda item. Inasmuch as the three-minute time limit set forth in Section II.D applies cumulatively for all questions of staff, a Councilmember may draw from his/her time remaining from the initial round of questions to staff for follow-up questions.
7. The Presiding Officer invites a motion.
8. Following a valid motion and second, the Council discusses, deliberates, and takes action as described in this Chapter.
9. An affirmative vote of the Council carries the motion, as described herein.

II. RULES OF DISCUSSION AND DEBATE

A. Discussion Procedure. While discussing any question under consideration by the Council, it shall be the duty of the members thereof to remain seated and address their remarks to the Presiding Officer and their fellow members. Any remarks or orders to the audience shall be addressed by the Presiding Officer, or with his/her permission, by members of the Council.

B. Presiding Officer. The Presiding Officer shall have the authority to prevent the misuse of the legitimate form of motions, the abuse of privilege of renewing certain motions, or the

obstruction of the business of the City Council. The Presiding Officer may preserve orderly business by ruling such motions out of order. In so ruling, the Presiding Officer shall be courteous and fair and shall presume that the moving party is making the motion in good faith. The Presiding Officer may move, second, debate, and vote from the chair. The Presiding Officer may also adjourn a meeting by a simple declaration thereof in the absence of a protest by any Councilmember.

C. Councilmembers to Address Presiding Officer. Every Councilmember desiring to speak shall first address the chair, gain recognition by the Presiding Officer, and confine himself/herself to the subject matter, item, or motion being currently considered by the Council, avoiding personalities and crude language.

D. Questions to Staff. Every Councilmember desiring to ask questions of city staff shall, after recognition by the Presiding Officer, address his/her question to the City Attorney or the City Manager, who shall be entitled either to answer the inquiry himself/herself or designate a member of the staff for that purpose. On the assumption that Councilmembers have already sought clarification of agenda materials in advance of the meeting pursuant to Chapter 2, Section IV.A of this Manual, Councilmember questions to City staff shall be subject to a three-minute time limit per agenda item, not including the time taken for staff response(s). Statements masquerading as questions may be ruled out of order by the Presiding Officer.

E. Germane Comments/Time Limit for Council. Councilmembers shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Presiding Officer but may be appealed to the full Council. Councilmembers shall govern themselves as to the length of their comments but generally shall not exceed a total of five (5) minutes per agenda item (not including the three-minute period for Questions to Staff referenced in Section D, above), unless additional time is approved by a majority vote of the Council. The Presiding Officer or the City Clerk, as may be designated by the Presiding Officer, has the responsibility to assist Councilmembers by signaling when the Councilmember has spoken for five (5) minutes. The five-minute time limit may be extended by a majority vote of City Council. No Councilmember shall be allowed to speak more than once on any particular item until every other Councilmember desiring to do so shall have spoken.

F. Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless: 1) called to order by the Presiding Officer, 2) a point of order or point of privilege is raised by another Councilmember, 3) the speaker chooses to yield to a question by another Councilmember, or (4) for such other reasons as set forth in Rosenberg's Rules or this Manual, including, but not limited to, a Councilmember's right to call the question in order to terminate debate. If a Councilmember while speaking is called to order, he/she shall cease speaking until the question of order is determined; and if interpreted to be in order, may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

G. Point of Order. When a Councilmember believes a breach of the Council's parliamentary procedural rules is occurring, he/she may raise a Point of Order to call upon the Presiding Officer to make a determination and enforce the rules of the Council. The Point of Order shall be ruled upon by the Presiding Officer, subject to the right of any Councilmember to appeal the ruling to the City Council through a valid motion. If a motion to appeal the ruling is seconded, the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine the question of order. The motion is debatable, and the Presiding Officer may participate in the debate.

H. Point of Privilege. Any Councilmember can raise a Point of General or Personal Privilege.

1. **Point of General Privilege**. Appropriate points of general privilege relate to anything that would interfere with the normal comfort of the meeting, such as the temperature of the room or a malfunctioning microphone. If raised, the Presiding Officer would then ask the interrupter to "state your point."
2. **Point of Personal Privilege**. The right of a Councilmember to address the council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned or where the welfare of the council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor only if the Presiding Officer recognizes the privilege.

I. Move or Call the Question. Any Councilmember may move to immediately bring the motion/question being debated to a vote, suspending any further debate. Such motion shall not be made in a manner that prevents a Councilmember from voicing an opinion or providing brief, concise, and relevant information with respect to the item being considered. To close off debate pursuant to a Motion to Move or Call the Question, said motion must be seconded and passed by a two-thirds (2/3) vote of those present and voting. The motion is not debatable. If the motion to Move or Call the Question passes, a vote on the motion/question on the floor is taken. If the motion to Move or Call the Question fails, discussion on the motion/question on the floor continues.

J. Motion to Reconsider. A motion to reconsider may be made only by a member who voted in the majority on the original motion. Such a motion may only be made at the same meeting as the original item, and then only to correct inadvertent errors or to consider new information not available at the time of the vote. If the motion to reconsider passes, then the original matter is back before the Council, and the matter may be discussed and debated as if it were on the floor for the first time. After the reconsideration of the item has been acted upon, no other motion for reconsideration thereof will be made without the unanimous consent of the Councilmembers present. Matters that are quasi- judicial in nature or matters that require a noticed public hearing cannot be reconsidered.

K. Failed Motions. Failed motions shall not be brought up at a subsequent meeting unless the Council suspends the rules as provided for in Section III.M, below. However, the effect of such action will not operate to adversely affect individual rights that may have been vested in the

interim without notice and an opportunity to be heard having been given to the affected party or parties.

L. Remarks of Councilmembers and Synopsis of Debate. A Councilmember may request through the Presiding Officer the privilege of having an abstract of his/her statements on any subject under consideration by the council entered into the minutes. If the council consents thereto, such statements shall be entered into the minutes.

M. Suspend the Rules. Any of the rules related to parliamentary procedures in this Manual (to the extent not governed by State law, such as Government Code section 36936, the provisions of the Political Reform Act, or the FPPC conflicts of interest regulations) may be suspended by a two-thirds (2/3) vote of the entire membership of the Council. Such suspension may be moved at any time by a Councilmember.

N. Protest Against Council Action. Any Councilmember dissenting from or stating his/her protest against any action of the council may request to have such dissent or protest entered into the minutes. Such dissent or protest to be entered into the minutes shall be in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

O. Seconding of Motions Required. A motion by any Councilmember, including the Presiding Officer, may not be considered by the Council without receiving a second.

P. Other Time Limitations. A time limit of three (3) minutes shall be imposed on Councilmembers when speaking during the "Reports from Councilmembers" portion of the agenda.

Q. Reading of Ordinances. Except when the title of an ordinance has been read and further reading is waived by a regular motion adopted by a majority vote of the Council, all ordinances shall be read in full either at the time of introduction or passage.

R. Voting Rules.

1. **Vote Unless Disqualified**. All Councilmembers present at a meeting when a question comes up for a vote should vote either for or against the question unless he/she is disqualified from voting by reason of a conflict of interest and abstains because of such disqualification.

   (a) A Councilmember stating disqualification will not be counted as a part of a quorum and will be considered absent for the purpose of determining the outcome of a vote on the matter. See Section S, below, for other rules relating to conflicts of interest.
   (b) Any Councilmember who abstains for reasons other than disqualification, in effect consents that a majority of the quorum may decide the question being voted upon. Any councilmember so abstaining will be counted as present for purposes of establishing a quorum. Such an abstention will be counted 1) as neither an affirmative vote nor a dissenting vote and 2) as if it did not exist. The "present and voting" rule as described in

Rosenberg's Rules applies.

2. **Silence During the Vote.** Unless a Councilmember states that he/she is abstaining, silence shall be recorded as an affirmative vote.

3. **Call for the Vote**. The Presiding Officer or the City Clerk shall call for the vote, which, at the Presiding Officer's discretion, shall be taken by voice affirmation or roll call unless a recorded (roll call) vote is required by law. According to Government Code section 36936, a recorded majority vote of the total membership of the City Council is required for resolutions, orders for the payment of money, and all ordinances. In addition, some types of resolutions and ordinances may require a supermajority vote. Absent other specific State law requirements, a motion carries with a majority vote of a quorum of the City Council.

4. **Tie Votes**. Tie votes will be lost motions and may be reconsidered at a subsequent meeting upon a motion passed by the Council to reconsider the item at a subsequent meeting. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

5. **Changing a Vote**. A Councilmember may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up. Prior to the time that the next item in the order of business is taken up, a Councilmember who publicly announces that he/she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his/her abstention.

S. Conflict of Interest. Any Councilmember who has a conflict of interest regarding any matter being considered by the Council shall, in compliance with the provisions of the Political Reform Act and other applicable laws, declare the conflict, state the reason for the conflict, and leave the room during the discussion of and vote upon that particular agenda item, unless it is a Consent Calendar item (or the Councilmember is exercising a right to speak as a member of the public regarding an applicable personal interest under the conditions specified in Sections 18707(a)(3)(C) and 18704(d)(2) of the FPPC regulations). If the conflict involves a matter on the Consent Calendar, the Councilmember must announce the nature of the conflict and refrain from participating in the item, but he/she may remain present at the dais.

T. Leaving the Dais. To the extent a Councilmember decides to speak on an item by leaving the dais and speaking from the public podium, such Councilmember will relinquish his/her ability to speak on the same item upon his/her return to the dais.

U. Rules Not Exclusive. The rules set forth in this Chapter are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its Presiding Officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in

particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

III. PUBLIC PARTICIPATION AND RULES OF DECORUM FOR COUNCIL, PUBLIC AND STAFF.

A. Public Participation.

1. **Manner of Addressing Council**. To facilitate the orderly conduct of meetings, persons wishing to speak during Public Comment periods and at public hearings are requested to fill out speaker cards and provide them to any Sheriff's deputy attending the meeting, or in his/her absence, the City Clerk prior to the start of the meeting or before a public hearing item is announced. During Public Comment periods and public hearings, each person desiring to address the Council shall step up to the microphone at the podium, state his/her name (and address if desired) for the record, state the agenda item he/she wishes to discuss, state whom he/she is representing, whether he/she is representing an organization or other persons, and shall limit his/her remarks to three (3) minutes, unless further time is granted by a majority vote of the Council. Such persons should not approach the dais unless authorized to do so by the Presiding Officer. All remarks shall be addressed to the Council as a whole and not to any member thereof. No questions shall be asked of a Councilmember, a member of the City staff, or member of the audience without permission of the Presiding Officer. No person shall address the Council without first being recognized by the Presiding Officer. During public comment periods and irrespective of the subject or viewpoint to be expressed, no speaker shall be permitted to show a video, make a PowerPoint presentation, or otherwise utilize any other form of electronic visual display technology requiring advanced set up and/or the use of projectors or other specialized equipment. Such controls are intended to help all speakers maximize their time when addressing the City Council, instead of dealing with potentially time-consuming setup or technical difficulties.

2. **Spokesperson for Group of Persons**. To expedite matters and avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter or item, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Council; and in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council. In situations where more than ten (10) people wish to speak on an item, the Presiding Officer may place reasonable limits on the Public Comment period, including reducing the time allotted to each speaker to one (1) or two (2) minutes and/or a specific time limit for the total presentation. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). The purpose for any limitation described in this section is to ensure the Council can address its agenda, avoid repetitive comments and presentations, and conduct business in an orderly and efficient fashion.

3. **After a Motion.** After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first getting permission to do so by a majority vote of the City Council.

B. Rules of Decorum for Council, Public, and Staff. Meetings of the City Council shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is preserved at all times. The Presiding Officer of the Council shall be responsible for maintaining the order and decorum of meetings. While any meeting of the City Council is in session, the following rules of order and decorum shall be observed:

1. **Councilmembers**. While the Council is in session, Councilmembers must lend themselves to order and decorum. They shall neither by conversation or otherwise 1) delay or interrupt the proceedings or the peace of the Council, 2) disturb any Councilmember while he/she is speaking or, 3) refuse to obey the orders of the Presiding Officer. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

(a) *E-Communication Prohibited*. Except as specified in subdivision (b), below, Councilmembers shall not use E-Communication at any time during any meeting, including, but not limited to, Open and Closed Sessions of the City Council. The use of E-communication is prohibited during Council meetings so that Councilmembers may remain attentive to members of the public, staff, or others as they are speaking to the City Council. E-Communication, which includes blogging, is defined as "electronic text, audio or visual communication, and attachments distributed via e-mail, telephonic service, websites, instant messaging, text messaging, Twitter, Facebook, Snapchat, Instagram, or comparable services." City Councilmembers will not utilize the internet during Council meetings. Outside of City Council meetings, Councilmembers should not communicate via E-Communications with more than one other member of the City Council on any issue regarding City business.

(b) *Exceptions for Emergencies*. The limitation specified in subdivision (a), above, shall not apply to the receipt of telephone calls or text messages from family members in the event of an urgent family matter. Councilmembers wishing to respond to such a message during the meeting shall do so in a manner that does not disrupt the meeting. Responses to urgent matters may occur during a recess or after having been excused from the meeting by the Presiding Officer.

(c) *Recording or Live Streaming.* Councilmembers shall not video record or live stream meetings while sitting at or standing behind the dais in such a manner that obstructs the view of or results in a persistent disruption of other Councilmembers' ability to participate in the meeting. To the extent a Councilmember wishes to record or live stream a meeting while sitting at or standing behind the dais, such Councilmember shall further ensure that he/she is not recording in a manner that intrudes into the personal space of other Councilmembers or the City Attorney (within twenty-four inches of the person); in a manner that records notes made by Councilmembers during meetings (which necessarily invades the Mental Processes and/or Legislative Privileges protecting

legislators' uncommunicated motivations for making a policy or decision); or in a manner that displays the protected work product of the City Attorney.

(d) *Leaving Seats*. Councilmembers shall not leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

(e) *Packing of Audience.* It is inappropriate for a Councilmember to pack the audience for a specific agenda item.

2. **City Staff Members**. City staff members and employees shall observe the same rules of order and decorum as are applicable to the City Council, with the exception that City staff members and employees may leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

3. **Persons Addressing the Council**. The primary purpose of Public Comment periods at City Council meetings is to allow citizens the opportunity to formally communicate with the City Council as a whole, but these comment periods should not be utilized as a substitute for handling any matter during the normal working hours of the city government. Each person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous, or profane remarks to any member of the Council, City staff, or the general public. Any person who makes such remarks or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct that disturbs, disrupts, or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during that meeting. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

4. **Members of the Audience**. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; excessive clapping; or other acts that disturb, disrupt, or otherwise impede the orderly conduct of any Council meeting. Any person who conducts himself/herself in the aforementioned manner shall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during that meeting. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

C. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. **Warning**. The Presiding Officer shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the Presiding Officer, a person persists in disrupting the meeting, the Presiding Officer shall order such person to leave the Council meeting. If such person does not remove himself or herself, the Presiding Officer may order any law enforcement officer who is on duty at the meeting as sergeant-

at-arms of the Council to remove that person from the Council chambers.

2. **Removal.** Any law enforcement officer who is serving as sergeant-at-arms of the Council shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the Council meeting any person who is disrupting the proceedings of the Council.

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

4. **Adjournment**. If a meeting of the Council 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 Council, and any remaining Council business may be considered at the adjourned or next meeting.

CHAPTER 6 - ADMINISTRATIVE MATTERS

I. ADMINISTRATIVE SUPPORT

General staff and administrative support to members of the City Council is provided through the City Manager's Office. Administrative services, including the scheduling of appointments, receipt of telephone messages, and word processing, are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Please note that individuals may have other work assigned with high priority. Councilmembers shall not make demands of the City Manager, City Attorney, or City Employees that communicate a desire for or an expectation of special treatment. In no event shall Councilmembers request administrative support to further personal or campaign/political purposes.

II. MAIL, DELIVERIES, AND E-MAIL

A. Correspondence from the Public. The City encourages the public to send correspondence to the entire City Council, either by traditional post or by e-mail. Correspondence addressed to the City Council that is received by the City Clerk or by any other officer or employee of the City shall be deemed a public record upon receipt, except as set forth in the Public Records Act (California Government Code § 6250 *et seq*.) or other applicable law.

1. **Authority of City Clerk**. The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and give it immediate attention to the end that all administrative business referred to in said communication not necessarily requiring Council action may be acted upon between Council meetings.

   (a) Members of the City Council receive a large volume of mail and other materials from the public and staff. The City Clerk maintains an office mailbox for each member into which written correspondence shall be placed. Councilmembers must check their mailbox frequently.
   (b) The City Clerk may provide for a city courier to deliver materials to the homes of Councilmembers when materials are time sensitive.

2. **Councilmember Responsibilities**. If correspondence is received directly by a Councilmember without the City Clerk having opened and examined same, the Councilmember shall be responsible for providing to the City Clerk the correspondence that is required to be included with agenda materials, as set forth in the Brown Act. All such communications shall be deemed a public record upon receipt, except as set forth in the Public Records Act or other applicable law.

B. City-Issued E-mail Address. Each Councilmember is provided with a City of Victorville domain e-mail address for City-related business purposes and to receive e-mail from constituents, other members of the public, government agencies, etc.

1. **Status as Public Record**. Pursuant to the Public Records Act, any e-mail sent or received by Councilmembers using the City-issued domain e-mail address may constitute a public record and be disclosable upon the City's receipt of a Public Records Act request.

2. **Privacy Limited**. Councilmembers have no reasonable expectation of privacy in any e-mail correspondence received by them at their City of Victorville domain e-mail address.

C. Communications Using Non-City Accounts/Devices. Messages or communications received by Councilmembers on their personal electronic devices or personal e-mail accounts concerning City business may also be subject to disclosure under the Public Records Act. Additional rules are set forth in Section IV, below.

D. Other Rules Relating to Correspondence. Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the time of the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.

III. CITY-ISSUED EQUIPMENT

A. Equipment Provided. To enhance Councilmembers' ability to communicate with staff and the public, city-purchased equipment, such as computers and cell phones, can be provided upon request. Access to the City's fax machines and e-mail system is also available.

B. Limitations on Use.

1. **Brown Act Considerations**. The use of technological devices to communicate with a majority of other Councilmembers on any official action to be taken falls within the provisions of the Brown Act. Technological devices include, but are not limited to, phones, faxes, computer e-mail, public access cable TV, and video. Use of such devices to pass information for the purpose of developing concurrence on action to be taken outside of a public meeting is prohibited.

2. **Other Prohibitions**. Personal use of City-issued equipment is prohibited in accordance with Government Code section 8314, except for such minimal and incidental use as specified therein.

IV. USE OF PERSONAL ACCOUNTS AND PERSONAL ELECTRONIC DEVICES FOR CITY BUSINESS

A. Status as Public Records. Text messages, emails, and other electronic communications that deal in some substantive manner with the conduct of City business created on, stored on, and/or transmitted by personal accounts or personal electronic devices may be subject to disclosure under the Public Records Act.

B. Limitations and Rules on Use. To the extent feasible, City-issued email accounts and electronic devices shall be used to conduct City business. Limited use of a private device or account for public business by Councilmembers is permissible but discouraged. The following rules must be observed:

1. **Urge Use of City Electronic Devices/Accounts.** Councilmembers shall request persons sending electronic communications regarding City business to a personal account or device to instead utilize the City of Victorville domain e-mail address, City-issued cell phone number, or other official City electronic messaging account provided to the Councilmember.

2. **When Communications Received on Personal Accounts/Devices**. If Councilmembers receive electronic messages regarding City business on their personal electronic messaging account or device, or circumstances require them to conduct City business on a personal account or device, Councilmembers should either

   (a) copy ("cc") any communication from the City official's personal electronic messaging account or device to his/her City electronic messaging account, or
   (b) forward the electronic communication to his/her City account as soon as feasible after the original creation or transmission of the electronic communication.

C. Compliance and Additional Policies. The City Council shall comply with the above provisions and any additional administrative policies the Council adopts for City-wide application regarding procedures to be followed with respect to communications received on personal accounts and devices when Public Records Act requests are made.

CHAPTER 7 - RELATIONSHIP AND CONDUCT

I. RELATIONSHIP AND CONDUCT WITH CITY MANAGER

A. Council-Manager form of Government. The City has adopted a Council-manager form of government. This structure reflects the City Council's role to establish City policy and priorities. The Council appoints a City Manager to implement this policy and undertake the administration of the organization. The City Council must work through the City Manager in dealing with City staff.

B. The City Council and City Manager Work as a Team. The City Council establishes policies for the overall operation of the City. The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is expected to adhere to the International City/County Management Association (ICMA) Code of Ethics, and the City Council must recognize said Code of Ethics when dealing with the City Manager. The City Manager is responsible to the City Council rather than to individual Councilmembers and directs and coordinates the various departments.

C. Productive Relationship Requirements. The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City. To facilitate a productive work relationship with the City Manager, the City Council and/or individual members shall do each of the following:

1. Except for the purpose of requesting information or assistance, deal with the administrative service under the City Manager solely through the City Manager as indicated in Section 2.04.210 of the Victorville Municipal Code. Neither the City Council nor any member shall give orders to, command the services of, or assign work to any subordinates of the City Manager, either publicly or privately. Alternately, contact may be made directly with Senior Management, as long as a copy of communication is forwarded to the City Manager. Senior Management shall inform the City Manager of all Councilmember contact.

2. Direct the City Manager to implement the Council's policy decisions through the administrative functions of the City.

3. Treat City staff professionally, and refrain from publicly criticizing or belittling individual employees. Personnel issues are managed through established channels and procedures.

4. Avoid involvement in personnel issues related to City-Council-appointed staff, i.e., the City Manager and City Attorney, except during City Council Closed Sessions, when issues of hiring, firing, promoting, disciplining, etc., may be addressed appropriately.

5. Discuss directly with the City Manager any displeasure with a department or staff member.

6. Refer complaints to the City Manager for further processing. Staff shall be given adequate time to investigate and respond to such complaints.

7. Receive from the City Manager timely information regarding unusual events that the public would be concerned about; e.g., anyone wounded by gunfire, an area cordoned off by police or fire, a significant event, etc.

8. Avoid communicating with persons or parties in litigation with the City (or any of the entities for which the City Council sits ex-officio as the governing board as noted in Chapter 2, Section IV.D.2 of this Manual) in a manner that compromises the City's or other entity's position in such litigation.

9. Include the City Manager in follow-up meetings where a Councilmember has first met with an individual or company representative regarding official business of the City.

II. RELATIONSHIP AND CONDUCT WITH CITY ATTORNEY

A. Legal Advisor to the City. In all matters, the City Attorney represents the City and is the legal advisor to the City Council, the City Manager, the City Clerk, Senior Management, and department heads. The general legal responsibilities of the City Attorney are

1. to provide legal assistance necessary for formulation and implementation of legislative policies and projects;

2. to represent the City's interest, as determined by the City Council, in litigation, Administrative hearings, negotiations, and similar proceedings;

3. to prepare and/or review and approve ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and

4. to keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

B. Does Not Represent Individual Councilmembers or Staff. It is of the utmost importance to understand that the City Attorney does not represent individual members of Council, but the City and the City Council as a whole.

III. RELATIONSHIP AND CONDUCT WITH CITY CLERK

A. The City Clerk performs statutorily mandated duties and such tasks as may be assigned by the City Council and/or the City Manager. The general responsibilities of the City Clerk are:

1. to serve as the Elections Official of the City;

2. to protect and preserve the legislative record of the City Council and other various records;
3. to facilitate delivery of records consistent with the provisions of the Public Records Act;
4. to receive filings on behalf of the City;
5. to facilitate the preparation, duplication, preservation, and delivery of Council agenda materials; and
6. to advise City departments about best practices for records management.

IV. RELATIONSHIP AND CONDUCT WITH STAFF

A. General considerations. Governance of a city relies on the cooperative efforts of elected officials, who set policy and priorities, and City staff, who analyze problems and issues; make recommendations; and implement and administer the City Council's policies. To ensure the proper functioning of these cooperative efforts, Councilmembers must avoid intrusion into those areas that are the responsibility of staff. This is necessary to protect staff from undue influence and pressure from individual Councilmembers and to allow staff to execute priorities given by management and the Council as a whole.

B. Cooperation. Individual Councilmembers, as well as the Council as whole, shall receive the full cooperation and candor of staff in being provided with any requested information. Requests of the City Attorney's office are to be submitted directly to the City Attorney. All other requests of staff are to be submitted through the City Manager's office.

C. Issues of Pressure or Influence. Individual City Councilmembers shall not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole.

1. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon a majority of the Council at an open meeting to do so as a matter of Council policy.

2. The City Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council as a body and in keeping the Council informed;

3. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing, or influencing recommendations in any manner.

V. REQUESTS FOR RESEARCH OR INFORMATION

A. General Considerations. Councilmembers should generally inform the City Manager prior to communicating directly with any employee below the Senior Management level. A Councilmember may request directly from department heads answers to routine questions or

information on a given topic when it will require little or no research and have little or no impact to City operations. The Councilmember should also advise the City Manager of this request. City staff shall inform the City Manager of all Council contact.

B. Responses to Requests. Requests made by individual Councilmembers for information or assistance will be addressed as quickly as possible under the circumstances at the time, providing that in the judgment of the City Manager (or the City Attorney depending on the nature of the request) the request is not of a magnitude, either in terms of workload or policy, that would require more than thirty (30) minutes of time in which to respond or is of such a nature that it would be more appropriately assigned to staff through the collective direction of the City Council. If the individual Councilmember request goes beyond these parameters, or in the judgment of the City Manager, is not within the scope of City policies or business, the City Manager will bring the request to the full Council for consideration.

C. Policy-Related Requests. All Council requests dealing with policy and such other requests that may be construed as direction shall be directed to the City Manager, except for routine general inquiries or questions that will not disrupt city operations, in which case, Councilmembers may approach Senior Management with their requests. Councilmembers may also contact the City Attorney or City Clerk.

D. Funding Requests. Any request from City Council requiring funding must be addressed with the City Manager. The City Manager shall respond in a timely manner.

E. Written Requests Preferable. To assist the City Manager, requests for information are best tracked if submitted in writing, either in memorandum form or through e-mail. And to ensure proper responsiveness, Councilmembers are asked to copy both the department head and the City Manager on all correspondence with staff.

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

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

H. Disclosure of Information. No Councilmember may, without prior formal authorization of the City Council, disclose any confidential information concerning any other official or employee, or

any other person, or any property or governmental affairs of the City. Whether or not such information is allowed to be disclosed, no Councilmember may use or permit the use of any such confidential information to advance the financial or personal interest of himself/herself or any other person. For the purposes hereof, "confidential information" shall mean information that is not generally known in the public and/or is not subject to disclosure under the California Public Records Act or other applicable law. Some examples of confidential information include attorney-client privileged communication, attorney-client work product, personnel, medical, or similar information—the disclosure of which would constitute an unwarranted invasion of privacy. (Govt. Code § 6250 *et seq*.)

CHAPTER 8 - COMMUNICATION AND REPRESENTATION

I. REPRESENTING MAJORITY VS. INDIVIDUAL OPINION

A. Dual Roles of Councilmembers. A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Councilmember retains the right to speak as an individual, not as a member of the City Council, but must make this distinction very clear when he/she does speak on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

B. General Policy Considerations. An important role of a Councilmember is communication—communication with the public to assess community opinions and needs, communication with staff to provide policy direction, and communication to gain an understanding of the implications of various policy alternatives. Because the City Council acts as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members express personal views and not those of the Council, the public must be so advised.

II. CORRESPONDENCE FROM COUNCILMEMBERS

A. Stationery Use and Related Guidelines.

1. **Use of City Letterhead**. City letterhead shall be used by the Mayor, Mayor Pro Tem, and City Council only for official City business, communication of adopted City policies and positions, and any related communications. All Councilmembers should be copied on correspondence signed by the Mayor or other Councilmember. Use of City letterhead and/or title on personal matters (those not related to official city business) is not permitted.

2. **Personal Stationery**. Personal stationery without a City Logo shall be used by any member of the City Council to communicate individual positions, conduct personal correspondence, or communicate positions that may be in opposition to established City Council positions or decisions. Personal stationery shall be printed at the expense of the individual Councilmember, and the aforementioned types of communications shall be mailed at the individual Councilmember's expense.

3. **Correspondence Public Record**. All Councilmember correspondence created using City resources, including, but not limited to, City letterhead, postage, envelopes, or staff time, are public records and shall be copied to the full Council, the City Manager, the City Attorney, and the City Clerk.

4. **Permission Required**. Whenever a Councilmember other than the Mayor wishes to write a

letter on City letterhead, he/she should inform the Council (in writing or verbally at an open meeting) what the letter is about and seek Council approval that the letter may be written on City letterhead. Such letters shall only pertain to official City business.

B. Prohibitions on Use of Public Resources for Personal or /Campaign Purposes.

1. **Letterhead and Staff**. City letterhead and staff support cannot be utilized for personal or political purposes. Any use of the City's logo, flag, seal, slogan, or name shall further be subject to the provisions of Chapter 1.06 of the Victorville Municipal Code and applicable State laws. The use of the City Seal, logo, or other insignia on personal matters and correspondence is not permitted.

2. **Council Chambers and Staff Photos**. The City Council Chamber cannot be used as a location for taking campaign photos. The use of photos with current City staff and City Council candidates in election materials is prohibited.

III. SPEAKING FOR "THE CITY"

A. Issue Position Statements. When members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole taken in open session. It is permissible, however, for a Councilmember to clarify his/her vote on a matter by stating: "While I voted against 'X,' the City Council voted in support of it." When representing the City at meetings or other venues, it is essential that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

B. Communication of Council Policy. The Mayor and individual Councilmembers are not authorized to speak on behalf of the City or the City Council with regard to City or City Council policy or positions, except when such policy or position has been clearly established or when the Mayor or Councilmember has been designated by the City Council as a spokesperson on a given subject.

C. Supporting State or Federal Legislation. The City Council may be requested to formally support or oppose state or federal legislation. In considering whether or not to take such action, it is Council policy to determine first if the legislation involves matters pertaining directly to the City of Victorville or its residents as a whole. If the subject matter does not relate directly to City business or to local residents, then the City or City Council can decline to take a position. If the legislation could be expected to affect the City or its residents, then the City Council may elect to take a position. All correspondence articulating the City's position on state and federal legislation shall be handled in a manner consistent with the City Council's adopted goals and policies.

D. Press Releases. All press releases pertaining to the City Council shall be issued on City letterhead on behalf of the entire City Council. No press releases pertaining to the City Council or City shall be released by individual members of the City Council without prior authorization

from the City Council acting at a Council meeting. The City Manager and his/her designated staff are authorized to issue press releases pertaining to City activities and events of public importance as he/she determines necessary and appropriate to keep the public informed. All final press releases shall immediately be distributed to the City Council.

E. Representation at Ceremonial Functions.

1. **City Sponsored Events**. The Mayor, or Mayor Pro Tem in his/her absence, shall represent the Council at ceremonial functions organized by the City. The Mayor or Mayor Pro Tem may, at his/her own discretion, ask another Councilmember to represent the Council at that function when neither is available. Staff shall also include any Councilmember who has promoted a project or event in any program or agenda in such a function.

2. **Non-City Sponsored Events**. As a general rule, the Mayor, or the Mayor Pro Tem in his/her absence, shall represent the Council at ceremonial functions not organized by the City upon receipt of an invitation from the sponsor of such event. If neither the Mayor nor the Mayor Pro Tem is available to attend a non-City sponsored event, he/she may designate a replacement. Nothing in this provision is meant to preclude a Councilmember from representing the Council at a ceremonial function where the event organizer has requested that a specific Councilmember attend the function.

F. Appearances before Agencies and Organizations. If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Councilmember should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not represent the position of the City Council.

G. Participation in Community Activities. From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.

H. Name Badges. The City issues name badges to all City Councilmembers, the City Manager, the City Clerk, Senior Management, department heads, City Planning Commissioners, City advisory committee members, and other City staff as deemed appropriate by the City Council.

1. **Official Use Only**. It is not permissible for any City Councilmember or any of the personnel listed in Section G, above, to use his/her badge for any purpose except as reasonably necessary for identification when acting in their official capacities.

2. **Fraudulent Use Prohibited**. It is not permissible for any person to wear, exhibit, or use a badge with the intent of fraudulently impersonating a City official or of fraudulently inducing the belief that the person is a City official at the time the badge is worn, displayed, or used.

I. Business Cards. City Councilmembers will be provided with business cards in increments of 500. No more than one order will be processed within a 12-month period unless approved in advance by the City Manager. City business cards may not be used for personal or financial gain, for obtaining privileges not otherwise available to a Councilmember, or for soliciting political contributions.

IV. CITY COUNCIL SPENDING AND REIMBURSEMENT POLICY

A. Effect of CP-12-01. Except as specified otherwise in this Section, the provisions of the Expense Reimbursement Policy set forth in Council Policy No. CP-12-01, or any amendment(s) to or successor Council Policy adopted in lieu thereof ("CP-12-01") shall apply to all City Councilmembers. The provisions of Council Policy Nos. CP-93-5 and CP-73-3, to the extent currently in effect, are completely superseded by this Section.

B. Events and Covered Expenses. As long as all other requirements of this Section IV are also met, covered expenses (as that term is used in CP-12-01) incurred by City Councilmembers constitute reimbursable expenses when they engage and/or participate in the following activities and/or events ("Events"):

1. Communicate with representatives of regional, state, and national government and their various agencies and entities on City-adopted or authorized policy positions.

2. Attend educational seminars designed to improve Councilmembers' skill and information levels.

3. Participate in regional, state, and national organizations, e.g., California League of Cities or National League of Cities, whose activities affect the city's interests.

4. Attend City-sponsored events.

5. Travel out-of-state or internationally for the above purposes.

C. Advance City Council Approval of Expenditures for Events. Prior to making travel, transportation, and/or lodging arrangements for any Event for which a Councilmember wishes to be reimbursed by the City, the Councilmember must have the Event and the expenditure approved. Requests for travel and meeting expense reimbursements or City-paid travel and meetings for any Event(s) will require the advance approval of the City Council at a regularly-scheduled Council Meeting under an agendized item requesting such approval.

The foregoing requirement for approval of travel expenses shall not apply when the City Councilmember is traveling in connection with his/her required attendance at meetings of legislative bodies of outside agencies to which the Councilmember has been appointed to serve as a City representative or alternate pursuant to Chapter 9, Section IV of this Manual.

D. Meeting Reporting Requirement. Councilmembers shall provide a brief report *on any meeting or event attended at the expense of the City* at the next regular meeting of the Council. If multiple Councilmembers attended the same event, a joint report may be made.

E. Additional Spending and Reimbursement Rules.

1. **Spending Tracked**. The City Manager's Office will keep an individual spending and reimbursement record for each Councilmember for the period of July 1 to June 30 of each year.

2. **Intrastate/International Travel**. No travel outside the state or the country is permitted without advance approval of the City Council, who shall make such decision at a regularly-scheduled Council Meeting under an agendized item requesting such approval.

3. **Travel Arrangements**. Hotel and travel accommodations may be made by City staff or the Councilmember. Councilmembers shall use best efforts to seek the most reasonable, cost-effective manner of travel and/or accommodations, keeping in mind that such travel and/or accommodations are being provided at the expense of the taxpayers.

F. Expense Reports Required. In order to receive expense reimbursements, Councilmembers shall complete and submit to the City Manager's Office a Travel and Expense Reimbursement Form and Report ("Expense Report") within a reasonable time after incurring the expense, but in no event, shall it be later than 30 days thereafter. The following rules shall also apply:

1. Each Expense Report shall be accompanied by all receipts documenting each expense with proof of the advance approval obtained from the City Council (or the City Manager, as applicable).

2. The Councilmember shall verify that the expenses for which reimbursement is sought were incurred on behalf of the City in the performance of official duties and otherwise meet the requirements of this Section IV.

3. All documents related to reimbursable expenditures, including, but not limited to, the Expense Report and actual receipts, are public records subject to disclosure under the Public Records Act. Any personal information, e.g., credit card numbers, contained on any receipts may be redacted before publicly releasing such records.

G. City Manager Authority. The City Manager has the authority to determine the reasonableness of an expense and, as such, may disallow it for reimbursement. A request for reimbursement that has been disallowed by the City Manager may be appealed to the City Council who will make its decision at a regularly scheduled City Council Meeting under an agendized item requesting such appeal. The decision of the City Council shall be final.

V. GUIDELINES AND PROCEDURES FOR CEREMONIAL RECOGNITION ITEMS

A. General. The City of Victorville regularly receives requests from individuals and organizations for various ceremonial recognition items. These items can range from a simple Letter or Certificate of Recognition to a plaque commemorating a special occasion or event.

B. Need for Guidelines. Ceremonial recognition items are intended to be gestures of high esteem and if provided too freely, could lose significance to the point of becoming meaningless. Therefore, these Guidelines and Procedures for issuance of Ceremonial Recognition Items will be adhered to when such requests are received.

C. Jurisdictional Limitations. Ceremonial recognition items shall only be presented to businesses, organizations, and individuals located, providing services, or residing in the City of Victorville. All other requests will be denied, and the requesting party shall be referred to the appropriate jurisdiction.

1. **Certificates of Recognition in Presentation Folders.** Certificates of Recognition in Presentation Folders are intended to commend and recognize businesses located in the City of Victorville during small-scale ribbon cuttings, grand openings, and open house events. They are only to be presented at a Council meeting or other event where the Mayor or his/her designee will be in attendance to present the certificate.

2. **Letters of Recognition/Congratulations**. Letters of Recognition/Congratulations are intended to commend and recognize the following:

   (a) Major achievements, such as the Eagle Scout Award and Girl Scout Gold Award.
   (b) Milestone events, such as the anniversary of an organization, wedding anniversaries of 50 or more years, or, at the Mayor's discretion, other life milestones, such as birthdays.

3. **Framed Certificates of Recognition.** Framed Certificates of Recognition are intended to commend and recognize the following:

   (a) Exceptional contributions to the City of Victorville by a community organization, business, or individual; and

   (b) Large scale ribbon cuttings, grand openings, anniversaries, and open house events for businesses located in the City of Victorville.

Framed certificates of recognition are only to be presented at a Council meeting or other event where the Mayor or his/her designee will be in attendance to present the certificate.

4. **Plaques**.

   (a) Plaques shall only be prepared for presentation to prominent businesses and/or organizations that have made a significant contribution to the City of Victorville and its residents.
   (b) Plaques may also be prepared for presentation to certain individuals who have acted with distinction in carrying out their duties or who have taken extraordinary actions that further the best interests of the City of Victorville and its residents.
   (c) Plaques shall be presented by the Mayor or his/her designee only.
   (d) The presentation of plaques will only be made in conjunction with an event or in a business meeting held in the City of Victorville where the business/organization/individual can be formally acknowledged by the Mayor or his/her designee.

5. **Proclamations**. Proclamations are ceremonial documents signed by the Mayor for

   (a) public awareness,
   (b) charitable fundraising campaigns, and
   (c) arts and cultural celebrations.

   Proclamations will not be issued to or for any of the following:

   (a) Individuals. Proclamations must affect a broad group of people.
   (b) Matters of political controversy, ideological or religious beliefs, or individual convictions.
   (c) Events or organizations with no direct relationship to the City of Victorville.
   (d) Campaigns or events contrary to policies of the City of Victorville.

D. Additional Information Related to Ceremonial Recognition Items.

1. All requests will be submitted to the Mayor at a weekly internal review meeting.
2. The Mayor reserves the right to modify or deny any requests.
3. The Mayor reserves the right to determine the type of recognition to be issued based on the information provided by the requesting party.
4. Only one official, signed copy of any form of recognition will be issued per individual or organization per calendar year.
5. Ceremonial recognition items will not be e-mailed, mailed, or faxed.
6. Ceremonial recognition items are not automatically reissued every year. No announcements should be made regarding any recognition items until official confirmation has been received from the Mayor's office.

E. Procedure for Requesting Ceremonial Recognition Items.

1. All requests MUST be directly related to an event for a business, organization, or individual located, providing services, or residing in the City of Victorville.

2. All requests must be submitted in writing to the City Clerk's office at least seven business days prior to the date the document is needed. There are no exceptions to this requirement unless specifically waived by the Mayor.

3. Each request must include the following:

   (a) The contact person's first and last name, address, e-mail address, and telephone number.
   (b) The name of the individual who will be accepting the presentation if different from the contact person's name.
   (c) A brief summary and/or background of the event, organization, or individual to be recognized and the reason why such recognition is being requested.
   (d) The date the item is needed.
   (e) The date, time, and location of the event if the ceremonial recognition item is to be presented at an event.

CHAPTER 9 - COMMISSIONS, COMMITTEES AND BOARDS

I. PURPOSE AND GENERAL CONSIDERATIONS

A. Role of City Commissions, Committees, and Boards. Most commissions, committees, and boards established by the City Council are advisory to the City Council. The role of all such commission, committee, or board is to make recommendations to the City Council on matters affecting the City of Victorville. Except as otherwise provided in State or local law, commissions and committees have no independent role separate and apart from their role as advisory to the City Council. Commissions, committees, and boards have no authority to appropriate funds or make policy except as otherwise approved by the City Council.

B. Nomination and Confirmation. On or before December 31st of each year, the City Clerk (or such other staff as the Council may designate) shall prepare and provide to the City Council an appointments list of all regular and ongoing boards, commissions, and committees appointed by the Council and the terms of the members of such boards, committees, and commissions that will expire during the next calendar year. At such time, or as soon thereafter as possible, each Councilmember shall nominate new individuals or re-affirm his/her existing appointments to the various City committees and commissions (e.g., the City Legislative Review Committee and the Planning Commission). Such nominations and/or reaffirmations of existing appointments must be confirmed by a majority vote of the City Council and otherwise conform to the provisions of City Council Resolution No. 13-049 and any amendments or successor resolution(s) thereto. Unscheduled vacancies shall be filled in accordance with Government Code section 54974. Except as may be terminated by a majority vote of the City Council, such appointments shall be coterminous with the appointing Councilmember's term of office.

B. Instruction and Training. The Council shall ensure that all members of City committees and commissions are properly instructed on their responsibilities, direction, and performance expectations. Such City committees and commissions shall also be required to follow the applicable provisions of Resolution No. 13-049 and any amendments or successor resolutions thereto.

C. Planning Commission. The membership, powers, and responsibilities of the Planning Commission are set forth in the Victorville Municipal Code and various provisions of State Law.

D. Conflict of Interest. All members of commissions, committees, and boards shall abide by the provisions of the Political Reform Act, FPPC regulations, and provisions of the common law relating to conflicts of interest.

II. CITY COUNCIL SUBCOMMITTEES

A. Purpose. The City Council from time to time forms committees composed solely of a portion

of its own membership. These committees, often referred to as subcommittees, are formed to study, investigate, and make recommendations to the full Council regarding specific topics and may be designated as either Standing or Ad Hoc.

1. **Standing Subcommittees**. These subcommittees have a continuing subject matter jurisdiction or meeting schedules that are fixed by the Council. Regardless of the number of members, Standing subcommittees are required to comply with the Brown Act.

2. **Ad Hoc Subcommittees**. These subcommittees have a specific purpose and limited duration, no continuing subject matter jurisdiction, and no meeting schedule fixed by the Council. Ad Hoc Subcommittees composed solely of less than a quorum of the City Council membership (2 members maximum) are generally exempt from the Brown Act and thus are not required to schedule regular meetings or post meeting dates and agendas.

B. Subcommittee Formation and Appointment.

1. **Standing Subcommittees**. The Council may create or dissolve Standing subcommittees at any time by the affirmative vote of a majority of the Council. The Mayor appoints and the City Council confirms by majority vote the members of Standing subcommittees.

2. **Ad Hoc Subcommittees**. The Council or the Mayor may create Ad Hoc subcommittees. The Mayor has the discretion to make appointments to such Ad Hoc subcommittees himself/herself or to allow a majority of the Council to vote on such appointments.

C. Subcommittee Responsibilities. The responsibilities of subcommittees include making and submitting recommendations and information to the Council for consideration and/or a vote (once properly agendized as noted in Section III.C, below, to ensure compliance with the Brown Act). Staff will work with and support Council subcommittees as required and in accordance with the provisions of Section II of this Chapter.

D. Review of Standing and Ad Hoc Subcommittees. At its second regular meeting in December (or as soon thereafter as possible), and prior to making any appointments, the Council will review each currently-existing Standing or Ad Hoc Subcommittee and determine the need to renew or terminate the committee.

E. Conduct of Subcommittee Meetings. Council subcommittees shall generally follow the meeting procedures and rules of order set forth in Resolution No. 13-049.

III. ADMINISTRATIVE SUPPORT FOR CITY COMMISSIONS AND COMMITTEES.

A. Staff to Provide Support. City staff will provide assistance and support to City commissions, committees, and subcommittees; however, such commissions, committees, and

subcommittees do not have supervisory authority over City employees. While staff may work closely with these entities (particularly the Planning Commission), City staff members remain responsible to their immediate supervisors and ultimately to the City Manager. The members of City commissions, committees, and subcommittees are responsible to perform the functions (as set forth in Victorville Municipal Code or other City Council directive) of their respective committees/commissions.

B. Examples. Staff support includes preparation of an agenda and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate back-up materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

C. Procedure for Recommendations to Council. Advisory City commissions, committees, and subcommittees wishing to communicate progress, status, and/or recommendations to the City Council must do so through approved Council agenda procedures. In addition, if such commissions, committees, and subcommittees wish to correspond with an outside agency, such correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individual members of City commissions, committees, and subcommittees who would like City staff to perform research or review a particular issue must gain the approval for such a request from the City Manager before any work is planned or done.

IV. BOARDS, COMMISSIONS, AND COMMITTEES ON WHICH COUNCILMEMBERS SERVE AS CITY REPRESENTATIVES

A. Outside Agencies. City Councilmembers are appointed to and serve as City representatives on the boards of commissions and/or committees of outside agencies in the region, such as the Victor Valley Transit Authority ("VVTA"), the San Bernardino County Transportation Authority ("SBCTA"), and the Victor Valley Wastewater Reclamation Authority ("VVWRA").

B. Procedures. Nomination and confirmation of such representatives and one alternate shall follow the same procedure identified in Section I.B for City Commissions, Committees, and Boards.

C. Absence. Whenever a member of the City Council is unable to attend a regional board or commission to which he or she is designated as the City's representative, he or she shall notify his/her alternate.

D. Duties. Councilmembers serving as City representatives on such outside agencies shall comply with the rules of procedure adopted by such agencies when participating in meetings of such agencies and shall provide updates or reports to the City Council on the activities of such agencies as required.

CHAPTER 10 - ENFORCEMENT

I. CENSURE AUTHORIZED

Censure is a formal resolution of the City Council that reprimands one of its own members for specified conduct, generally a violation of State, Federal, or local laws; or of City policy, including the provisions of this Manual (hereinafter collectively "Law"). Censure should not follow an occasional error in judgment that occurs in good faith and is unintentional, but it is appropriate when the violation is considered to be a serious offense or the conduct involves intentional and repeated violations of Law or City policy after other Councilmembers have informed the offending Councilmember of the violation(s). Censure carries with it no fine or suspension of the rights of the member as an elected official, but it nonetheless is a punitive action for wrongdoing.

II. CENSURE PROCEDURE

A. Request for Censure Hearing. During the open portion of any regular or special meeting of the City Council, any Councilmember may make a motion to calendar a censure hearing concerning the violative conduct of one of its members.

1. **Specific Allegations**. The request must include specific allegations of the conduct that constitutes a violation of the Laws or City policy upon which the proposed censure is based.

2 **Support; Hearing or Investigation**. If a majority of Councilmembers support the request then a) direction shall be given to City Manager to calendar the item for a future agenda or b) the Council shall appoint an ad hoc committee to investigate the charges.

3. **When No Investigation Required**. If the conduct or violation alleged is patent or otherwise clearly apparent, setting of the censure hearing shall proceed in accordance with Subsection C, below.

B. Investigation. If a majority of the Council determines an investigation is warranted, the Council shall designate an ad hoc committee consisting of two of its members, one of which shall be the Mayor, to conduct the investigation. If the Mayor is the subject of the charges, the Mayor Pro Tem shall be appointed in lieu of the Mayor to serve on the ad hoc committee.

1. **Independent Investigator**. The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee to conduct the investigation.

2. **Process for Taking Statements**. In the course of the investigation, the committee must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its

subpoena power granted under the Government Code.

3. **Conclusion of Investigation**. At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results and upon a majority vote of the Council, a censure hearing may be set in accordance with Subsection C, below.

4. **Investigation Guidelines**. The following guidelines apply to ad hoc committee investigations:

   (a) The committee may be staffed by administrative and legal staff.
   (b) If authorized by City Council, the committee may subpoena witnesses and documents.
   (c) In making a determination to hold a censure hearing, the committee should determine if after taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
   (d) The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.

C. Censure Hearing. If a censure hearing is set, it must be set far enough in advance to give the Councilmember subject to the charges adequate time to prepare a defense. That member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The Councilmember subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or the Mayor Pro Tem if the Mayor is the subject of the charges, shall preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.

D. Resolution of Censure. A decision to censure requires the adoption of a resolution making findings with regard to the specific charges, based on substantial evidence, and approved by the affirmative vote of at least three (3) Councilmembers. In accordance with Government Code section 995, upon request of a Councilmember, the City may reimburse the Councilmember's reasonable attorney fees and costs in defending himself/herself.

III. REMOVAL

A. Disruptive Conduct by Councilmember During Meeting.

1. In addition to the foregoing and as set forth in Section III.C of Chapter 5 of this Manual, the provisions of Government Code Section 36813 shall be applicable to the conduct of Councilmembers during Council meetings. Said Section provides:

> The City Council may establish rules for the conduct of its proceedings. It may punish a Councilmember or other person for disorderly behavior at a meeting.

2. In accordance with Section 36813 and Section III.C of Chapter 5 of this Manual, the punishment may include removal from the Council Meeting of the disruptive Councilmember upon a majority vote of the City Council. A motion for removal may be made by any Councilmember, including the Mayor, and is not debatable. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

IV. ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF MANUAL

Upon first entering office, upon election to any subsequent term, or whenever this City Council Policy and Procedures Manual is updated by City Council Resolution, every Councilmember shall sign a statement affirming that he/she has received, read, and understood the provisions set forth in this Manual and furthermore agrees to abide by them.