

CITY OF LOMPOC
CITY COUNCIL HANDBOOK

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INTRODUCTION AND ADOPTION

The policies, rules, and guidance contained in this Handbook have been adopted by incorporation into Resolution No. 6387(21).

Council business on behalf of the City of Lompoc and its citizens will be transacted in accordance with applicable laws and regulations and generally in accordance with this Handbook. However, the provisions of this Handbook are directory, not mandatory. Failure to adhere strictly to any provision of this Handbook will not affect the Council's jurisdiction or invalidate any of its actions or discussions that otherwise conform to applicable law. Where this Handbook conflicts with statutory law, the statutes will prevail.

Unless specifically noted otherwise, all Handbook references to Council Members include the Mayor. In addition, any reference to Council Member shall include any other legislative body consisting of all Council Members. In case of any conflict between this Handbook and information contained in the Appendices, the text of this Handbook shall control.

This Handbook may be reviewed and amended at any time by Council Resolution. Within 120 days after any new Council Member formally assumes office, Council should review the contents of this Handbook and, by Resolution, revise or repeal this City Council Handbook. Until the review, revision or repeal occurs, this Handbook shall remain in effect. All references to sections in this Handbook shall be references to those sections, as amended from time to time.

PART A

ORIENTATION

A1. City of Lompoc – General Information

A1.1 Incorporation and Authority

The City of Lompoc (City) was incorporated on August 13, 1888, pursuant to the general laws of California, and therefore is known as a “general law city.” Cities which have adopted charters are known as “charter cities.” Cal. Gov. Code §§34101, 34102.

General Law cities are governed by a council of at least five members, and managed by a city manager, city clerk, city treasurer, chief of police, a fire chief, and any subordinate officers or employees in accordance with the law. When a city manager is appointed by ordinance, as in Lompoc, he/she may appoint and dismiss the chief of police and other subordinate appointive officers and employees except the city attorney. Cal. Gov. Code §§34857 and 36501 and Lompoc Municipal Code Chapter 2.12.

A1.2 Successor Agency of the Dissolved Lompoc Redevelopment Agency

The five Council Members serve collectively as governing board of the Successor Agency of the Dissolved Lompoc Redevelopment Agency (Agency). The City Manager functions as the Agency Executive Officer, the City Attorney provides legal advice as Agency General Counsel, and the City Clerk performs as Agency Secretary. Agency meetings are held concurrently with the regular Council meetings on a combined agenda, when needed. Health & Safety Code §34173; Lompoc Municipal Code §2.44.020.

A1.3 Lompoc Public Financing Authority (LPFA)

The City and Agency form the Lompoc Public Financing Authority, an entity created to issue municipal bonds to finance major public projects. In 1974 the Financing Authority approved issuance of bonds for \$5,000,000 for the Water Treatment Plant. In 1998 bond issuance of \$9,535,000 was approved for water and wastewater systems. In 2005, \$16,970,000 was approved for water and wastewater improvements. In 2007, \$17,080,000 was approved for water and wastewater projects.

A1.4 Joint Powers Authorities

The City is a member of several joint powers authorities (JPA). Cal. Gov. Code §6502 specifically authorizes public entities to enter into agreements to exercise any power common to the contracting parties or to jointly form a separate entity. Organization as a JPA does not operate to increase the powers of any of the members. JPAs are public bodies subject to open meeting laws and to conflict of interest statutes and regulations, including the filing of Statements of Economic Interest by the officials acting for the JPA member entities.

The JPAs in which the City participates are described below. Formation documents are public records in the custody of the City Clerk. At the beginning of each calendar year, Council Members are selected to represent the City at the JPAs as necessary.

1. California Law Enforcement Telecommunications System/Message Switching System (CLETS) - Chief of Police attends CLETS meetings as the City's representative and advises Council of significant matters from time to time.

2. CSAC Excess Insurance Authority –The City is a member of this entity that provides general liability insurance in excess of the City and Agency's \$100,000 Self-Insured Retention.

3. Northern California Power Agency (NCPA) – NCPA is a nonprofit JPA formed in 1968 by 15 municipal utilities to purchase, generate, transmit, sell, interchange, and pool electric power. NCPA is concerned also with business and legislative education/lobbying services with respect to the City's electric utility. NCPA is governed by a Commission. Two Council Members serve as commissioner and alternate. The City Utility Director and Electrical Utility Manager also are available as alternates if required. The NCPA operates pursuant to bylaws adopted by the Commission. The Articles of Formation of the NCPA and the Bylaws are on file at NCPA Headquarters in Roseville, California.

4. Santa Barbara County Association of Governments (SBCAG) – This organization functions as the local Transportation Planning Authority and as the Airport Land Use Commission. Santa Barbara County and each of the cities located in Santa Barbara County are represented by an elected official.

5. Santa Barbara County Air Pollution Control District (APCD) – This organization is composed of five County Supervisors and one representative from each of the cities in Santa Barbara County.

6. Santa Barbara Water Purveyors Agency – This JPA was formalized in 1982 to deal with various water issues of common interest to the membership, which includes all cities and water districts within Santa Barbara County as well as some private interests. Typical areas of concern are supplemental water, water management, cloud seeding, and water conservation.

7. Transmission Agency of Northern California (TANC) – This organization is composed of several public utilities which jointly pursue transmission projects. The NCPA Commissioners and alternates represent the City to this agency.

8. Groundwater Sustainability Agency for the Western Management Area of the Santa Ynez River Valley Groundwater Basin – This organization unites the City with the Santa Ynez River Water Conservation District, Vandenberg Village Community Services District, Mission Hills Community Services District, and the Santa Barbara County Water Agency to ensure joint local management of the groundwater basin, consistent with Water Code sections 10720 et seq. The City is required to designate a principal contact person, which may be a Council Member or a member of City Staff.

A1.5 City Participation in Other Bodies

The City is a member of a number of public bodies in addition to JPAs. The City is represented on such governing bodies or boards by a Council Member or other City official designated by Council. The major bodies with City representation are listed below.

1. Community Action Commission (CAC) – This Countywide social service agency is supported by public and private donation. In the Lompoc Valley CAC programs include operation of several Head Start Centers and administration of home weatherization programs for low income households.

2. Santa Barbara County City Selection Committee – The Mayors of every city within the County comprise this Committee. They serve to ratify the appointments of city representatives to LAFCO, APCD, and SBCAG.

3. United States Penitentiary Community Relations Board – A number of community representatives comprise this Board.

4. Local Area Agency Formation Commission (LAFCO) – A County-wide governmental body composed of two members from cities, two from the county, two from special districts, and one member from the public at large.

5. Allan Hancock College Ad Hoc Committee (AHCAHC) – This group meets quarterly to discuss issues of common interest relating to the Lompoc Valley AHC Campus.

A2. Council Member Salaries and Benefits and Travel Expenses

Council Member salaries, benefits and travel expenses policies are established by Cal. Gov. Code §§36516, 36516.1, 36516.5 53232.2 and 53232.3; Lompoc Municipal Code §2.04.020, as amended, Council Resolution No. 5312(06), as amended or replaced, and other duly adopted laws and regulations.

A2.1 Recreational Benefits

As part of the City's Wellness Program, Council Members may use City recreational facilities. City ID cards available from Personnel Division staff may be required when using City recreational opportunities.

A2.2 Professional Development

The Council's budget includes funds for professional development to help accelerate Council Members' comprehension and understanding of municipal and legislative operations after taking office.

Council Members are encouraged to join the Employee Development Association (EDA), which provides career enhancement opportunities for City employees through periodic meetings and training sessions.

A3. Administration of Duties

A3.1 Access to City Hall

A key card and alarm access code to City Hall are provided on request during a Council Member's term of office. In addition, a parking ID plaque may be issued to each Council Member upon request; this alerts the Police Department a personal vehicle is authorized to park in any "City Vehicles Only" zone outside City Hall. That parking ID plaque does not exempt that vehicle from other parking or traffic laws, rules and regulations.

An office for the Mayor and Council Members is provided for private meetings, attending to correspondence, and other City-related activities. A telephone is provided in the office for any necessary local or long-distance calls concerning City business.

A3.2 Supplies and Equipment

Business cards are provided to each Council Member during the term of office.

A briefcase and file cabinet are supplied to each Council Member upon request. The briefcase and file cabinet should be returned to the City upon leaving office, or it may be purchased at a depreciated value reflecting age and use.

City letterhead is available upon request from the Administration staff. The stationery can be imprinted with a Council Member's name and title during word processing.

City letterhead shall not be used when campaigning for political office for oneself or another person; it also shall not be used for non-City business purposes or to communicate a position contrary to a position formally expressed by the Council as a body.

A3.3 Contact and Correspondence with the Community

Citizens are encouraged to contact Council Members. Any telephone message or e-mail for a Council Member to the City Clerk or City Manager's Office will be promptly routed to that Council Member. Most Council Members publish their home addresses, phone numbers, and e-mail addresses to encourage public contact. Contacts by citizens and their comments and requests may be made part of the next meeting's record at the discretion of the Council Member.

When contacted in person or by telephone by an appellant or other party to a pending hearing, Council Members should decline to meet or speak with such persons regarding the appeal outside the formal hearing. See Section B8.4 of this Handbook.

All un-anonymous and civil correspondence should be answered or acknowledged as soon as practical.

Mail addressed to Council Members by name and noted as confidential or personal or some other similar designation will be delivered, unopened, to that individual's mail drawer in the Council office. The substance of those communications may be made a part of the regular meeting minutes at the discretion of the Council Member.

The City Manager and administration staff are authorized to receive and open all other business mail addressed to the Council and give it prompt attention so all actions required by that correspondence may be carried out between Council meetings if not requiring Council action. Non-routine communications and any action taken in response should be reported to the Council.

Communications requiring Council action normally will be placed on the agenda of the next regular meeting accompanied by a report and recommendation from the appropriate City staff member.

A3.4 Administrative Support

The City Manager is responsible for the retention and maintenance of records of Council's correspondence and administrative documents. Administration staff will maintain all such files and make them readily available to Council Members. Such files are generally available for public viewing and disbursement pursuant to the Public Records Act.

Administration staff will place general correspondence and routine mail in a tray maintained for that purpose in the Council Office. Date of receipt will be noted on each document. Each Council Member should review items in the tray and initial the document to signify it has been reviewed. Administration staff will remove documents from the tray and file or otherwise appropriately dispose of them after thirty (30) days or after all Council Members have reviewed the documents.

Unless otherwise directed by a majority of the City Council, any individual Council Member may request an informational memorandum from the City Manager on any subject within the Council's subject matter jurisdiction, other than regarding individual personnel matters, labor or real property negotiations, litigation or other closed session matters. A copy of each memorandum shall be distributed to all Council Members, electronically or in hard copy format, unless the memorandum contains or pertains to confidential information not disclosable as a public record.

A4. Appointments to and Reports from Council Advisory Body

All appointees to any City advisory commission, committee, or board (Council Advisory Body) serve at the pleasure of the Council. Council Members will periodically review a list of all assignments, and, at least annually, attempt to fill vacancies and determine any changes in the assignments.

Appointments to the Beautification, Economic Development, Human Services, Parks and Recreation, Planning, Public Safety, and Utility Commissions, are handled by nomination to the body by individual Council Members. The nominated appointee must be approved by majority vote of the Council Members. Additional details of the nomination and appointment processes for those and other commissions, committees and boards are contained in the respective Lompoc Municipal Code provisions, ordinances and resolutions, and in the Handbook for Boards, Commissions, and Committees adopted by Council. Commissions, committees, and boards are subject to the rules and regulations of the Brown Act, unless otherwise instructed by the City Attorney.

When a Council Advisory Body provides recommendations to the Council, its Chair or other member selected by the applicable Council Advisory Body, shall be given an opportunity to make an oral report, jointly with the staff liaison, about that recommendation at a meeting where the Council considers that recommendation.

A Council Advisory Body shall review matters within its subject matter jurisdiction when (i) required by law, rule or regulation, (ii) requested by the City Council or (iii) as determined by the Council Advisory Body.

Unexpected vacancies may be filled at any time during the year, in accordance with applicable laws. The City Clerk is expected to publicize all vacancies on each Council Advisory Body as they occur, by publishing solicitations for applications on the City website and reporting existing vacancies to Council.

A4.1 Attendance at Meetings of Commissions and Committees

Council Members are encouraged to occasionally attend the meetings of each Council Advisory Body. Rotation schedule for Council Members serving as liaisons to commissions will be given to Council by the City Clerk annually.

A5. Professional Participation

The Council recognizes professional and trade associations are an important component in the professional education of City officials, that these groups afford the opportunity to advocate the interests of the City and local governments in legislative and regulatory actions at State and Federal levels, and that the effectiveness of such organizations depends upon leadership from local officials. Reimbursement of expenses of Council Members attending such events is subject to the availability of funds.

Council Members are strongly encouraged to support and participate, as appropriate, in the activities of the League of California Cities, the National League of Cities, the National Conference of Mayors, and such professional and trade associations such as the American Public Power Association, the California Parks and Recreation Society, and other advocacy groups concerned with municipal issues.

A6. Council Vacancies

Council vacancies can arise from death, resignation, relocation outside the City limits, intentional abandonment of office, excessive numbers of unexcused absences, assumption of an incompatible office, acceptance of free passes or discounts from transportation companies, certain felony convictions, willful or corrupt conduct in office, and recall.

Council Member vacancies are filled by Council appointment or special election. The new Council Member serves until expiration of the predecessor's term. All Council Members shall be automatically eligible to fill any such vacancy by appointment. Cal. Gov. Code §§34902 and 36512.

A7. Use and Arrangement of Council Chambers

Use of the Council Chamber is reserved for the City Council, Agency Board, governmental agencies, each Council Advisory Body, and entities with contractual relationships with the City. The City Receptionist maintains a calendar for reserving use of the Council Chamber.

Council seating and other physical arrangements for Council meetings in the Council Chambers are at the discretion of the Council. Council Members' positions on the dais may be arranged alphabetically, by seniority, through random selection, by collective preference, or by any other equitable method Council wishes to use. Traditionally, the Mayor or Council Member conducting the meeting occupies the center chair on the dais.

The speaker's podium may be positioned to face the dais, at right angles to the dais, facing the audience, or any other arrangement Council prefers. Council may wish to direct placement of staff tables, audience seating, and other physical arrangements in the Chambers.

A8. Conflict of Interest Code and Disclosure

As required by law, the Council adopted the City's Conflict of Interest Code which designates the persons required to file Statements of Economic Interests (Form 700). State law requires the Council review this Code every two years and amend it if necessary, *e.g.*, to add incumbents of newly created positions to the filing list. The City Attorney will initiate the Council's review.

Council Members, Council candidates, Planning Commissioners, the City Manager, the City Attorney, and all others required by the City's Conflict of Interest Code must complete and file Form 700 with the City Clerk. Form 700 must disclose certain economic interests of the filer and of his/her spouse

and dependent children. Disclosable interests include specified types of investments, interests in real property, business interests, sources of income, gifts, and loans.

A completed Form 700 must be filed annually, and within 30 days after assuming or leaving office. The Fair Political Practices Commission supplies forms and instructions to use in complying with disclosure requirements, and the City Clerk and City Attorney are available to answer any questions.

Council Members and other City officials serving on the boards and agencies of other public entities normally will be required to file Statements of Economic Interests with the clerks or secretaries of those entities. Copies of any such disclosure statements should be filed also with the City Clerk.

A9. Relationship and Decorum with City Staff

Except for the purpose of inquiry, the City Council and its members shall deal with all subordinate City employees, officers, contractors, and consultants solely through the City Manager or the City Manager's designee, and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

The City Council agrees none of its individual members will order the appointment or removal of any person to any office or employment under the supervision and control of the City Manager.

The City Council agrees any criticism of a City staff member shall be done privately through the City Manager.

Neither the City Council nor any of its members shall interfere with the execution of the powers and duties of the City Manager by the City Manager. The City Manager shall take orders and instructions from the City Council only when sitting as a body in a lawfully held meeting.

PART B

PROCEDURES

It is not Council's intention to become unduly entangled in parliamentary procedure. Accordingly, any procedural issue not provided for in this Handbook may be determined by the Mayor, subject to an appealable point of order.

B1. MEETINGS

Council meetings are governed largely by the Ralph M. Brown Act (Cal. Gov. Code §§54950-54962) (Brown Act), which expresses the Legislature's intent councils and other public bodies exist to aid the conduct of the people's business. To that end, the Brown Act mandates that deliberations and actions at meetings of the Council be open and public. Council policy is to comply with both the spirit and the letter of open meeting laws. Elected officials who have not yet assumed office are subject to all Brown Act requirements.

Unless otherwise directed by the Council or due to technical difficulties, regular Council meetings and workshops are to be broadcast live through the City's website and on TAP TV, or its equivalent replacement, if any. Those meetings and workshops shall also be archived for retrieval by the public through the Internet. While a workshop is being broadcast, a statement substantially similar to the following shall frequently scroll at the bottom of the screen: "This is a Council workshop. The Council will not make any final decision during this workshop. However, the Council may give direction to staff."

B1.1 Attendance

Council Members should attend all meetings of the Council. If a member has unexcused absences from all regular Council meetings held during 60 consecutive days, the office of the absent member becomes vacant and is filled as any other vacancy. (Cal. Gov. Code §36513.) Council may grant or ratify an excuse by majority vote of the remaining members.

When a member must leave a meeting in progress, the Presiding Officer should be advised so agenda adjustments can be considered. If a member must leave unexpectedly, then he/she should notify the Presiding Officer or another member, if possible, to allow the Presiding Officer to try to accommodate the absence.

Council Members must be physically present or lawfully participating by teleconference to vote on action items before the Council at that meeting. A majority of the Council Members present may, as a courtesy, continue the pending action to a subsequent meeting to allow the absent member to be present for the final vote. That assumes, of course, there exist no legal or practical reasons requiring action at a given meeting.

A Council Member absent from a meeting which may involve due process considerations and for which action was continued may vote on the item at a subsequent meeting if he/she has reviewed the meeting record and tapes and otherwise is informed of the issues involved. Prior to deliberations, Council Members who were absent typically state, "I was absent but have listened to the tape and am prepared to participate."

B1.1.1 Meeting Attendance and Participating by Teleconference

The Brown Act allows the Council to conduct meetings by use of electronic means (audio or video, or both) to connect members in different locations. It is the Council's policy to use teleconferencing only (i) if a quorum of members are physically present at the meeting within Lompoc and (ii) with prior approval of the Council.

B1.2 Quorum

Three members of the Council constitute a quorum sufficient to transact regular business. If fewer than three members appear at a regular meeting, then any member, or the City Clerk if all members are absent, may adjourn the meeting to a stated day and hour. The City Clerk will cause written notice of the adjournment to be delivered personally to each member at least three hours before the adjourned meeting and to the public as may otherwise be required by the Brown Act. Cal. Gov. Code §§36810, 36811.

B1.3 Types of Meetings

Regular Meetings: Council holds regular meetings on the first and third Tuesdays of each month at 6:30 p.m. in the Council Chambers of City Hall, 100 Civic Center Plaza, or other locations within the City limits. If for emergency reasons, it is considered unsafe to meet in City Hall, then the meetings may be held for the duration of the emergency at another place designated by the Mayor or by three Council Members. When the day for regular meeting is a legal holiday, no meeting is held on the holiday, but a regular meeting will be held at the same hour on any day designated by the Mayor or by three Council Members. Cal. Gov. Code §54954.

No regular meeting will be conducted past 11:00 p.m. At that time the meeting will be continued, to a time and place acceptable to a majority of the Council Members present, to consider any items where action is necessary prior to the next regular Council meeting. If a second meeting is held and continues until 11:00 p.m., then the meeting will be adjourned and remaining agenda items continued to the next regular Council meeting. Adjournment at 11:00 p.m. may be disregarded by means of a motion to suspend the rules, if seconded and approved by a vote of two-thirds of the members present. See, also, Section B6.3 of this Handbook.

Regular meetings may be canceled in advance or rescheduled by majority vote of the Council.

Special Meetings: Special meetings may be called in good faith at any time by the Mayor or by three Council Members by notifying all Council Members by telephone as far in advance as possible [but in no event less than 24 hours prior to the meeting] and by written notice at least 24 hours in advance unless written notice has been previously waived, as discussed below. Twenty-four hours prior to the meeting, written notice will be delivered to each local newspaper of general circulation, and to any radio or television station which has filed a written request for such notice. The agenda notice must be posted in a location freely accessible to the public at least 24 hours prior to the meeting.

Any Council Member may elect to waive written notice by completing the appropriate form and filing it with the City Clerk. Waiver may be given by telegram, facsimile, or e-mail. Written notice of special meetings must be sent to all Council Members who have not waived this right. Notice is deemed waived by any Council Member who actually is present at the meeting at the time it is called to order.

Emergency Meetings: Emergency meetings are permitted under very limited circumstances.

Adjourned Meetings: Any regular or special meeting may be adjourned to a specified time and place. Cal. Gov. Code §54955.

Continued Hearings: Any hearing may be continued to any subsequent meeting. The time and place when the hearing will resume will be announced at the time of the continuance.

Information Sessions: From time to time, informal gatherings may be held by the Mayor, a Council Member, or several Council Members. Sometimes called “town hall meetings,” “study sessions,” or “workshops,” these informal groups allow the public to provide their opinions in detail to their elected officials on issues of concern to residents of the community.

A notice of the session will be prepared and circulated to advise the public of the subject, the time and place of the session, and that the official presiding, and any other Council Members who may be present, will not be taking action on the day of the gathering.

B1.4 Closed Sessions

Closed sessions are meetings conducted in private without the attendance of the public or media.

Attendance at closed sessions is limited to persons actually necessary to advise or take direction from the Council on the specific subject of the session. Third parties not serving as agents of the City may not attend, with the exception of witnesses at a closed session to hear charges or complaints related to public employment and employees. A Council Member may be excluded from a closed session only if he/she has a conflict of interest. On Council’s behalf, the City Manager and City Attorney determine the appropriate attendees for each closed session. Teleconferencing is allowed if in compliance with the Brown Act.

Only those matters properly noticed on the agenda or by oral announcement may be considered in closed session. After any closed session, Council or its designee will report to persons present at the site of the public portion of the meeting to the extent required by the Brown Act. The reports may be oral or written. Cal. Gov. Code §54957.1.

Council Members and other persons attending any closed session are bound by a duty to treat as confidential all information presented in closed sessions. **Disclosure of any closed session information is a breach of the fiduciary duty required of officers of the City. No Council Member shall have any ex parte communication with a person who is adverse to the City (or anyone representing that person) in a matter considered by the City Council in a closed session, unless otherwise authorized to do so by the City Council.**

B2. AGENDA

B2.1 Preparation

The Council meeting agenda is a collaborative effort among the City Manager, the City Clerk, and the City Attorney. Responsibility for preparation and notice of the agenda lies with the City Clerk. Deadlines established by the City Clerk will prevail.

Each regular meeting requires preparation of an agenda containing an informative description of each item of business to be transacted and the order thereof. Item descriptions may be brief but must contain sufficient information in plain language to adequately and accurately inform the public of the specific action contemplated.

Agenda packets include staff reports, correspondence, maps, and other information to supplement the agenda descriptions. Each item on the agenda is numbered consecutively for cross reference to supporting data in the agenda packet. Commencing with the Council meeting of November 17, 2015, every reasonable effort will be made to post an electronic copy of the draft agenda and, to the extent feasible, packet materials for each regular Council meeting to the City's website by 5:00 p.m. on the second Friday before that meeting. Every reasonable effort will be made to post an electronic copy of the final complete agenda to the City's website by 5:00 p.m. on the Wednesday before that meeting, but no later than 72 hours prior the regular meeting. The foregoing will not apply to matters dealing with review or adoption of the two-year budget. The final complete agenda and packet materials for each regular Council meeting will be available for public review in hardcopy format at City Hall. In the event a final completed agenda for a regular meeting is not made available within 72 hours prior that meeting, then the draft agenda will become the final agenda.

With the exercise of reasonable best effort, all written materials, including Power Point presentations, to be used at a regular Council meeting shall be included with the final materials provided to the Council in meeting binders, posted on the website and provided in hardcopy format for that meeting in accordance with the above stated timeline. The Council understands some materials may not be available until the time of a particular meeting as a result of (i) questions the staff may receive from a Council Member or the public after the agenda and materials are posted or provided in hardcopy format or (ii) the need to respond to materials provided by an applicant or appellant. The foregoing will not apply to matters dealing with review or adoption of the two-year budget.

Any interested person, including any applicant or appellant, who desires to submit written materials for presentation at a Council meeting must provide those materials to the City Clerk no later than the Friday immediately before the Wednesday on which that meeting's final agenda will be posted on the City's website. If those materials are not timely provided, then they shall not be presented to the City Council for consideration and shall not be part of any administrative record prepared for that matter; provided, that any interested person, including any applicant or appellant, will be permitted to provide written materials to the Council at a meeting, but only to the extent those written materials respond to written materials presented to the Council by the staff after the posting of the agenda for that meeting.

In those limited circumstances when a business item must be added or substantially changed after the final agenda packet is made available to the public, the City Clerk will contact each Council Member by phone or in person to advise of the change and make arrangements for distribution of the agenda changes. Any documents provided to one Council Member for a meeting shall be provided to all Council Members and, prior to that item being called on the agenda also made available to the public.

B2.2 Notice

Regular Meetings: The agenda, together with all supplementary reports, should be available to Council Members on the Wednesday preceding a regular meeting.

The agenda will specify the time and location of the regular meeting and be posted at least 72 hours before the meeting in a location that is freely accessible to members of the public. The City Clerk

is strongly encouraged to arrange for maximum publicity of the agenda and its supporting staff reports by the media and on the Internet.

Special Meetings: See Section B1.3 of this Handbook. Only business listed on the meeting notice will be discussed or transacted at a special meeting, and public comment is limited only to the subject(s) on the special meeting agenda. Those special notice requirements apply even if the entire special meeting is conducted in closed session.

Emergency Meetings in Emergency Situations: No written notice is required. However, each local newspaper of general circulation and any radio or television station requesting written notice will be notified by telephone at least one hour before the meeting if telephone services are functioning. All special meeting requirements, other than twenty-four (24) hour notice, apply. As soon after the meeting as possible, the City Clerk shall post, in a place freely accessible to the public and for at least ten days, a copy of the minutes, a list of persons notified or attempted to be notified, information regarding the roll call vote(s), and actions taken at the meeting.

Adjourned Meetings: Any regular or special meeting may be adjourned. An adjournment must be ordered if less than a quorum attends, since no business lawfully can be transacted. If no members attend, then the Clerk declares the meeting adjourned to a stated time and place. In that case, written notice of the adjournment must be given in the same manner as notice of special meetings. In all cases, notice of adjournment must be posted immediately on or near the door of the Council Chambers and in a place freely accessible to the public.

Closed Sessions: Meeting notices will contain descriptions of items to be discussed in closed sessions. Closed session notices will state only the information required by law and not include names or facts that would constitute invasion of privacy or divulge information concerning the subject of the session.

Before any closed session, the items to be discussed will be disclosed. That disclosure may be simply a reference to the agenda item number. Before conducting any real estate negotiations in closed session, Council must hold an open session during which it identifies the property under negotiation and the persons with whom the City's representative may negotiate. That identification can also be made by reference to the agenda if the property and persons are designated on the agenda.

The City Attorney will advise the Presiding Officer of the required information to be announced before and after closed sessions.

Continuances: A duly noticed public hearing need not be re-noticed if that public hearing is continued, as long as the time and place when the public hearing will resume is announced at the time of the continuance. Written notice of the continuance must be posted near the Council Chambers and in a place freely accessible to the public immediately following the meeting at which the continuance was ordered.

B2.3 Placing Business on the Agenda

Agenda items are limited to those business matters within the City's subject matter jurisdiction that are at issue and actually require the Council to hear, discuss, deliberate, decide, or act on the matter. Items of a theoretical nature and hypothetical questions generally are not suitable for inclusion on the agenda and should be avoided.

Placement of agenda items should be arranged with the City Clerk as far in advance of the meeting as possible. Before presentation to Council, all documents will be reviewed and approved by the City Manager, City Attorney, City Clerk, or their respective designees.

Recurring matters that have legally established deadlines by which the Council must take action should be presented on an agenda for a regular Council meeting that will occur at least three regular Council meetings prior to that deadline. That scheduling is to provide the Council with sufficient time to consider those matters and continue discussion of those matters are deemed necessary. In addition, at least 90 days prior to the applicable deadline, each of those matters shall be placed on the master calendar, which shall be made available to the Council at each regular Council meeting and that matter shall continue to be listed on the master calendar until the Council takes action on the matter.

Any item within the Council's jurisdiction may be placed on an agenda by a majority of Council Members, the City Manager, the City Attorney, the City Management Services Director, or the City Clerk. During a meeting, any Council Member may request an item be placed on a future agenda for the Council to decide whether that matter should be returned to Council for consideration and whether, when it is returned, staff should prepare a staff report discussing the matter and with recommendations. During public comment periods or by correspondence with Council Members, a member of the public may ask Council consider an item, and, upon consent of a majority of Council Members present, a staff report will be prepared and processed for a future agenda.

B2.4 Non-agendized Actions Prohibited

No action may be taken on any item not appearing on the posted agenda. Non-action items such as presentations, entertainment, and ceremonial activities should be scheduled and appear on the agenda so members of the public wishing to attend will be notified.

Notwithstanding the foregoing, Council may take action on items of business not on the posted agenda, as permitted by the Brown Act and subject to the following additional requirements:

- The Council's discussion of whether to add an item to the posted agenda shall occur immediately after the pledge of allegiance.
- If that item is so added, then:
 - any and all documentation prepared for that added item shall immediately be distributed to the Mayor and Council Members and made available to the public for review by placement on one of the tables in the lobby of the Council Chambers, and
 - the Council consideration of that added item shall not occur before 9:00 p.m. and shall occur only after all duly noticed public hearings scheduled for that same agenda have been completed.

The following non-agendized behavior also is permitted:

- Brief responses by Council Members and staff to statements or questions posed by the public.
- Questions for clarification.

- References to staff or other resources for factual information.
- Requests to staff to report on an issue at a future meeting.
- Requests to agendize a matter of business for a future meeting.
- Brief announcements by Council Members or staff and brief reports on their official activities.

B2.5 Order of Business

Council meetings should proceed efficiently and expeditiously, in full compliance with all applicable laws and with due regard for proper and appropriate consideration of Council's business on behalf of the City's residents.

Prior to the time set for each meeting, the Council Members, City Manager, City Attorney, City Clerk, and any department heads required to be present, or their respective representatives, should take their regular places in the Council Chambers. The Presiding Officer should call the meeting to order promptly at the time set, and the business of the Council will be taken up for consideration and disposition in the order set forth in the published agenda, except that, with the consent by acclamation of two-thirds of the members present, items may be taken out of order. See, also, Section B6.3 of this Handbook. Council Request items scheduled for a Council agenda shall occur after Public Hearing items on that same agenda.

B3. PRESIDING OFFICER

B3.1 Mayor to Preside

The Mayor is the Presiding Officer at all meetings of the City Council. The Mayor pro tempore will preside in the Mayor's absence or at the Mayor's request. If both are absent, the City Clerk will call the Council to order, whereupon a temporary Presiding Officer will be elected by the Council Members present to serve until the arrival of the Mayor, the Mayor pro tempore, or adjournment of the meeting.

B3.2 Mayor pro tempore

At a regularly scheduled meeting soon after a General Municipal Election, the City Council shall choose one of its members as Mayor pro tempore, to serve a term of one year or until a successor is chosen. The Mayor pro tempore has all the powers and duties of the Mayor. Cal. Gov. Code §36801; Lompoc Municipal Code §2.04.030.

B3.3 Powers and Duties

Participation: The Presiding Officer may move, second, debate, and vote from the Chair. He/she shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as Presiding Officer.

Questions to be Stated: The Presiding Officer may restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the question

carried or was defeated. At his/her discretion, the Presiding Officer may explain the effect of a vote for the audience, or direct a member of the City staff to do so, before proceeding to the next item of business.

Maintaining Order and Decorum: The Presiding Officer is responsible for the maintenance of order and decorum at all meetings, and decides all questions of order, subject to an appeal to the Council. See Section B4.5 of this Handbook. Nondisruptive minor deviations in procedure and order generally are permitted if the validity of Council's action is unaffected.

Except when an action is required by law, the Presiding Officer may assume reasonable authority to modify procedures or otherwise speed up administrative processes. For example, the Presiding Officer may propose a recess without putting the matter to a formal vote. If no Council Member objects, then the action is considered to be approved unanimously by acclamation or consent.

Signing Documents: The Council Member serving as Presiding Officer will sign all ordinances, resolutions, contracts, minutes, and other official documents approved at the meeting over which he/she presided, unless another is authorized to do so by Council action. If the Council Member who presided at the meeting is unavailable, then any Council Member who participated in the debate and decision may sign the subject document(s).

Appointing Committees: The Mayor may, subject to the advance general consent of the Council, appoint committees of Council Members, City staff, and private citizens, or a combination thereof, as necessary and expedient to assist and advise the Council in its work. All the members of each committee shall work or reside within 15 miles from the City jurisdictional boundaries; provided, that no more than 2/5 of those members may reside outside those boundaries. At the time of the appointment of the committee, the City Attorney shall advise such committee whether or not it is subject to the Brown Act.

B4. DEBATE AND DECORUM

B4.1 Robert's Rules For Reference Only

Because of their complexity and formality, Robert's Rules of Order are not adopted for use by the Council. However, consultation of those and other formal rules may be useful for reference and supplemental guidance when the rules are consistent with this Handbook. The City Attorney shall act as parliamentarian for Council meetings.

B4.2 Obtaining the Floor

Every Council Member wishing to speak should indicate that desire by lighting their "speaking light" on the dais, gain the Presiding Officer's recognition, and confine all remarks to the question under debate. Staff and other speakers also should seek permission to speak from the Presiding Officer and observe the rules of decorum.

B4.3 Questions of Staff

Every Council Member wishing to question the City staff should, after recognition by the Presiding Officer, address his/her questions to the appropriate department head or staff person. Such questions should address the substance of a matter and not impugn, directly or indirectly, the competence, integrity or efforts of any staff member or other person.

B4.4 Interruptions

A Council Member, once recognized, should not be interrupted when speaking except when called to order by the Presiding Officer, a point of order or personal privilege is raised by another member, or the speaker chooses to yield to a question by another member. Members of the City staff, after recognition by the Presiding Officer, will hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer. If a person is called to order while speaking, then he/she should cease speaking until the question of order is decided and, if determined to be in order, then the speaker may proceed.

B4.5 Point of Order

A point of order is a call for the Presiding Officer to enforce the Council's rules of procedure. No second is required, and the call is not amendable or debatable. In response and without a vote, the Presiding Officer must (1) comply, (2) determine that the rules are being observed, or (3) move to suspend the rules.

The member calling for the point of order then may appeal the determination of the Presiding Officer. No second is required, and the appeal is not amendable or debatable. The question is "Shall the decision of the Presiding Officer be sustained?" The Council's decision by majority vote conclusively determines such question of order by sustaining or overruling the Presiding Officer's decision. Frivolous or repetitive appeals should be ruled out of order by the Presiding Officer.

B4.6 Point of Personal Privilege

A point of personal privilege is a request for the Presiding Officer to accommodate the personal needs of a member. The Presiding Officer rules without a vote and usually in an informal manner -- as by a handwritten note or whispered comment so as to minimize disruption of the business in progress.

The right of a Council Member to address the Council on a point of personal privilege generally is limited to cases in which the integrity, character, or motives of the Council Member are questioned or where the welfare of the Council is concerned. A member raising a point of personal privilege may interrupt another member who has the floor subject only to the power of the Presiding Officer to call him/her out of order. No second is required, nor is the point debatable or amendable. Since the matter is decided by the Presiding Officer, no vote is required.

B4.7 Decorum and Order, Council and Staff

Only Council Members, designated City staff, and those authorized by the Presiding Officer or City Manager are permitted to sit on the dais.

While the Council is in session, the Council Members and City staff shall preserve appropriate order and decorum. No person, by conversation or otherwise, should delay or interrupt the proceedings or the peace of the Council, disturb any speaker, or refuse to obey the directives of the Presiding Officer. All persons must refrain from rude, boisterous, profane, abusive, disruptive, demeaning, and unprofessional behavior.

Staff members are encouraged to present their reports as concisely as possible. Staff should assume that Council Members have studied all agenda packet information and therefore require only brief summation by staff speakers. Because the official meeting record will contain the entire staff submittal and

copies of reports are available to the public, verbatim reading of staff reports is not required and is strongly discouraged.

B4.8 Decorum and Order, Audience

Members of the public attending Council meetings should observe the same rules of order and decorum applicable to the Council Members and City staff. Any person making impertinent, slanderous, or profane remarks or who becomes rude, boisterous, abusive, disruptive, demeaning, profane, or unprofessional while attending the Council meeting may be removed from the room and such person may be barred from further audience at the meeting in question. Unauthorized remarks from the audience, heckling, stamping of feet, whistles, yells, applause, and similar demonstrations should not be permitted by the Presiding Officer. Aggravated cases may be prosecuted on appropriate complaint signed by the Presiding Officer or a Council Member.

The Presiding Officer may order the meeting room cleared and Council may continue in session if the meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of the meeting infeasible without removal of individuals who are willfully disrupting the meeting. In these cases, only matters appearing on the agenda may be considered. Representatives of the press or other news media, except those participating in the disturbance, and individuals not responsible for disturbance of the orderly conduct of the meeting, will be allowed to remain at the meeting or may be readmitted. Cal. Gov. Code §54957.9.

B4.9 Public Comment

Addressing the Council: Subject to compliance with rules of order and decorum, members of the public have an absolute right to address the Council at open meetings during oral communications segments of the agenda. Restricting speakers to the subject at hand and proper decorum is Constitutionally permitted.

Manner of Addressing Council: At the appropriate time, any person wishing to address the Council should stand and wait to be recognized by the Presiding Officer. After being recognized, the speaker may state his/her name and place of residence for the record. The speaker should address the Council from the podium.

Comments should be fundamentally impersonal: the subject of the debate is the issue, not its proponent. A motion and its consequences may be attacked vigorously, but speakers should not attack the motives, character, or personality of a member, speaker, or any other person, either directly or by implication or innuendo. Improper language, irrelevancy, dilatory tactics, rude behavior, and disorderly conduct, including, but not limited to, use of signs or other means to disrupt the meeting should not be used. Notwithstanding the foregoing, no speaker will be censured or prohibited from speaking based upon the content of his/her remarks, but may be removed from the meeting if the Presiding Officer or a majority of the Council Members determines the speaker is out of order pursuant to the foregoing.

Time Limitation: Every member of the public addressing the Council shall limit his/her remarks to a maximum of three minutes during all speaking opportunities, provided that comment shall not exceed two minutes per speaker during oral communications just prior to adjournment. When large numbers of persons wish to speak, the Presiding Officer may announce a reduction of the speaking time allotted to each person so all persons wishing to speak may do so.

Each person normally is allowed only one opportunity to comment on each item of business or during oral communications. When any group wishes to address the Council on the same subject, it is appropriate for the Presiding Officer to request a spokesperson be chosen to represent the group to avoid redundancy.

No express time limits are imposed on any appellant or respondent during quasi-judicial proceedings (i.e., appeals, statutorily required public hearings, and other proceedings involving due process rights such as appeals of land use decisions and denials of business license applications); however, the Presiding Officer may limit repetitive presentations and curtail irrelevant remarks.

B4.10 Enforcement of Decorum

The Police Chief, or a member of the Police Department designated by the Chief, serves as Sergeant-at-Arms of the Council and may attend meetings at the request of the Presiding Officer or the City Manager. The Sergeant-at-Arms will be available to serve at all meetings immediately upon call, and will carry out all lawful orders given by the Presiding Officer or Council for the purpose of maintaining order and decorum at meetings.

B4.11 Failure to Observe Rules of Order

Rules adopted to expedite the orderly transaction of Council business are deemed to be procedural only. The failure to observe such rules strictly will not affect the jurisdiction of the Council or invalidate any action or discussion at a meeting that otherwise conforms to applicable law. Any member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the members present will require him/her to do so.

B5. MOTIONS

B5.1 Presentation

A motion is a formal expression of approval or denial of an action. Every Council Member has the right to present a motion. Motions should be phrased, for example, as “I move to accept the Manager’s report.”

A main motion is the primary question or proposal before the Council for discussion and decision, and is always amendable and debatable.

B5.2 Second

With the exceptions noted in Section B5.4 of this Handbook, a motion by any Council Member must be seconded prior to any vote thereon. Discussion may follow the second to any motion. Seconds “for discussion purposes only” are unnecessary, since the member seconding a motion is under no obligation to vote in its favor.

A motion that fails to receive a second is known as a “lost motion.” It is not entitled to any discussion or debate. A lost motion may be reintroduced at any time while the relevant agenda item remains under deliberation.

Seconds are not required for nominations, points of order or personal privilege, calls for the order of the day, motions to divide the question or withdraw a motion, or inquiries of any kind.

B5.3 Purposes and Precedence of Substantive Motions

After a main motion has been moved, seconded, and is under discussion or debate, no motion should be entered except one of the six motions discussed below. Those take precedence over the main motion, and over each other, in the following order of precedence.

Call for the Question

Purpose. To prevent or halt discussion on the pending question and bring the question to immediate vote. The question may be called for on a main motion or on an amendment to the main motion. If the motion fails, then discussion resumes.

Debatable or Amendable. No.

Voting. Requires a second and approval by two-thirds of the members present, often expressed by acclamation.

Motion to Limit or Extend Debate

Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

Debatable or Amendable. Not debatable; amendments are restricted to the duration of the proposed limit or extension.

Voting. Needs a second and majority vote of members present.

Motion to Postpone to a Time Certain

Purpose. To temporarily set aside a pending main motion, provided that it is taken up again for consideration later in the current meeting, at the next regular meeting, or at another specified time. Also referred to as a “motion to table” or a “motion to lay on the table.” When a motion is laid on the table, the record of debate should be preserved.

Debatable and Amendable. Yes.

Voting. Needs a second and a majority vote of members present.

Motion to Refer to Committee or Staff

Purpose. To refer the question before the Council to a committee or to City staff for further investigation or additional study of the proposal and future report to the Council. If the motion fails, then discussion or vote on the question resumes.

Debatable and Amendable. Yes.

Voting. Requires a second and a majority vote of members present.

Motion to Amend/Substitute

Purpose. To modify or change a motion being considered by the Council so it will express more satisfactorily the will of the members. An amending motion must be related to the main motion and may not completely change its character -- e.g., proposing to change “the City will...” to “the City will not...” is an inappropriate amendment.

To ensure members and the public are aware of the matter being discussed, the Presiding Officer normally should not accept amendments to amendments. Those tend to make an issue so complex as to focus on form rather than substance. The Presiding Officer will attempt to deal informally with amendments to amendments, or will call for the vote on one amendment and then allow another.

Amendments must be disposed of before voting on the main motion. If that motion fails, then discussion or vote on the main motion resumes. If the motion passes, then the main motion is voted on as amended, unless it is further amended.

Debatable and Amendable. Yes.

Voting. Requires a second and a majority vote of members present.

Motion to Postpone Indefinitely

Purpose. To prevent further discussion and voting on the main motion.

If the motion fails, then discussion or voting on the main motion resumes. If the motion passes, then the subject of the main motion is suspended and the vote avoided. Introduction of a new motion is then appropriate.

Debatable or Amendable. Debatable but not amendable.

Voting. Needs a second and a majority vote of members present.

This order of precedence is subject to the following restrictions:

- A motion should not be repeated without intervening business or discussion.
- A motion is not in order when the previous question has been ordered.
- A motion is not in order while a vote is being taken.

B5.4 Motions of Procedure and Convenience

Certain motions are used to ensure orderly conduct of the meeting and to provide for the convenience of the Council Members. Those motions can be made at any time, even if a proposed issue has been moved and is being debated. Disposition of the following motions takes precedence over substantive motions and their subsidiary motions.

Call for the Order of the Day. This is a motion for the Presiding Officer to adhere to the published agenda. It does not require a second, nor is the call debatable or amendable. No vote is required. The Presiding Officer must comply or respond with a motion to suspend the rules.

Motion to Recess. This request permits an interlude in the meeting and sets a definite time for continuing the meeting. Normally such requests are handled informally. However, if the Presiding Officer fails to respond, then a motion may be made. Amendments and debate on the motion are limited to the time and duration of the recess. A second and majority vote of members present are required, but the vote often is expressed by acclamation or general consent.

Motion to Suspend the Rules. This is a call to suspend the rules of the Council. Unless advised by the City Attorney a procedure is required by law, a suspension of rules may be achieved with this motion. The motion is not debatable or amendable, and requires a second and the affirmative vote of two-thirds of the members present.

Motion to Divide the Question. A member may ask any subject made up of several parts be divided into two or more motions so separate votes can be taken on each part. No second is required. This motion is debatable, amendable, and requires approval by a majority of members present.

Motion to Adjourn. This motion is raised to terminate a meeting and may be made by any member, at any time. The motion is amendable and debatable only as to the time of the future meeting. The motion requires a second and a majority vote, although the matter is often decided by the Presiding Officer.

Withdrawing a Motion. Once a motion is made and seconded, it is a matter of record and must be properly disposed of rather than merely superseded by another motion. At any time before the voting, a Council Member may move to withdraw his or her motion. No second is required, nor is the motion to withdraw amendable or debatable.

The effect of withdrawal is as if the motion never existed, although debate and comments are preserved in the record. Withdrawal technically requires a majority vote, but if there is no objection, the motion to withdraw is considered approved by acclamation. Introduction of a new motion then is appropriate.

(Please see Appendix Two.)

B6. VOTING

B6.1 Procedure

When any motion is in order for the question, a vote thereon is taken and entered in full in the official record. Motions do not require roll call votes unless required by law or requested by a Council Member. The Council customarily uses an electronic voting procedure which displays the vote of each member after all members vote simultaneously.

It is not in order for Council Members to explain their votes during the roll call. Nor is it in order for Council to vote on any matter or action they do not intend to actually take effect or occur -- in

other words, “conceptual votes” should be avoided as they are legally questionable and create practical difficulties arising from public confusion regarding the effect of such a vote.

B6.2 Adoption

Unless otherwise required by law, motions are passed by a simple majority of the members present at a properly convened meeting. Two votes are sufficient if only three members are present, except as provided below”.

- Adoption of ordinances: three. Cal. Gov. Code §36936.
- Urgency ordinance with immediate effect: four. Cal. Gov. Code §36937(b).
- Urgency interim zoning ordinance (“moratorium”): four. Cal. Gov. Code §65958.
- Ordinance affecting charges for sanitation and sewer services: four. Cal. Health & Safety Code §5471.
- Ordinance to charge fees for improvements or connection to sanitation or sewage facilities: four. Cal. Health & Safety Code §5474.
- Resolutions and orders for the payment of money: three. Cal. Gov. Code §36936.
- Resolution initiating condemnation: four. Cal. Civ. Proc. Code §§1245.220, 1245.240.
- Resolution to perform public project after rejection of bids: four. Cal. Pub. Cont. Code §20167.
- Resolution to immediately expend public funds in case of great public calamity: four. Cal. Pub. Cont. Code §20168.
- Resolution to adopt or amend General Plan: three. Cal. Gov. Code §65356.
- Resolution to adopt or amend Specific Plan: three. Cal. Gov. Code §65453.
- Any ordinance, resolution, or other matter requiring more than a simple majority vote pursuant to state law.

B6.3 Supermajority Requirements

Motions which limit a procedure designed to allow the expression of all points of view or which may affect public access to Council deliberations require a “supermajority” vote. One example is a change in order of the published agenda, which can cause persons relying on the published order to miss the opportunity to observe or speak on the issue prior to Council action.

Supermajority means an affirmative vote of two-thirds of the Council Members present. When five members are present, then four must vote in favor of a measure. If four are present, then the votes of three members constitute a supermajority. If only three are present, then two votes operate as a supermajority.

B6.4 Abstention

Every member should vote unless disqualified for cause or conflict of interest. A member who abstains consents a majority of the quorum is acting for him/her. A briefly stated reason for abstention is appropriate and should be noted in the minutes. Self-disqualification which results in a tie vote should be avoided as thwarting Council action, but no member will be forced to vote.

Abstention differs from nonparticipation arising from conflicts of interest. Council Members who abstain are counted for purposes of determining a quorum and the abstentions simply are not counted in tallying the votes. See Sections B6.6 and B6.7 of this Handbook.

B6.5 Tie Votes

Tie votes result in lost motions, and the Council's purported action on the question is a nullity -- the matter is neither approved nor denied. The effect of a tie vote is that no action is taken on the item of business.

The effect of no action depends on the nature of the business being considered. If the item involves appeal of a Planning Commission decision which would otherwise be final absent the appeal, then a tie vote creates "no decision" on the matter since, pursuant to LMC Subsection 17.120.060 F., Planning Commission decisions are "stayed" on appeal. In other situations, tie votes operate to deny the action requested. For example, a rezoning ordinance or a General Plan amendment could not be adopted because those require at least three affirmative votes, regardless of the number of members present.

After the nullity of a tie vote, further motions regarding the item may be entertained by the Council. A majority of the Council could vote on some other motion. If the tie occurs because one member is absent, then the remaining members might vote to bring the item back for action when the fifth member is present, unless there is some legal reason why final action cannot be delayed or that Council Member has a conflict and cannot participate. The potential danger of a tie vote is a project may be "deemed approved" under the automatic approval provisions of the Permit Streamlining Act or Subdivision Map Act. Cal. Gov. Code §§65920 *et seq.*; 66410 *et seq.*

On the rare occasions when tie votes occur, the City Attorney will advise of their effects and the available options to resolve them.

B6.6 Conflicts of Interest

Conflicts of interest are governed by the Political Reform Act of 1974, as amended (Cal. Gov. Code §§81000-91015, 1090 *et seq.*, 1126 *et seq.*, Cal. Health & Safety Code §33130, and other provisions of applicable law, case law, and common law principles. Cal. Gov. Code §1090 applies to conflicts of interest involving contracts made by the Council. Cal. Gov. Code §1126 pertains to situations of incompatibility when Council Members hold offices of other bodies. Cal. Health & Safety Code §33130 applies only to certain situations confronting the Redevelopment Agency.

Under the Political Reform Act, a Council Member has a conflict of interest when all of the following occur:

- The member makes, participates in, or uses his/her official position to influence a governmental decision;

- It is foreseeable the decision will affect the member's economic interest;
- The effect of the decision on the member's economic interest is material; and
- The effect of the decision on the member's economic interest is distinguishable from its effect on the public generally.

When a Council Member suspects he/she may have a conflict of interest in an upcoming decision, the City Attorney should be consulted at the earliest possible time and provided with all pertinent facts. The Council Member may also seek advice from the Fair Political Practices Commission (FPPC). Requests for written advice from the FPPC generally are answered within 21 working days, although written or telephone advice may be obtained more quickly in urgent situations.

If the FPPC advises a Council Member in writing disqualification is unnecessary, and the member has truthfully provided all material facts, then he/she is immunized against any administrative action brought by the FPPC arising from the same conflict of interest charges. Reliance on FPPC written advice also serves as evidence of good faith conduct in any civil or criminal proceeding based on the same charges.

The California courts have held reliance solely upon the City Attorney's opinion does not confer immunity on the Council Member. Therefore, it is important to raise complex conflict of interest questions early enough to allow time to obtain a written FPPC opinion. Absent a reliable determination that no conflict exists, the City Attorney will advise self-disqualification is the only prudent resolution of the problem.

The following information will assist in contacting the FPPC:

Fair Political Practices Commission
 428 J Street, Suite 800 Sacramento, CA 95814
 866.275.3772
<http://www.fppc.ca.gov>

B6.7 Disqualification Procedure

A Council Member who is disqualified by a conflict of interest should step down by briefly announcing the conflict and the reason for it. After that announcement, the member should leave the Chamber or at least leave the dais during consideration of the item of business.

A disqualified member must refrain from any participation in the matter at issue, including attempting to influence the decision by informal conversations or contributing advice or research. A disqualified member who owns a property interest affected by the pending decision may address the Council solely as a private citizen during the public participation portion of the meeting. In a private capacity a member may speak only on his/her own behalf and not as a representative of any other person or entity.

Although there is some disagreement, the FPPC is of the opinion a Council Member not participating due to a conflict of interest is not counted toward the quorum since making up the quorum can be regarded as participation.

There are certain limited circumstances in which disqualified Council Members may participate under the Rule of Necessity which allows participation in the making of a governmental decision to the extent participation is legally required for the action or decision to be made.

Participation is legally required only if there is no alternative source of decision. The member whose participation is legally required may participate in the decision only in an open Council meeting or in closed session where participation by the official is legally essential for City action. The fact a Council Member's vote is needed to break a tie does not make participation legally required. Cal. Gov. Code §§871200, 87101; 2 C.F.R. §18701(b)(4).

The City Attorney will advise the Council of the proper procedures on the extremely rare occasions a disqualified Council Member's participation is legally required.

(Please see Appendix Three.)

B6.8 Change of Vote

A Council Member may change his/her vote only if a request to do so is made immediately following the City Clerk's announcement of the vote and prior to the time that the next item in the order of business, a recess, or a break begins. After announcement of the next item, the vote is recorded as cast. A proposal to reconsider the matter requires agendaized action at a future meeting. See Section B6.9 of this Handbook.

B6.9 Reconsideration

It is the policy of the Council no decision shall be reconsidered on the same date as originally decided, unless such reconsideration is requested immediately after the original decision is made. That avoids conflict with such rules regarding notices, public hearings, and similar issues and ensures persons who may leave a meeting after an issue is decided will not be denied their rights to attend, observe, or participate in full reconsideration of the issue.

A Council Member wishing to reopen and revisit Council action on any main motion may request reconsideration of that action in the following manner. Without being agendaized, reconsideration may be moved by any Council Member, whether voting with the majority or minority, at the meeting where the decision was taken or at any subsequent meeting.

The member moving for reconsideration should amplify his/her motion as much as possible so the public will be fully aware of the changes being proposed -- i.e., repeal, rescission, cancellation, nullification, or partial alteration of the prior decision. A motion to reconsider requires a second, is debatable but not amendable, and must carry by a majority vote of members present.

If reconsideration is approved, then the matter will be placed on a future agenda. The effect of rescinding or amending a prior action overrules and cancels all or part of the prior decision; however, rescissions and amendments operate prospectively only and not retrospectively to the date of the original action. Rescission and amendments therefore will not adversely affect intervening legal rights arising in the period between approval and rescission/amendment.

B7. LEGISLATION AND CONTRACTS

The City, acting through its Council, is empowered to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws” of the United States and California. Legislative acts are effected by ordinance or by resolution. California Constitution, Article XI, Section 7; Cal. Gov. Code §37100.

B7.1 Preparation

Ordinances: Ordinances express a command or prohibition and have the force of law within City limits. An ordinance is the only mechanism by which a city may impose fines or incarceration as penalties for violations. An ordinance is amended or repealed only by adoption of another ordinance.

All ordinances will be prepared or reviewed by the City Attorney and presented to the Council when ordered by the Council, requested by the Mayor or City Manager, or prepared on the City Attorney’s own initiative.

Resolutions: A resolution expresses Council policy, directs certain administrative or legal actions, and documents significant public Council statements. A resolution is changed or rescinded by subsequent resolution. Resolutions may be prepared for submission by any staff member, although preparation by the City Attorney or City Clerk is preferred. When drafting new resolutions, all staff members are encouraged to provide for rescission of all or portions of existing resolutions being superseded by the proposed resolution.

Contracts: All contracts and other formal agreements will be prepared or approved by the City Attorney and presented to Council when required by law or submitted by the Mayor, City Manager, or City Attorney.

B7.2 Procedure

Ordinances: Introduction. Ordinances are introduced by motion and Council vote, known as “the first reading” and may be adopted after the expiration of a period of five days. When ordinances (other than urgency ordinances) are altered after introduction, they must be reintroduced and may be passed only at a regular or adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not considered alterations. Cal. Gov. Code §36934.

Ordinances: Adoption. Ordinances are adopted by motion and electronic vote at a regular or adjourned regular meeting at least five days after their introduction. (Cal. Gov. Code §36934.) Council Members who were absent during the first reading may participate by voting to enact the ordinance. Voting requirements for adoption of various ordinances are discussed in Section B6.2, of this Handbook.

Ordinances: Reading. The Presiding Officer, Clerk, or other person designated by the Council shall read the full text of the ordinance being acted upon by Council unless, by unanimous vote, Council waives such reading and approves introduction or adoption of the measure by title only.

Urgency Ordinances. An urgency ordinance is legislation for the immediate preservation of the public peace, health, or safety of the City. It may be adopted immediately upon introduction at either a regular or special meeting. The ordinance must declare the facts constituting the urgency and be approved by four or more affirmative votes. Cal. Gov. Code §36937(b).

Interim Ordinances. Council may adopt interim ordinances effective for a maximum of two years. Interim ordinances often prohibit uses conflicting with a contemplated zoning proposal under study and consideration. Interim ordinances require at least four affirmative votes and take effect immediately. Cal. Gov. Code §65858.

Resolutions: Reading. Reading of resolutions, either in full or by title only, is not required. Resolutions may be adopted by motion on the date first presented to the Council. In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution by the Mayor.

B7.3 Effective Date

Ordinances generally take effect on the 31st day after adoption. However, an ordinance takes effect immediately if it relates to elections, emergencies, street improvement proceedings, or taxes for the usual and current expenses of the City, or if particular provisions of law prescribing the manner of its passage and adoption apply. Cal. Gov. Code §36937.

Resolutions become effective immediately upon adoption or on another date specified by the Council. If the resolution adopts or amends the City's General Plan or a Specific Plan, its effective date is 30 days after Council approval. Resolutions imposing or increasing development fees are effective 60 days after adoption.

B8. HEARINGS

B8.1 Application and Definition

The following procedural rules apply to all hearings before the Council. "Hearing" includes all public hearings required by State law or City ordinance. The most common of those concern zoning and annexation, assessment districts, franchises, employee disciplinary proceedings, and appeals of decisions of subordinate City commissions and boards. Because the Council functions much like a court in finding facts and reaching decisions, hearings are known also as "quasi-judicial" proceedings. However, due process and "quasi-judicial" rules do not apply to hearings for zoning and other legislative matters.

The proceeding commences with the Presiding Officer opening the hearing. That is normally followed by presentation of the staff report, remarks by the applicant or proponent, public comments in support of the proposal, public comments opposing the proposal, rebuttal by the proponent, Council examination of evidence, Council deliberations and findings, motion, roll call vote, and announcement of decision.

B8.2 Rights of Interested Persons

On the date and at the time and place designated in the notice, Council shall afford interested persons and/or their authorized representatives the opportunity to examine and cross examine witnesses and present evidence, statements, arguments, and contentions orally and in writing, subject to the rules stated below.

B8.3 Presentation of Evidence

Oral Evidence: All oral statements which are relevant to the subject matter of the hearing will be considered by the Council. All Handbook rules pertaining to oral communication by members of

the public apply during public hearing, except for strict time limits. Oral evidence may be taken on oath or affirmation administered by the City Clerk at the request of any Council Member, City staff member, or interested party or his/her authorized representative.

Exhibits and Documents: Exhibits and documents used by City staff and any hearing participants will be considered as evidence.

Communications and Petitions: All communications and petitions concerning the subject matter of the hearing will be read aloud by synopsis thereof, provided that a reading in full may be had at the request of any Council Member. All such communications and petitions may be considered as evidence by the Council.

Staff Reports: Whenever practical, a written staff report will be prepared and read aloud in whole or in part as part of the staff presentation. The report will be considered as evidence.

Visual Aids: Large maps and other visual aids presented for use at the hearing will, when practical, be displayed in full view of the participants and the audience. The maps and visual aids, or authentic reductions thereof, may be considered as evidence.

Admissible Evidence: The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence will be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a decision unless it would be admissible over objection in civil actions. The rules of privilege are effective to the extent they are otherwise required by statute to be recognized at the hearing. Irrelevant and unduly repetitious evidence may be excluded.

B8.4 Ex Parte Communications Discouraged

Council's decisions in quasi-judicial proceedings must be based upon the evidence presented at the hearing and must be consistent with that evidence.

Any evidence acquired outside the hearing, such as by field trips, viewing of the premises, and discussions with individuals, should not be considered by the Council in reaching its decision except when, during the hearing, the meeting is adjourned to a date, place, and time certain for the specific purpose of receiving outside visual or demonstrative evidence. Council Members may view the subject premises but should indicate on the record such viewing took place. In addition, with the oral or written consent of all interested persons or their authorized representatives appearing at the hearing, individual members of the Council may receive visual or demonstrative evidence outside the Council Chamber, provided that the main hearing is continued to a date and time certain and, at the beginning of the public hearing reconvened in Chamber, Council Members orally report their observations of such outside evidence and are subject to examination thereon by any interested persons or their authorized representatives.

Because due process rights are crucial to a lawful hearing, Council Members should not meet or converse with any of the parties before the hearing or outside the proceeding. Meeting with only one party is known as "ex parte" communication and should be scrupulously avoided. Although such meetings must be disclosed for the record, the better practice is to avoid them entirely.

B8.5 Continuance

Any hearing held, noticed, or ordered to be held by the Council may be continued to any subsequent regular or adjourned meeting of the Council, provided that if the hearing is continued to a time less than 24 hours later, a copy of the notice of continuance shall be posted outside the Council Chambers immediately following the meeting at which the continuance was ordered.

B8.6 Decision

The Council will consider all credible evidence properly presented in accordance with the rules stated herein and, unless otherwise required by law, render a decision or determination on the matter not later than 40 days after the close of the hearing. The decision or determination will be made by motion and action taken thereon at a regular or adjourned meeting of the Council. Any Council Member who was not present during the entire hearing (unless having read or listened to the entire transcript thereof and so stating for the record) or who, in the opinion of the City Attorney or the FPPC, has a substantial conflict of interest in the matter, must disqualify himself/herself from participating and voting on the matter.

B8.7 Record

A verbatim audio recording will be made of the oral evidence presented at the hearing. The recording, together with all documents, maps, exhibits, and displays admitted into evidence, will be retained by the City Clerk for two years after the close of the hearing. The recording, any transcript thereof, and the documentary evidence will be available for public inspection in accordance with the Public Records Act. Cal. Gov. Code §§6250-6290.

PART C
POLICIES

C1. Graffiti Abatement

All state statutes and City ordinances pertaining to the abatement of graffiti will be aggressively enforced within the City.

C2. Official Statements by Subordinate Bodies

Boards, commissions, and committees wishing to announce official positions on issues shall first forward the matter to Council, with recommendations. Council then will determine the City's official position. This policy does not apply to matters for which a board, commission or committee has direct authority as set forth by the City Code or state law.

C3. Legislative Review

City staff will review various bills pending before the State and Federal legislatures that may affect City finances, programs, revenues, home rule, municipal affairs, and other local concerns. These bills will be agendized and presented to Council for its consideration of formal support or opposition. If time constraints prevent discussion at a regular meeting, staff will prepare a letter on the issue for the Mayor's signature, consistent with Council policy. If no policy exists, then no letter shall be sent.

Legislation at another government level generally will be formally supported or opposed only if the issue directly affects the City, is within Council's jurisdiction, and is consistent with Council policies. Formal support or opposition may be expressed on legislation that may affect City finances, enhance public revenue sources, help regain revenues retained by the State of California, and preserve and enhance local control of municipal affairs.

The Council will not take any action to provide advice regarding how an elector should vote on any State or local ballot measure, unless the League of California Cities has encouraged cities to take such actions or the matter directly affects the City's funding or operations.

C4. Judicial Support

From time to time the City Attorney is contacted by staff attorneys of the League of California Cities, its Legal Advocacy Committee, other city attorneys, or retained counsel who solicit Lompoc's support in pending litigation. The City is often asked to join other public entities as an *amicus curiae* ("friend of the court") to help persuade an appellate court to decide a pertinent issue in favor of the municipality involved in the case. Helping the courts understand the practical impacts of their decisions is useful since large numbers of cities expressing a certain point of view can be persuasive.

The City Attorney shall consider all requests for joinder and, as deemed appropriate by the City Attorney, submit for Council consideration, with his/her recommendation, those involving issues of particular concern to Lompoc and in which joinder would be in the City's best interests. If time constraints prevent Council consideration prior to joinder deadlines (which are often less than 10 days), the City Attorney may, after consultation with the City Manager and oral approval by the Mayor or Mayor pro tempore, submit the City's name as *amicus curiae*, provided that such joinder is consistent with any existing

Council policy on the question at issue and a written report is provided to the Council at its next regular meeting.

C5. Fundraising and Donations

Funds raised over and above City moneys (e.g. from donations, contributions, special project fundraising activities, and grants) by the Lompoc Library, the Lompoc Museum, and their respective boards, foundations, and fundraising agents, should be used to strengthen their respective services. Foundation funds and donations received by the Lompoc Museum and Library therefore will not be used to set off or replace public funds.

The donor of any funds to the City may designate a mandatory or preferred use of the gift by accompanying the donation with a written expression of its required or optional use. If the City is unable to carry out the stated mandatory purpose of a designated gift, then the gift shall be returned to the donor or his or her successors-in-interest. If after good faith attempts the donor or his or her successors-in-interest cannot be found, then the City shall treat the donation as unspecified and follow the procedure set forth below.

If donors do not specify suggested or required uses of their gifts, then the City shall place undesignated donations in a Public Safety Fund for expenditures within the police and/or fire budgets to strengthen public safety services in the community. If Council wishes, then public comments may be received prior to its decisions on uses of donations.

Council shall not reduce City funding to any department or service solely because of donations.

C6. Successor Housing Agency Loans

It is the policy of the City Council acting as the Successor Housing Agency to the Former Lompoc Redevelopment Agency, in order to protect the Successor Housing Agency's interests in the lending of Successor Agency funds, loans shall be subject to all applicable laws and, unless otherwise determined by Council policy or authorizations, secured by trust deeds and borrower's guaranty, and require a debt coverage ratio of less than 1.15 or loan to value ratio greater than 85%. Housing loans shall be subject to recorded affordability covenants. Borrowers' creditworthiness and the value of the pledged security shall be evaluated, and no loan shall be made to any person convicted of a felony in fiduciary matters or who was subject to foreclosure within the seven years preceding the loan.

C7. Performance Evaluation of Employees Appointed by Council

C7.1 Introduction

The Council is responsible for the hiring, periodic performance evaluation, and retention decisions regarding the City Manager, and City Attorney. This policy establishes a uniform policy and procedure with respect to the administration of the performance evaluations for these employees.

C7.2 Amendments

The Council may amend this procedure as required.

C7.3 Guidelines

a. Goal-setting workshops with each employee shall be conducted by Council in January of each year with regular performance evaluations conducted in closed session in September/October. Additional evaluations may be conducted as needed at the Council's discretion.

b. Not later than September 15, an e-mail or other communiqué will be sent by the Personnel Department to the Council, advising them of the upcoming performance evaluation of the employees who are the subject of these procedures.

c. On forms acceptable to the Council, each Council Member should independently assess the current performance of the individual being evaluated.

d. Prior to communicating with those individuals being evaluated, the Council may meet in a closed session to reconcile any major areas of disagreement. Nothing contained in this policy requires a Council Member to change any opinions expressed on the evaluation forms.

e. The Council will meet with each employee covered under this policy and provide feedback on the incumbent's performance.

f. Completed forms will be signed by individual Council Members and presented to the employee.

g. Employees receiving these evaluations will sign each form acknowledging receipt of the performance review.

h. A copy of the completed documents will be placed in each employee's personnel file.

C8. Statements of Economic Interests

Council Members and City officials who are required to file Statements of Economic Interests with one or more entities other than the City shall promptly notify the City Clerk of the existence of those filings and provide copies of such filings. The City Clerk shall compile and maintain a list of all jurisdictions in which Council Members and officials have filed such Statements.

C9. Minutes of Council Meetings

The minutes of Council meetings should consist of clear and concise statements of every Council action, including the principal points of debate, the motions made, and the votes thereon. Minutes are intended to be a summary of the meeting rather than a transcript. A permanent record of reasons for making a motion or for voting, seconds, lengthy Council debate, and audience reaction generally is unnecessary, although such information may be included in the minutes if particularly relevant or otherwise necessary; provided, that the minutes shall include the essence of comments received from the public. Webcasts of each Council meeting contain the verbatim record and shall be maintained in perpetuity. Every Council Member has the right to have his/her verbatim statements entered in the minutes; this right is exercised by specific direction to the City Clerk at the Council meeting.

The City Clerk is exclusively responsible for preparation of the minutes. Minor and administrative corrections, such as grammatical or typographical errors, do not require Council action; members are

encouraged to informally bring these matters to the Clerk's attention prior to meetings so as to avoid the necessity of removal of minutes from the Consent Calendar.

Substantive changes in the minutes will be made only by Council action. Substantive changes brought to the Clerk's attention outside the Council meeting should be included in revised minutes, highlighting the change(s), and distributed to Council Members prior to minutes approval on the Consent Calendar. If time does not permit the distribution of revised minutes, the City Clerk shall announce the revisions prior to Council's approval of the minutes.

C10. Invocations

The courts have concluded sectarian prayer as part of City Council meetings is not permitted under the Constitution. To meet that legal requirement, the City Council will allow, on a rotating basis, one person to provide an invocation consisting of non-sectarian prayer or inspiring words at the beginning of each Council meeting. Any person providing that invocation will be expected to follow the above legal requirements. If someone does not follow those requirements, then that person shall be removed from that rotation list. During the public comment period of any regular Council meeting, the City Council will not impinge on any person's Constitutional right to provide prayers or other inspiring words they choose about matters of public interest which are within the City Council's jurisdiction.

C11. Establishment of Committees

Whenever a new committee is established by the Council, the City Attorney shall determine whether such committee is subject to the provisions of the Brown Act. If such committee is determined to be subject to the Brown Act, the Committee Chair shall provide each new member of the committee with a copy of the Brown Act and admonish such member to abide by the requirements therein.

C12. Reporting on Meetings with City Staff and Public

Council Members are required by law to report on any meeting attended where City funds were used. In addition, all Council Members shall make a report of any meeting attended where the Council Member represented the City and voted on an action concerning the City's interests. Council Members shall also make a report of any meeting held with both City staff and the public.

C13. Representing City

A Council Member should always remember he/she will be perceived as representing the City at any event, whether or not the City is involved or the Council Member's participation is paid by the City. Therefore, each Council Member should ensure the City will not be seen in a disparaging light by that Council Member's actions or words. In addition, each Council Member should fairly present the City Council's collective decision on matters within the City Council's jurisdiction, while also retaining the right to express that Council Member's differing point of view.

C14. Proclamations

The City may issue proclamations for special recognition in accordance with the guidelines set forth in Appendix 4.

Link to the Ralph M. Brown Act, California Government Code sections 54950 *et seq.*

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=

APPENDIX ONE

APPENDIX TWO

PARLIAMENTARY PROCEDURE ... simplified

	To:	You Say:	May You Interrupt the Speaker?	Do You Need A Second ?	Is It Debatable ?	Can It Be Amended ?	What Vote Is Needed?	Can It Be Reconsidered ?
BASICS	Introduce Business	"I move that..."	No	Yes	Yes	Yes	Majority	Yes
	Continue Discussion	"I move to continue this item until (date)"	No	Yes	Yes	Yes	Majority	Yes
	Amend a Motion	"I move to amend the motion by ..."	No	Yes	Yes	Yes	Majority	Yes
	Adjourn Meeting	"I move that we adjourn"	No	Yes	No	No	Majority	No
PRACTICAL	Give Closer Study of An Item	"I move to refer the matter to a subcommittee"	No	Yes	Yes	Yes	Majority	Yes
	Request Information	"Point of information"	Yes	No	No	No	No Vote	No
	End Debate & Amendment	"I call for the question" "I move the previous question"	No	Yes	No	No	2/3	No
	Reconsider a Hasty Action	"I move to reconsider the vote on ..."	Yes	Yes		No	Majority	No
ADVANCED	Temporarily Suspend Considering an Issue	"I move to table the motion"	No	Yes	No	No	Majority	No
	Take up a Matter Previously Tabled	"I move to take from the table..."	No	Yes	No	No	Majority	No
	Avoid Considering an Improper Matter	"I object to consideration of this motion"	Yes	No	No	No	2/3	
	Protest Breach of Rules or Conduct	"I rise to a point of order"	Yes	No	No	No	No Vote	No

VOTING	Chair restates the motion (Council policy: City Clerk or maker of motion)
	VOICE: "All those in favor...; those opposed...; motion carries/is rejected"
	ROLL CALL: "Council Member...; motion carries/is rejected"
	GENERAL CONSENT: "Any objections?"

APPENDIX THREE

Public Official's Conflict of Interest Checklist

KEY CONCEPTS

✓ A public agency's decision should be based solely on what best serves the public's interests.

✓ The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.

✓ Having a conflict of interest does not imply that a public official has done anything wrong; it just means that the official has financial or other disqualifying interests.

✓ Violating the conflict of interest laws could lead to monetary fines and criminal penalties. Don't take that risk.

BASIC RULE

A public official may not participate in a decision- including trying to influence a decision - if the official has financial or, in some cases, other strong personal interests in that decision. When an official has an interest in a contract, the official's agency may be prevented from even making the contract.

WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

The rules are very complex. A public official should talk with agency counsel 1) early and often, 2) when an action by the public agency may affect (positively or negatively), any of the following:

✓ **Income.** Any source of income of \$500 or more (including promised income) during the prior 12 months for the official or official's spouse/domestic partner.

✓ **Business Management or Employment.** An entity for which the official serves as a director, officer, partner, trustee, employee, or manager.

✓ **Real Property.** A direct or indirect interest in real property of \$2000 or more that the official or official's immediate family (spouse/domestic partner and dependent children) have, including such interests as ownership, leaseholds (but not month-to-month tenancies), and options to purchase. Be especially alert when any of these are located within 500 feet of the subject of the decision.

✓ **Gift Giver.** Through 12/31/18 a giver of a gift of \$470 or more to the official in the prior 12 months, including promised gifts. That dollar amount is changed each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest \$10.

✓ **Lender/Guarantor.** A source of a loan (including loan guarantor) to the official.

✓ **Personal Finances.** The official or official's immediate family's (spouse/domestic partner and dependent children) personal expenses, income, assets, or liabilities.

✓ **Contract.** A contract that the agency is considering entering into, in which the official or a member of the official's family may have an interest (direct or indirect).

✓ **Business Investment.** An interesting a business that the official or the official's immediate family (spouse/ domestic partner and dependent children) have a direct or indirect investment worth \$2000 or more.

✓ **Related Business Entity.** An interest in a business that is the parent, subsidiary or is otherwise related to a business where the official:

- Has a direct or indirect investment worth \$2000 or more; or
- Is a director, officer, partner, trustee, employee, or manager.

✓ **Business Entity owning Property.** A direct or indirect ownership interest in a business entity or trust of the official's that owns real property.

✓ **Campaign contributor.** A campaign contributor of the official (applies to appointed decision-making bodies only).

✓ **Other Personal Interests and Biases.** The official has important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on the official's ability to make a fair decision.

WHAT WILL HAPPEN NEXT?

Agency counsel will advise the official whether 1) the official can participate in the decision and, 2) if a contract is involved, whether the agency can enter into the contract at all. Counsel may suggest asking either the Fair Political Practices commission or the State Attorney General to weigh in.

EVEN IF IT'S LEGAL, IS IT ETHICAL?

The law sets only minimum standards. Officials should ask themselves whether members of the public will question whether officials should act solely in the public's interest. If they might, officials should consider excusing themselves voluntarily from that particular decision-making process.

APPENDIX FOUR

City Proclamation Guidelines

Proclamations are ceremonial documents to honor, celebrate or create awareness of an event or significant issue specific to Lompoc and its citizens. They may be issued for:

- Public awareness
- Charitable fundraising campaigns
- Non-profit organizations
- Arts and cultural celebrations
- Celebrating anniversaries of longtime businesses
- Special honors, determined by Mayor
- Recognizing positions taken by the League of California Cities

Proclamations will not be issued for:

- For-profit businesses, as an advertisement or commercial promotion
- Matters of political or religious nature
- Events or organizations with no direct relationship to the Lompoc Valley
- Campaigns or events contrary to City policies

Guidelines

- The Mayor's office reserves the right to approve or decline any proclamation request and to edit the drafted material for final wording. If the Mayor declines the request, then one Council member may have the proclamation placed on a Council agenda for an upcoming meeting for consideration and adoption by a majority of the Council Members present at that meeting.
- All proclamation requests will be reviewed on a case-by-case basis.
- An organization can request only one proclamation annually.
- A certificate of recognition or congratulatory letter is an alternative where the criteria for a proclamation are not met.

Who can make a proclamation request?

- Requests must be made by a resident, employee, business operator or real property owner within the Lompoc Valley.

How do you request a proclamation?

- All requests must be made in writing via email, hand-delivered, or sent by U.S. mail.
- Each request should be made 30 days in advance of the date the proclamation is needed.

What should be included in the request?

- Please provide a contact person's first and last name, phone number, home address and email address.
- Provide a brief summary of the event or organization.
- Provide a specific name and date for the day, week or month or event to be proclaimed.
- Provide the exact date the proclamation is needed.
- Each request must include a draft text of the proclamation, including four to five "whereas" clauses.
- Provide a mailing address to send the final proclamation or indication of whether it will be picked up, including the receiver's name and title.
- Proclamations must fit on a single 8 ½" x 11" page and be in 12 point font, with room remaining for the Mayor's signature.

If you have a question, please contact the Mayor or City Manager at 805-875-8212. Direct requests may be sent via email to L_Collins@ci.lompoc.ca.us, or in writing to:

Mayor or City Manager
Lompoc City Hall
100 Civic Center Plaza
Lompoc, CA 93436