

City of Big Bear Lake

City Council Policy, Procedures, and Rules of Order Manual



Adopted by City Council

Via Resolution No. 2022-21 on March 7, 2022

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CHAPTER 1 – INTRODUCTION AND PURPOSE

I. PURPOSE OF MANUAL

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

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

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

II. EFFECTIVE DATE AND PERIODIC REVIEW/UPDATE OF MANUAL

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

- B. Periodic Review. This Manual will be reviewed on an as-needed basis, and revised by City Council resolution if and as needed.

CHAPTER 2 – ROLE OF CITY COUNCIL

I. OVERVIEW

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

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

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

II. COUNCIL ELECTION AND GOVERNANCE

The City of Big Bear Lake is governed by a five-member City Council elected by-district to four-year terms on a staggered basis. Councilmembers are elected in the general election in November of even-numbered years. The Mayor and Mayor Pro Tem will be appointed by a majority vote of the entire membership of the City Council. The City Council shall appoint the Mayor and Mayor Pro Tem for one-year terms at the first regular meeting in December of every year or as soon thereafter as feasible and when applicable, following the certification of election results and seating of new City Councilmembers. The newly-appointed Mayor and Mayor Pro Tem assume their positions immediately following the majority vote. Prior to this meeting, the Council and Council-elect (in even numbered years) will be invited to participate in a regularly scheduled or special meeting in November to provide each Councilmember and/or Councilmember-elect the opportunity to express their interest in becoming the Mayor or Mayor Pro Tem and/or in participating in various committees and agencies.

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

1. The City Clerk opens nominations.
2. The City Clerk receives up to one nomination per Councilmember until no further nominations are forthcoming. Seconds are not required.
3. The City Clerk closes nominations.
4. The City Clerk calls on each Councilmember to cast by verbal vote the name of his/her nominee of choice.
5. The City Clerk announces the outcome of the vote and declares the appointment upon a majority vote of the full membership.
6. If an appointment is not confirmed, the City Clerk repeats the foregoing procedure once more on the prospect of the City Council reaching agreement.

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

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

III. ROLE AND DUTIES OF MAYOR

- A. Official Ceremonial Head of City. The Mayor is recognized as the official head of the City for all ceremonial purposes and shall perform such other duties consistent with the office as set forth in this Manual and as may be delegated to the Mayor by majority vote of the City Council.
- B. Presiding Officer. The Mayor is the Presiding Officer at all meetings of the City Council and acts as the chair. **In this role, the Mayor has authority and discretion:**
 1. to preserve order at all Council meetings by facilitating the effective conduct of business during meetings and assisting, when deemed necessary, fellow Councilmembers in understanding their roles and responsibilities in municipal governance;

2. to enforce (or cause to be enforced) the Meeting Rules of Conduct and Decorum as set forth in Chapter 5 of the Manual;
 3. to determine the order of business at meetings of the City Council; and
 4. to require any person addressing the City Council to be sworn as a witness and to testify under oath when, for example, testifying in judicial or quasi-judicial proceedings. The Mayor or the Presiding Officer shall also require such swearing-in if directed to do so by a majority of the Council.
- C. External Communication of Policy. The Mayor is to faithfully communicate the position of the Council majority in matters of policy.
- D. Seating Arrangement for City Council. The Mayor assumes the center chair on the dais and oversees the seating location of the other Councilmembers at all meetings of the Council, in council chambers or elsewhere. The Mayor will, following each Council election of officers and at such other times as the Mayor deems it necessary, establish the seating arrangements of the Councilmembers. The Mayor Pro Tem will always be seated immediately next to the Mayor.
- E. Signing Documents. The Mayor, whenever available, shall sign all ordinances, resolutions and other documents that have been adopted and authorized by the City Council and require an official signature. However, the City Manager or another City official may sign certain documents when so authorized by Council action and/or the provisions of the Big Bear Lake Municipal Code.
- F. Absence of Mayor. In the absence of the Mayor, the Mayor Pro Tem performs the duties of the Mayor, including acting as the Presiding Officer at meetings. When both the Mayor and Mayor Pro Tem are absent from any meeting of the Council, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tem, or until adjournment, whichever comes first.
- G. New Councilmember Orientation. The City Manager will lead, with assistance from the City Attorney and City Clerk, new Councilmember orientations to provide a comprehensive overview of City operations, policies, ordinances, applicable State law, current projects, and current initiatives.

IV. ROLE AND DUTIES OF ALL COUNCILMEMBERS

- A. Annual Review of Residency. Government Code Section 36052(a) requires Councilmembers of this City to maintain a legal residence or domicile within the City of Big Bear Lake and rules regarding residency are further discussed in Section 243

and 244 of the Government Code. To properly ensure compliance, Councilmembers shall be required to certify with the City Clerk immediately following the adoption of the Manual and again on an annual basis at a Council meeting in December, their residency or domicile within the City of Big Bear Lake.

B. Advance Preparation for Meetings.

1. **Prior Review of Agenda Materials.** Prior to attending Council and committee meetings, study sessions and/or workshops, Councilmembers shall read or otherwise familiarize themselves with each agenda and supporting documentation for the items thereon.
2. **Seek Prior Clarification for Agenda Materials.** In respect for everyone's time and to help ensure that individual Councilmembers may be equipped to make informed decisions, do his/her best work, and move meetings forward in a meaningful way, it is incumbent upon each Councilmember to promptly seek answers to questions he/she may have about the posted agenda items and agenda-package materials for the immediately pending meeting. Toward fulfilling these objectives, Councilmembers should seek the aforementioned assistance from the City Manager, the City Attorney, or City Clerk as soon as possible after receipt of the agenda packet and prior to the meeting to which the agenda packet relates. The City Manager may delegate specific City staff to respond to questions, as may be helpful to the Councilmembers/or City Manager.
3. **Avoid Unfair Surprise.** Councilmembers should advise the City Manager in advance of issues or questions they intend to bring up at a public meeting. This refers to issues and questions that City staff would not normally anticipate or have researched for that particular meeting.
4. **Report Possible Absences.** Each Councilmember shall report immediately to the Mayor, City Manager, and City Clerk any likelihood of absence in order to ensure the most effective facilitation of City Council meetings. Any member of the Council not in attendance at a Council meeting shall be noted as "absent". Such absences shall be considered unexcused, unless the City Council formally excuses an absence by a majority vote, in which case the absent member of the Council shall be noted as "excused".

C. Council Vacancies. Whenever a vacancy occurs in the Office of City Councilmember, the City Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code Section 36512 or the provisions of Municipal Code Section 2.08.040 adopted by the City Council. If a vacancy is to be filled by appointment, and in order that the Council may select the candidate best suited

to the position, the City shall initiate an application and interview process which shall be robust, uniform, and free from the appearance of impropriety. Except for official communications with the City Manager's office, which includes the City Clerk, all contact between Councilmembers and candidates regarding the appointment process and/or potential appointment is restricted to a formal interview process during a public meeting. Any candidate who violates this protocol may be excluded from appointment.

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

1. **Leadership, Goals and Policy.** City Councilmembers are elected to provide leadership in setting goals and in formulating policies. The City Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs. Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the City Manager's direction, staff can provide assistance in analyzing the City's needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the City.
2. **Ex-Officio Roles.** The City Council also serves as the Boards for the City of Big Bear Lake Fire Protection District, Big Bear Lake Fire Authority, and the Successor Agency to the Big Bear Lake Improvement Agency. References made in the Manual to the City Council also include the Council when acting in its roles on the Boards of the aforementioned entities.

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

1. **Legislative.** These actions/decisions formulate rules to be applied to all future cases. Examples, include, but are not limited to: adoption and amendments to municipal codes, general plans, zoning codes, and personnel regulations. These actions are generally taken by ordinance or resolution.
2. **Quasi-Judicial.** While legislative actions establish public policy and rules applicable to groups of property or people, quasi-judicial proceedings affect individual properties or parties. Quasi-judicial proceedings involve the application of established standards to individual facts to determine specific rights or to take specific actions under existing law.
3. **Due Process.** The distinction between these two types of acts/decisions comes into play in the due process afforded to parties (particularly in the public and

appeal hearing context), as explained in more detail in Chapter 3, Section VI of this Manual.

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

<Name of affiant>

“I hereby declare or affirm under penalty of perjury that the testimony I am about to give before the City Council is the truth.”

- G. Handling Concerns or Complaints from the Public and Staff. Councilmember shall functions within their established roles when listening to concerns or complaints from the public and staff. While it is important to be available when issues arise, Councilmembers shall abide by uniform procedures to ensure matters are handled expeditiously and everyone is treated respectfully and fairly. Councilmembers shall remain neutral when receiving reports, conveying that they have no individual authority to resolve issues and further recognizing that only one side of the story is being heard. Councilmembers shall adhere to their policy role pursuant to Chapter 2 of this Manual, being certain not to interfere with the administrative functions of the City or the professional duties of City staff. The same level of care must be exercised when responding to emails as is described for personal interactions.

Councilmembers shall use the following procedures when handling concerns or complaints:

1. **Receive** – Listen to what the person has to say without preparing a response.
2. **Repeat** – Paraphrase or ask a question to clarify for understanding. Ask the person to identify those to who she/he has spoken about the matter prior to contacting a Councilmember.
3. **Request** – Ask what the person would like the Councilmember to do with the information and/or what is seen as a solution to the problem.
4. **Review** – Indicate that the information will be shared with the City Manager so that the City Manager or his/her designee may be able to provide a response or additional information as may be necessary.

V. CODE OF ETHICS FOR COUNCILMEMBERS

- A. Intent and Purpose. To assure public confidence in the integrity of local government and its effective and fair operation, this Code of Ethics provides a framework for day-to-day actions and decision-making by Councilmembers and represents a commitment to uphold a standard of integrity beyond that required by law. The citizens and businesses of Big Bear Lake are entitled to a fair, ethical, and accountable local

government that has earned the public's full confidence for integrity. To ensure the effective functioning of democratic government, the City Council requires each of the following:

1. Public officials, both elected and appointed, comply with both the letter and spirits of the laws and policies affecting the operations of government.
2. Public officials be independent, impartial, and fair in their judgement and actions.
3. Public office be used for the public good, not for personal gain.
4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

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

1. **Act in the Public Interest.** Recognize that stewardship of the public interest must be their primary concern, Councilmembers will work for the common good of the people of Big Bear Lake and not for any private or personal interest, and they assure fair and equal treatment of all persons, claims and transactions coming before the Big Bear Lake City Council.
2. **Comply with the Law.** Councilmembers shall comply with the laws of the nation, the State of California, and the City of Big Bear Lake in the performance of their public duties. The laws include, but are not limited to: the United State and California Constitutions, the Big Bear Lake City Charter, the Big Bear Lake Municipal Code, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open government, and City ordinances and policies.
3. **Councilmember Conduct.** The professional and personal conduct of Councilmembers must be above reproach and avoid the appearance of impropriety. While it is understood that Councilmembers enjoy the First Amendment right, they shall practice civility and decorum in discussions and debate, and refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Council, boards, commissions, staff, or the public that is intended to disrupt and not further the City's business.
4. **Respect for Process.** Councilmembers shall perform their duties in accordance with the processes and Rules of Order established by the Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by City staff.

5. **Decisions Based on Merit.** Councilmembers shall base their decisions on the merits and substance of the matter at hand, rather on unrelated considerations.
6. **Conflict of Interest.** In order to assure their independence and impartiality in the City's best interest, Councilmembers shall not use their official positions to influence decisions in which they have a conflict of interest.
7. **Gifts and Favors.** Councilmembers shall follow the laws that apply to the acceptance of gifts or favors as a public official.
8. **Use of Title.** Councilmembers may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise. Individual Councilmembers must be careful not to: 1) exceed or appear to exceed his/her authority, 2) use his/her position to influence others unduly or, 3) use his/her title to improperly gain leverage or preferential treatment.
9. **Confidential Information.** Councilmembers shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.
10. **Use of Public Resources.** Councilmembers shall not use public resources, such as City staff time, equipment, supplies, or facilities for private gain or personal purposes.
11. **Advocacy.** Councilmembers shall represent the official policies or positions of the Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Councilmembers shall explicitly state they do not represent the opinion of the entire Council.
12. **Positive Workplace Environment.** Councilmembers shall support the maintenance of a positive and constructive workplace environment for City employees, private citizens, and businesses dealing with the City. Councilmembers shall recognize their role in individual dealings with City Employees. Councilmembers shall not be immune to potential liability and/or legal proceedings by City employees when the rights of such employees who are acting within the scope of their employment have been infringed upon or violated by Councilmembers.

13. **Policy Role of Councilmembers.** Councilmembers shall respect and adhere to the Council-Manager structure of Big Bear Lake City government. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards, commissions, and City staff. Councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

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

C. Norms and Protocols.

1. We conduct ourselves in a professional manner.
2. We respect open government.
3. We value civil, intelligent public discourse.
4. We seek to be efficient in our meetings.
5. We treat all members of the public with respect.
6. We understand our role in contributing to a positive workplace environment.
7. We respect the Council-Manager form of government, and Councilmembers do not interfere with the role of the City Manager or any professional duties of City staff.
8. We keep confidential matters confidential.
9. We know that a good working relationship between Councilmembers and staff fosters good goal setting, policy making and service delivery.
10. We understand that Council acts as a body, all members are equal, and policy direction is only given by a majority vote of the Council.
11. We understand that staff is obligated to implement decisions made by the Council, even if one of us doesn't agree the Council's decision.
12. We are prepared for Council meeting and ask our questions of staff in advance so we can avoid surprising staff at the meetings. We know this is good teamwork.
13. We act with high integrity in all matters and follow our code of ethics.

CHAPTER 3 – COUNCIL MEETINGS

I. REGULAR MEETINGS

- A. Regular Meetings of the Council shall be held in accordance with the schedule outlined in the Municipal Code and the adopted regular meeting calendar. All Regular Meetings shall adjourn by 10:00 p.m. unless a majority of the City Council votes to continue the meeting past the fixed time of adjournment. Any motion to extend the meeting beyond 10:00 p.m. and not included in a motion to extend the meeting shall automatically be continued for consideration at the next regularly scheduled City Council meeting.

The annually approved meeting schedule will include regular City Council meetings held on the first and third Monday of each month except when there are City observed holiday conflicts or other holiday related scheduling considerations. When the meeting calendar allows for Council to hold a second regular monthly meeting, that agenda will be tailored specifically for Council to participate in focused discussions related to significant City issues, initiatives, and other important time-sensitive topics, in more of a workshop format.

All Regular Meetings of the City Council will be recorded and broadcast live on a local cable channel and on the City's website, except in rare instances when unforeseen scheduling or technical issues may arise. Recordings of Regular Meetings will be uninterrupted and will begin approximately ten (10) minutes before the start of the meeting, and will continue until all Councilmembers, staff members, and audience members vacate the Council chamber.

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

II. SPECIAL, WORKSHOP AND CLOSED SESSION MEETINGS

- A. Special/Workshop Meetings. Special meetings and workshops are meetings of the Council held on special or irregular dates and may be called by three or more members of the Council or by the Mayor. The City Clerk shall prepare and mail, personally deliver, or deliver by any other means that ensures receipt, to each member of the City Council, and to each local newspaper and radio that has requested notice in writing at least 24 hours before the time of the meeting, a notice of special meeting starting time, place and business to be transacted. Only matters set forth in the notice of the meeting shall be discussed at such meeting and no ordinance (other than urgency ordinances) may be adopted. In the event of conflict between this paragraph and the provisions of Section 54956 of the Government Code governing special meetings, the latter section shall prevail.

All Special Meetings of the City Council will be broadcast live on a local cable channel and on the City's website, except in rare instances when unforeseen scheduling or

technical issues may arise. Recordings of Special Meetings will be uninterrupted and will begin approximately ten (10) minutes before the start of the meeting, and will continue until all Councilmembers, staff members and audience members vacate the Council Chamber.

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

III. CANCELLATION OF MEETINGS

- A. Cancellation of Meetings. Any regular or special meeting of the Council may be cancelled in advance by a majority vote of the Council during a prior meeting of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have advised the Mayor, City Attorney, City Clerk and/or City Manager of their unavailability to attend a meeting. The City Manager may cancel a meeting when he/she determines there is no business to be conducted at the meeting. Appropriate notices will be provided. Written notice of cancellation shall be given to each Councilmember and further shall be posted and distributed to the same parties and in the same manner as the agenda for regular meetings.

IV. MEETING MINUTES

- A. As an Official Record. The official action minutes of the City Council will be kept by the City Clerk in a minute book with a record of each particular type of business transacted set off in paragraphs with proper sub-headings. The City Clerk shall be required to make a record only of such business that was actually passed upon by a vote of City Council and shall not be required to record any remarks of any member of the City Council or of any other person. Names or persons addressing the City Council, the title of the subject matter to which their remarks related, and whether they spoke in support of or in oppositions to such matter shall be entered into the minutes.
- B. Recordings. The City Clerk will electronically record all regular City Council meetings, with the exception of closed sessions, and will retain the video recordings per the City's Records Retention Schedule. At his/her discretion, the City Clerk may retain video recordings for a longer period.
- C. Distribution of Minutes. As soon as possible after each meeting, the City Clerk shall furnish a copy of the minutes to each Councilmember, the City Manager, each Department Head, and any other individuals designated by the City Clerk or City Manager.
- D. Reading of Minutes. Unless the reading of the minutes of a Council meeting is requested by a member of the Council, the minutes may be approved without reading

if the City Clerk has previously furnished each member of the Council with a copy thereof.

- E. Approval of Minutes. Minutes may be approved by placement on the Consent Calendar. All Council members may vote on such approval, even if they were absent from the applicable meeting.

V. CONDUCT OF BUSINESS

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

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

- Open Session
- Closed Session Public Communications
- Closed Session
- Open Session
- Call to Order
- Pledge of Allegiance
- Invocation
- Roll Call
- Results of Closed Session
- Presentations
- Public Communication
- Consent Calendar
- Items Removed from the Consent Calendar
- Public Hearings
- Discussion/Action Items
- Comments, Announcements & Additional City Business
- Adjournment

VI. DESCRIPTION/EXPLANATION OF PURPOSE OF CERTAIN AGENDA ITEMS

- A. Public Comment Periods. Depending on the meeting, these periods are provided at the start of the Closed and Regular Sessions and prior to Council's considerations of agenda items to satisfy the requirements of the Brown Act. These periods provide the ability for members of the public to address the Council on items appear on the agenda or on other matters of interest within the jurisdiction of the City Council that do not appear on the agenda.

1. **Restrictions.** public comment periods should not be utilized by Councilmembers to the extent said use impinges upon and/or diminishes the time allotted for other members of the public to speak, unless a Councilmember has recused himself/herself from participating in a decision of the Council on a

particular agenda item for a financial or other conflict of interest and further is exercising a right to speak as a member of the public regarding an applicable personal interest under the conditions specified in section 18707(a)(3)(c) and 18704(d)(2) of the regulations of the Fair Political Practices Commission (“FPPC”).

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

B. Appeal Hearings.

1. **Quasi-Judicial Decisions.** If a quasi-judicial appeal is at issue, the City Council must follow stricter procedural requirements similar to those used in a court. (“Quasi-judicial” means court-like). Fair hearings and impartial decision-makers are required. Quasi-judicial hearings must be conducted in accordance with the principles of due process. When the City Council is acting as the decision-making body in quasi-judicial hearings, Councilmembers must refrain from testifying as members of the public, as such participation absent a recusal from the decision could impair due process and create conflicts of interest.
2. **Other Public Hearings.** Public hearings held prior to adoption of ordinances or other legislative/policy matters can follow less strict standards.

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

1. **When Required.** Public hearings may be required on certain items as prescribed by the Big Bear Lake Municipal Code and/or state and federal law. Some examples of when public hearings are generally required include: zoning changes, some annexations, development code amendments, introduction and first reading of ordinances, and increases of City fees and charges for utilities and other services.
2. **Cancellation and Continuances for Hearings Set by Council.** Public hearings set by the City Council may be cancelled by a majority vote of the City Council or at the request of the City Manager or City Attorney for good cause. If needed, cancelled public hearings shall be re-noticed in accordance with applicable law. The City Council may also open a public hearing at a meeting, take testimony, leave such hearing open, and continue it to a date certain without re-noticing, upon a majority vote of the City Council, or by the Mayor at the request of the City Manager or City Attorney for good cause.

3. **Continuances for Proponents of Projects and/or Appellants.** Proponents of Projects for which a public hearing is required and Appellants who have an appeal hearing scheduled before the City Council shall be granted one continuance of that hearing under the following conditions:
 - (a) Requests for continuance of public hearings and appeal hearings shall be submitted by the proponent/appellant in writing to the City Clerk by no later than the close of business on the date of the Council meeting at which the matter is scheduled to be heard.
 - (b) The written request shall specify: (1) the reasons for the request of continuance, and (2) the Council meeting date on which the proponent/appellant desires the matter to be heard.
 - (c) The City Council reserves the right to continue the public hearing or appeal hearing to a date and time that is least likely to impact the conduct of regularly agendized City business.
 - (d) If the proponent/appellant is unable to attend the meeting at which the matter will be heard, the proponent/appellant should designate a representative to appear on his/her behalf.
 - (e) No further continuances shall be granted unless, in its discretion, the City Council determines by majority vote that it is necessary to do so after considering the testimony and findings presented at the hearing.
4. **General Public Hearing Procedure.** Public hearings shall generally be conducted as follows:
 - (a) Staff presents its report, either by way of a written staff report or by an in-person oral presentation.
 - (b) Councilmembers may ask questions of staff, subject to the time limitations sets forth in Chapter 5, Section II.D of this Manual.
 - (c) The Presiding Officer opens the public hearing.
 - (d) Members of the public present their comments, subject to time limits established by the Presiding Officer and/or this Manual.
 - (e) The Presiding Officer closes the public hearing after everyone wishing to speak has had the opportunity to do so.
 - (f) Council deliberates and takes action

5. **General Quasi-Judicial Public Hearing Procedure (Land Use Matters and Appeal Hearings).** If a public hearing involves a quasi-judicial matter, the provision of Section VI.C.1 of this Chapter and other due process procedural safeguards will apply. Although the City Attorney shall advise the Council in this regard, such public hearings shall generally be conducted as follows:
- (a) Councilmembers disclose any ex parte communications or information obtained outside the Council Chamber, such as field trips, views of the premises, and discussions with individuals.
 - (b) Staff presents its report, either by way of written staff report or by in-person oral presentation.
 - (c) Councilmembers may ask questions of staff, subject to the time limitations set forth in Chapter 5, Section II.D of this Manual.
 - (d) The Presiding Officer opens the hearing.
 - (e) The applicant and/or appellant have the opportunity to present his/her comments, testimony, or arguments. Each applicant or appellant will be allotted five (5) minutes to present his/her case unless additional time is granted by a majority vote of the Council. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
 - (f) Members of the public may present their comments, subject to time limitations established by the Presiding Officer and/or this Manual.
 - (g) The applicant and/or appellant have the opportunity to present his/her rebuttal comments, testimony, or arguments. Each applicant or appellant will be allotted five (5) minutes to present his/her rebuttal case unless additional time is granted by a majority vote of the Council. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
 - (h) The Presiding Officer closes the hearing after everyone wishing to speak has had the opportunity to do so.
 - (i) Council deliberates and takes action.

- D. Consent Calendar. Items on this portion of the agenda include matters considered to be routine, administrative, procedural, minor and/or non-controversial in nature, such as approval of minutes for a prior meeting(s), approval of the register of demands, second readings of ordinances, and other minor and/or non-controversial items. Any discussion shall be limited in nature, and those items so listed shall be approved and adopted by one motion of the Council and a roll call vote.
1. **Clarification or Comment.** Councilmembers may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. To do so, Councilmembers must gain the Presiding Officer's recognition immediately after the Consent Calendar is announced and before a vote is invited.
 2. **Pulling Consent Calendar Items.** Only those items that require detailed deliberation should be pulled for separate consideration by Councilmembers. This must be done by making a request immediately after the Consent Calendar is announced by the Presiding Officer. If a request is made, it shall serve as a motion to remove an item or items and must be seconded before a vote of the Council may be taken. If the motion to remove receives a majority vote, said items is not seconded, the motion to remove shall fail and the Council may proceed with voting on the Consent Calendar in the manner set forth in Section VI.E, below.
 3. **"No" Vote without Pulling Item.** It is acceptable to register a "no" vote on an item on the Consent Calendar without pulling the item for separate consideration. The Councilmember would state that he/she wishes to vote "no" on the item before the Presiding Officer or City Clerk calls for the vote. After the vote, the City Clerk will announce the outcome as: "Motion carries unanimously with the exception of Councilmember A voting "no" on Item x."
- E. Discussion/Action Items. Items on this portion of the agenda are each discussed/debated and voted on separately.
- F. City Clerk, City Attorney and City Manager Comments. The City Clerk, City Attorney, and City Manager provide brief announcements regarding current events, projects, initiatives, and other matters of interest to Council and the public. In accordance with the Brown Act, no substantive discussion of specific matters is permitted.
- G. Councilmember Board/Committee Reports and Comments. This portion of the agenda provides Councilmembers the opportunity to give a brief report on respective City-appointed committee, agency and/or board meetings attended since the last City Council meeting (i.e. Mountain Transit, BBARWA, etc.) in addition the Council can make brief general announcements on City events or projects germane to the business of the City. Comments shall pertain to items not on the posted agenda. Councilmembers

may also request that future agenda items be scheduled, provided at least one other member concurs with the request for a future agenda item. In accordance with the Brown Act, no substantive discussion of specific matters is permitted. Reports from Councilmembers are limited to three (3) minutes per Councilmember, and that time cannot be used to reargue failed motions. The City Clerk has the responsibility to assist Councilmembers with time limits by signaling when the Councilmember is nearing his/her three-minute speaking limit.

- H. Resolutions. As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more transitory in nature or a singular act like approving a budget amendment) are accomplished by resolutions. The adoption of a resolution will be referenced in the meeting minutes and will be recorded in a separate document, numbered in sequence and preserved in a separate set of books. Such resolutions are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary documents to be transmitted to another governmental agency, or when the frequency of future reference back to its contents warrants a separate document with the additional “whereas” explanatory material if often recites to facilitate such future reference and research.
- I. Ordinances. An ordinance shall not be passed within five (5) days of its introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. Except when after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Councilmembers present, all ordinances shall be read in full either at the time of introduction or passing. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting or at an adjourned regular meeting held at least five days after introduction of the altered ordinance.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

Effective date: all ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

Publishing: it shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code.

Urgency Ordinance: All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

- J. Invocation. All regular City Council Meetings will include an invocation after the open session meeting is officially called to order and the Pledge of Allegiance is recited. The brief invocation is intended to reflect upon the community's shared ideals and common ends before the City Council embarks on the business of governing. To ensure objectivity in the selection of the speaker of the invocation, on an annual basis the City will compile a list of all known local individuals who are willing to volunteer to provide an invocation. The invocation speakers will be selected without preference to any specific religion, belief, faith or ideology. No guidelines or limitations shall be issued by the City regarding invocation context, except that the invocation may not proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

Staff will make every effort to schedule a local religious or other leader to give the invocation, but in the event a religious leader or other leader cannot be scheduled, there is a last minute cancellation or the scheduled speaker fails to appear, a moment of silence will be observed in lieu of the invocation.

Related to the City Council's inclusion of invocations into their public meetings, the City Council will also ensure that America's national motto, "In God We Trust", and America's de facto motto "E Pluribus Unum" will be displayed under the City seal in the Council's meeting chambers as a symbol of the City of Big Bear Lake's national patriotism.

CHAPTER 4 – AGENDA

I. GENERAL PURPOSE OF THE AGENDA RULES.

- A. General. The following rules relating to the agenda for City Council meetings are based on the premise that it is in the interest of good government that the City Council be fully informed on all matters upon which it is called to act. The City Council relies upon City staff to perform research, review potential courses of action, furnish technical information, and recommend solutions to various problems of City Government and recognizes that proper, thorough research and investigation requires time to ensure that the City Council has sound background information before it takes action.
- B. Council Preparation. To foster the orderly, effective and efficient conduct of meetings and ensure the necessary business of the City is transacted, each Councilmember has a duty to review and be familiar with the agenda materials in advance of each meeting. (See Chapter 2, Section IV.B of this Manual).

II. AGENDA PREPARATION

- A. In General. Agendas for regular and special meetings are prepared and posted by the City Clerk in accordance with provisions of the Brown Act, this Chapter, and all other applicable rules and laws. The content of each agenda is overseen by the City Manager in consultation with the City Clerk (and the City Attorney as necessary) concerning the sequence of agenda items and other procedural matters.
- B. City Manager Review. The City Manager reviews and approves all items for each Council agenda. The final agenda items, including staff reports and attachments, are then submitted to the City Clerk, compiled into the final Agenda packet, and are typically made available to the Council on Thursday preceding each regularly-scheduled meeting. The agenda packet is simultaneously made available to the public and posted on the City's website by the City Clerk in accordance with the Brown Act. Once the agenda packet has been sent to the City Council, items may be added to that agenda by the City Manager or the City Attorney when necessary, provided a supplemental or revised agenda is prepared and posted by the City Clerk in compliance with the Brown Act. In addition, the City Council may take action on items not appearing on the agenda, which are commonly referred to as emergency or urgency items, provided doing so complies with the provisions of Government Code Section 54957.2(b).
- C. Minimum requirements. The agenda specifies the time and location of the meeting and a brief description of each item of business to be transacted or discussed, including items to be discussed in Closed Session, if any.

III. AGENDA ITEM SUBMISSION

- A. Placing items on the Agenda. As provided in sections B, C, and D, below, persons who may place matters on the agenda are City Councilmembers; the City Manager, City Clerk or his/her designated staff; and the City Attorney. The City Council may also consider a request from a member of the public to place an item on a future agenda.
- B. Councilmember Agenda Requests. Any City Councilmember, with the concurrence of one additional Councilmember, may request to place an item on an upcoming City Council meeting agenda, providing the City Manager with at least 30 days' notice in order to provide ample time for staff preparation. Such requests may be made during "Councilmember Board/Committee Reports & Comments" in a City Council meeting, or may be made directly to the City Manager at any other time. The City Manager may also place items on the City Council meeting agenda as necessary in his/her judgement to further ongoing City initiatives, meet Federal/State/other requirements, address perceived community needs and to take advantage of beneficial opportunities.
1. **Alterations of General Order of Agenda Items of Business.** Certain categories of items of business are required by statute to be on every agenda or are necessary to appropriately conduct the business of the City Council in accordance with its adopted Rules of Discussion and Debate and parliamentary procedure (See Chapter 5).
 2. **Requests for Recurring Agenda Items.** Requests by Councilmembers to add the same agenda item to every subsequent agenda are not permitted unless approved by a majority vote of the Council.
- C. Agenda Requests by Members of the Public. Upon agreement by at least two members of the City Council, the City Council will determine whether to place on a future agenda an item requested by the public. A member of the public may request placement of an item on the agenda for Council consideration in the following ways:
1. A member of the public may write a letter to the City Council.
 2. A member of the public may speak during the Public Comment period at a City Council meeting.

CHAPTER 5 – MEETING RULES OF CONDUCT AND DECORUM

I. AGENDA ITEM SUBMISSION

- A. Rosenberg’s Rules. Except as otherwise provided in this Manual, the proceedings of the Council at meetings shall be generally guided by the latest revised edition of Rosenberg’s Rules of Order (“Rosenberg’s Rules”). However, no ordinance, resolution, proceeding, or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow said rules. In the event of a conflict of ambiguity between Rosenberg’s Rules and the rules set forth in the Chapter, the rules in this Chapter shall prevail over Rosenberg’s rules.
- B. Parliamentary. The City Attorney shall act as the Parliamentarian and shall decide all questions of order. In the absence of the City Attorney, the City Manager shall act as the Parliamentarian.
- C. General Process for Handling Agenda Items. The following process is the normal order of business for agenda items, except for public hearings, which are discussed in more detail in Section VI of Chapter 3.
1. The Presiding Officer announces the current agenda item. Note: to the extent members of the public wish to provide comments on an agenda item, such comments may be taken into consideration by Councilmembers when discussing the particular agenda item.
 2. The City Manager, City staff, or submitter of the agenda item briefly discusses the item.
 3. Staff presents its report (as needed), either by way of a written staff report or by an in-person oral presentation.
 4. Councilmembers may ask questions of the City Manager and/or such City staff as the City Manager may designate, although Councilmembers are encouraged to seek clarification by asking or providing such questions prior to the meeting. Councilmember questions on an item may not exceed two (2) minutes unless an extension of time is granted by the Presiding Officer. Extensions granted may be appealed or overruled by a majority vote of the Council.
 5. The Presiding Officer invites a motion.
 6. Following a valid motion and second, the Council discusses, deliberates, and takes action as described in this Chapter.

7. An affirmative vote of the Council carries the motion, as described herein.

II. RULES OF DISCUSSION AND DEBATE FOR REGULAR MEETINGS

- A. Discussion Procedure. While discussing any question under consideration by the Council, it shall be the duty of the members thereof to remain seated and address their remarks to the Presiding Officer and their fellow members. Any remarks or order to the audience shall be addressed by the Presiding Officer, or with his/her permission, by members of the Council.
- B. Presiding Officer. The Presiding Officer shall have the authority to prevent the misuse of the legitimate form of motions, the abuse of privilege of renewing certain motions, or the obstruction of the business of the City Council. The Presiding Officer may preserve orderly business by ruling such motions out of order. In so ruling, the Presiding Officer shall be courteous and fair and shall presume that the moving party is making the motion in good faith. The Presiding Officer may move, second, debate, and vote from the Chair. The Presiding Officer may also adjourn a meeting by a simple declaration thereof in the absence of a protest by any Councilmember.
- C. Councilmembers to Address Presiding Officer. Every Councilmember desiring to speak shall first address the chair, gain recognition by the Presiding Officer, and confine himself/herself to the subject matter, item, or motion being currently considered by the Council, avoiding personalities and crude language.
- D. Questions to Staff. Every Councilmember desiring to ask questions of City staff shall, after recognition by the Presiding Officer, address his/her question to the City Attorney or the City Manager, who shall be entitled either to answer the inquiry himself/herself or designate a member of the staff for that purpose. On the assumption that Councilmembers have already sought clarification of agenda materials in advance of the meeting pursuant to Chapter 2, Section IV.A of this Manual, Councilmember questions to City staff shall be subject to a two (2) minute time limit per agenda item, not including the time taken for staff response(s). Statements masquerading as questions may be ruled out of order by the Presiding Officer.
- E. Germane Comments/Time Limit for Council. Councilmembers shall limit their comments to the subject matter, item or motion being currently considered by the Council. A determination of relevance shall be made by the Presiding Officer but may be appealed to the full Council. Councilmembers shall govern themselves as to the length of their comments but generally shall not exceed a total of five (5) minutes per agenda item (not including the two (2) minute period for Questions to Staff referenced in Section D, above), unless additional time is approved by a majority vote of the Council. The Presiding Officer or the City Clerk, as may be designated by the Presiding Officer, has the responsibility to assist Councilmembers by signaling when the Councilmember has spoken for five (5) minutes. The five (5) minute time limit may be extended by a majority vote of City Council. No Councilmember shall be allowed to

speaking more than once on any particular item until every other Councilmember desiring to do so shall have spoken.

- F. Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless: (1) called to order by the Presiding Officer, (2) a point of order or point of privilege is raised by another Councilmember, (3) the speaker chooses to yield to a question by another Councilmember, or (4) for such other reasons as set forth in Rosenberg's Rules or this Manual, including, but not limited to, a Councilmember's right to call the question in order to terminate debate. If a Councilmember while speaking is called to order, he/she shall cease speaking until the question of order is determined; and if interpreted to be in order, may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
- G. Point of Order. When a Councilmember believes a breach of the Council's parliamentary procedure rules is occurring, he/she may raise a Point of Order to call upon the Presiding Officer to make a determination and enforce the rules of the Council. The Point of Order shall be ruled upon by the Presiding Officer, subject to the right of any Councilmember to appeal the ruling to the City Council through a valid motion. If a motion to speak the ruling is seconded, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine the question of order. The motion is debatable, and the Presiding Officer may participate in the debate.
- H. Point of Privilege. Any Councilmember can raise a Point of General or Personal Privilege.
1. **Point of General Privilege.** Appropriate points of general privilege relate to anything that would interfere with the normal comfort of the meeting, such as the temperature of the room or a malfunctioning microphone. If raised, the Presiding Officer would then ask the interrupter to "state your point."
 2. **Point of Personal Privilege.** The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned or where the welfare of the Council is concerned. A councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor only if the Presiding Officer recognizes the privilege.
- I. Move or Call the Question. Any councilmember may move to immediately bring the motion/question being debated to a vote, suspending any further debate. Such motion shall not be made in a manner that prevents a Councilmember from voicing an opinion or providing brief, concise, and relevant information with respect to the item being considered. To close off debate pursuant to a Motion or Move or Call the Question, said

motion must be seconded and passed by a two-thirds (2/3) vote of those present and voting. The motion is not debatable. If the motion to Move or Call the Question passes, a vote on the motion/question on the floor is taken. If the motion to Move or Call the Question fails, discussion on the motion/question on the floor continues.

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

- K. Failed Motions. Failed motions shall not be brought up at a subsequent meeting unless the Council suspends the rules as provided for in Section II.M, below. However, the effect of such action will not operate to adversely affect individual rights that may have been vested in the interim without notice and an opportunity to be heard having been given to the affected party or parties.

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

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

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

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

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

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

R. Voting Rules.

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

(a) A Councilmember stating disqualification will not be counted as a part of a quorum and will be considered absent for the purpose of determining the outcome of a vote on the matter. See Section S, below, for other rules relating to Conflicts of Interest.

(b) Any Councilmember who abstains for reasons other than disqualification, in effect consents that a majority of the quorum may decide the question being voted upon. Any Councilmember so abstaining will be counted as present for purposes of establishing a quorum. Such an abstention will be counted (1) as neither an affirmative vote nor a dissenting vote and (2) as if it did not exist. The “present and voting” rule as described in Rosenberg’s Rules applies.

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

3. **Call for the Vote.** The Presiding Officer or the City Clerk shall call for the vote. All votes of the City Council shall be by roll call. The City Clerk shall randomly call the names of each member of the Council, except that the name of the Presiding Officer shall be called last. According to Government Code Section 36936, a recorded majority vote of the total membership of the City Council is required for resolutions, orders for the payment of money, and all ordinances. In addition, some types of resolutions and ordinances may require a supermajority vote. Absent other specific law requirements, a motion carries with a majority vote of a quorum of the City Council.

4. **Quorum.** Three members of the City Council shall constitute a quorum for the transaction of business. When there is no quorum, the Mayor, Mayor Pro Tem, or any member of the Council shall adjourn such meeting, or if no member of the Council is present, the City Clerk shall adjourn the meeting. For the purpose

of considering any item subject to vote of the Council, when a member of the Council disqualifies him/herself to a conflict of interest, his/her presence shall not be counted toward a quorum and that person shall not be permitted to vote unless required pursuant to the rule of necessity. The rule of necessity shall not be applied where any member of the Council is absent. If the Council loses a quorum due to a disqualification and the rule of necessity does not apply, the remaining Councilmembers may continue to discuss the item as a committee of the whole, but they shall not take action on the item.

Unless otherwise provided for in the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed 2 to 1, if only 3 members of the Council attend. The following matters, however, require three (3) affirmative votes: adoption of ordinances, resolutions granting franchises, order for payment of money, and selection of presiding officers.

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means of random selection that number of its disqualified members which, when added to the members eligible to vote shall constitute a quorum.

5. **Tie Votes.** Tie votes are failed motions but may be reconsidered at a subsequent meeting upon a motion passed by the Council to reconsider the item at a future meeting. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
 6. **Changing a Vote.** A councilmember may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up. Prior to the time that the next item in the order of business is taken up, a Councilmember who publicly announced that he/she will abstain from voting on a particular matter shall not be subsequently allowed to withdraw his/her abstention.
- S. Conflict of Interest. Any Councilmember who has a conflict of interest regarding any matter being considered by the Council shall, in compliance with the provisions of the Political Reform Act and other applicable laws, declare the conflict, state the reason for the conflict, and leave the room during the discussion of and vote upon that particular agenda item, unless it is a Consent Calendar item (or the Councilmember is exercising a right to speak as a member of the public regarding an applicable personal interest under the conditions specified in Sections 18707(a)(3)(C) and 18704 (d)(2) of the FPPC regulations). If the conflict involves a matter on the Consent Calendar, the Councilmember must announce the nature of the conflict and refrain from participating in the item, but he/she may remain at the dais.

- T. Leaving the Dais. To the extent a Councilmember decides to speak on an item by leaving the dais and speaking from the public podium, such Councilmember such relinquish his/her ability to speak on the same item upon his/her return to the dais.
- U. Rules Not Exclusive. The rules set forth in this Chapter are not exclusive and so not limit the inherent power and general legal authority of the Council, or of its Presiding Officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

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

A. Public Participation.

- 1. **Manner of Addressing the Council.** To facilitate the orderly conduct of meetings, persons wishing to speak during the Public Comment period and at public hearings are requested, but not required, to fill out speaker cards and provide them to the City Clerk prior to the start of the meeting or before a public hearing item is announced.

- (a) During Public Comment periods, each person receiving permission from the Presiding Officer to address the Council shall step up to the microphone at the podium and state his/her name and the city of residence for the record. The speaker shall then specify the agenda item(s) on which he/she wishes to comment; state whether his/her comments pertain to a non-agenda item within the City Council's subject matter jurisdiction; state whom he/she is representing; and whether he/she is representing an organization or other persons. All remarks shall be addressed to the City Council as a body only. No person other than a member of the Council and the person having the floor shall into any discussion without permission of the Presiding Officer. Public comment is permitted on items not on the agenda that are within the subject matter jurisdiction of the City, and on agenda items. Subject to reduction in the maximum time limit in the discretion of the Presiding Officer, there is a three (3) minute maximum time limit when addressing a respective board (City Council, Fire Protection District or Successor Agency). Any qualified and interested person following this procedure shall have the right to be heard.

- (b) Members of the public may also submit written or email communications to the City Council at any time prior to or during the City Council meeting, and all Councilmembers will make every effort to read and consider such communications prior to consideration of the specific agenda item. However, in order to ensure receipt by Councilmembers and allow for thoughtful consideration of the comments, members of the public are encouraged to submit written or

email communications no later than 10 hours prior to the start of the meeting.

- (c) During Public Hearing items, each person desiring to address the Council shall step up to the microphone at the podium, state his/her name (and address if desired) for the record, state whom he/she is representing, and whether he/she is representing an organization or other persons. Each speaker shall be allotted three (3) minutes in which to comment, unless the Presiding Officer determines that based on the significant nature of a public hearing item, that additional public comment time shall be allowed. In such event, the Presiding Officer may grant an extension of public comment time, not to exceed two (2) minutes per speaker. Extensions granted may be appealed through a valid motion and overruled by a majority vote of the Council.
- (d) During both Public Comment period and during Public Hearing Items, speakers should not approach the dais unless authorized to do so by the Presiding Officer. All remarks shall be address to the Council as a whole and not to any member thereof. No questions shall be asked be asked of a Councilmember, a member of the City staff, or member of the audience without permission of the Presiding Officer. No person shall address the Council without first being recognized by the Presiding Officer.
- (e) During Public Comment periods members of the public may ask questions related to agenda items. However, in order to ensure compliance with the Brown Act the City Council is not required to answer such questions since depending on the nature of the questions, the issues raised may be beyond the scope of the subject matter of the agenda items. Nevertheless, in accordance with Government Code Section 54954.2(a)3, the Presiding Officer may briefly respond or have staff respond to statements made or questions asked or may request that staff report back to the Council at a subsequent meeting concerning any matter raised by the public, or arrange to discuss the request individually with the member of the public at an alternate time.
- (f) During public comment periods and irrespective of the subject of viewpoint to be expressed, no speaker shall be permitted to show a video, make a PowerPoint presentation, or otherwise utilize any form of electronic visual display technology requiring advanced set up and/or the use of projectors or other specialized equipment. Such controls are intended to help all speakers maximize their time when addressing the City Council, instead of dealing with potentially time-consuming setup or technical difficulties.

2. **Spokesperson for Group of Persons.** To expedite matters and avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter or item, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Council; and in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council. In situations where more than ten (10) people wish to speak on an item, the Presiding Officer may place reasonable limits on the Public Comment period, including reducing the time allotted to speak to one (1) or two (2) minutes and/or a specific time limit for the total presentation (typically not to exceed twenty (20) minutes). Such time limits shall allow for full discussion of the item by interested parties or their representative(s). The purpose for any limitation described in this section is to ensure that Council can address its agenda, avoid repetitive comments and presentations, and conduct business in an orderly and efficient fashion.
3. **After a Motion.** After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first getting permission to do so by a majority vote of the City Council.

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

1. **Councilmembers.** While the Council is in session, Councilmembers must lend themselves to order and decorum. They shall neither by conversation or otherwise (1) delay or interrupt the proceedings or the peace of the Council, (2) disturb any Councilmember while he/she is speaking, or (3) refuse to obey the orders of the Presiding Officer. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.
 - (a) *English Language.* The business of the City Council shall be conducted in English except to the extent such that a Councilmember wishes to speak as a member of the public, either in the Public Comment period or an item listed in the Appeal and/or Public Hearings sections of the agenda.
 - (b) *E-Communication Prohibited.* Except as specified in subdivision (b), below, Councilmembers shall not use E-Communication at any time during a meeting, including, but not limited to, Open and Closed Sessions of the City Council. The use of E-Communication is prohibited during Council meetings so that Councilmembers may remain attentive

to members of the public, staff, or others as they are speaking to the City Council, should take care to prevent the perception of a Brown Act violation, ensure the integrity of quasi-judicial proceedings and to prevent the perception that other unknown parties are influencing Council decisions during the meeting. E-Communication, which includes blogging, is defined as “electronic text, audio or visual communication, and attachments distributed via e-mail, telephonic service, website, instant messaging, text messaging, Twitter, Facebook, Snapchat, Instagram, or comparable services”. Outside of City Council meetings, Councilmembers should not communicate via E-Communications with more than one other member of the City Council on any issue regarding City business.

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

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

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

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

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

3. **Persons Addressing the Council.** The primary purpose of Public Comment periods at City Council meetings is to allow citizens the opportunity to formally communicate with the City Council as a whole, but these comment periods should not be utilized as a substitute for handling any matter during the normal working hours of the City government. Each person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous, or profane remarks to any member of the Council, City staff, or the general public. Any person who makes such remarks or who utters loud, threatening, personal or abusive language, or who engages in any other disorderly conduct that disturbs, disrupts, or otherwise impedes the orderly conduct of any Council meeting hall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during that meeting. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.
4. **Members of the Audience.** No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; excessive clapping; or other acts that disturb, disrupt, or otherwise impede the orderly conduct of any Council meeting. Any person who conducts himself/herself in the aforementioned manner shall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during the meeting. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

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

1. **Warning.** The Presiding Officer shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the Presiding Officer, a person persists in disrupting the meeting, the Presiding Officer shall order such person to leave the Council meeting. If such person does not remove himself or herself, the Presiding Officer may order any law enforcement officer who is on duty at the meetings as sergeant-at-arms of the Council to remove that person from the Council chambers.
2. **Removal.** Any law enforcement officer who is serving as sergeant-at-arms of the Council shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-arms to remove from the Council meeting any person who is disrupting the proceedings of the Council.
3. **Motion to Enforce.** If the Presiding Officer of the Council fails to enforce the rules set forth above, any member of the Council may move to require him or her to do so, and an affirmative vote of a majority of the Council shall require him or her to do so. If the Presiding Officer of the Council fails to carry out the will of a majority of the Council, the majority may designate another member

of the Council to act as Presiding Officer for the limited purpose of enforcing any rule of this section it wishes to enforce.

4. **Adjournment of Recess.** If a meeting of the Council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration or order, the meeting may be temporarily recessed, adjourned, or continued by the Presiding Officer or a majority of the Council, and any remaining Council business may be considered after the recess or at the adjourned or next meeting.

CHAPTER 6 – ADMINISTRATIVE MATTERS

I. ADMINISTRATIVE SUPPORT

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

II. MAIL, DELIVERIES, AND E-MAIL

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

1. **Authority of City Clerk.** The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and give it immediate attention to the end that all administrative business referred to in said communication not necessarily requiring Council action may be acted upon between Council meetings.
 - (a) Members of the City Council receive mail and other materials from the public and staff. The City Clerk maintains a mailbox for each member into which written correspondence shall be placed. Councilmembers should check their mailbox frequently.
 - (b) The City Clerk may provide for a city courier to deliver materials to the homes of Councilmembers when materials are time sensitive.
2. **Councilmember Responsibilities.** If correspondence is received directly by a Councilmember without the City Clerk having opened and examine same, the Councilmember shall be responsible for providing to the City Clerk the correspondence that is required to be included with agenda materials, as set forth in the Brown Act. All such communications shall be deemed a public record upon receipt, except as set forth in the Public Records Act or other applicable law.

B. City-Issued E-mail Address. Each Councilmember will be issued a City email address (i.e. @citybigbearlake.com), and this email shall be used for all City Council related email correspondence. The City email account will include an official email signature that identifies City Councilmembers in their official designations (i.e. Mayor, Councilmember) and includes an importance public disclaimer informing all recipients that their email correspondence with the elected official may be subject to a Public Records Act request.

1. **Status as Public Record.** Pursuant to the Public Records Act, any e-mail sent or received by Councilmembers using the City-issued domain email address may constitute a public record and be disclosable upon the City's receipt of a Public Records Act request.
2. **Privacy Limited.** Councilmembers have no reasonable expectation of privacy in any e-mail correspondence received by them at their City of Big Bear Lake domain e-mail address.

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

D. Other Rules Relating to Correspondence. Any written correspondence or other materials, when distributed to all, or a majority of all of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the time of the meeting if prepared by City staff or a members of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk. In addition, Councilmembers need to be aware that their email correspondence is subject to the requirements of the Brown Act. While the Brown Act does not prohibit the use of email to make individual contacts between members of the Council, public or staff, great care should be taken to avoid the use of email to contact a majority of the Council which may unintentionally result in conducting a serial meeting.

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

A. Status as Public Records. Text messages, emails, and other electronic communications that deal in some substantive manner with the conduct of City business created on, stored on, and/or transmitted by personal accounts or personal electronic devices may be subject to disclosure under the Public Records Act. In complying with any Public Records Act request, a Councilmember shall be required to sign a statement that he/she is providing all communications from personal accounts or personal electronic devices, in the following form:

“I hereby declare or affirm under penalty of perjury that I am providing all requested communications from personal accounts or personal electronic devices.”

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

1. **Urge Use of City Electronic Devices/Accounts.** Councilmembers shall request persons sending electronic communications regarding City business to a personal account or device to instead utilize the City of Big Bear Lake domain e-mail address or other official City electronic messaging account provided to the Councilmember.
2. **When Communications Received on Personal Accounts/Devices.** If Councilmembers receive electronic messages regarding City business on their personal electronic messaging account or device, or circumstances require them to conduct City business on a personal account or device, Councilmembers should either:
 - (a) Copy (“cc”) any communication on his/her personal electronic messaging account or device to his/her City electronic messaging account, or
 - (b) Forward the electronic communication to his/her City account as soon as feasible after the original creation or transmission of the electronic communication

C. Use of Social Media. Although social media has become an effective communication tool used by local government to provide direct communications with the community, elected officials need to be mindful to not use social media in a manner that could harm the City’s interest. In addition, Councilmembers should be cautious with their social media postings in an effort to avoid inadvertently conducting serial meetings that would violate the notice and public meeting requirements. When Councilmembers are making decisions about how to engage on social media, they should take a number of legal considerations into account such as; the Brown Act, the Public Records Act, due process, and First Amendment considerations. If a City Councilmember is unsure about how their particular uses of social media may or may not conflict with the current governmental regulations, it is advisable that they consult with the City Attorney.

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

CHAPTER 7 – RELATIONSHIP AND CONDUCT

I. RELATIONSHIP AND CONDUCT WITH CITY MANAGER

- A. Council-Manager Form of Government. The City has adopted a Council-Manager form of government. This structure reflects the City Council's role to establish City policy and priorities. The Council appoints a City Manager to implement this policy and undertake the administration of the organization. The City Council must work through the City Manager in making any requests requiring City staff's involvement (with the exclusion of the City Attorney and City Clerk).
- B. The City Council and City Manager Work as a Team. The City Council establishes policies for the overall operation of the City. The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is expected to adhere to the International City/County Management Association (ICMA) Code of Ethics, and the City Council must recognize said Code of Ethics when dealing with the City Manager. The City Manager is responsible to the City Council rather than to individual Councilmembers and directs and coordinates the various departments.
- C. Productive Relationship Requirements. The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the Chief Executive Officer of the City. To facilitate a productive work relationship with the City Manager, the City Council and/or individual members shall do each of the following:
1. Neither the City Council nor any member shall give orders to, command the services of, or assign work to any subordinates of the City Manager, either publicly or privately.
 2. Direct the City Manager to implement the Council's policy decisions through the administrative functions of the City.
 3. Treat City staff professionally, and refrain from publicly criticizing or belittling individual employees. Personnel issues are managed through established channels and procedures.
 4. Avoid involvement in personnel issues related to City-Council-appointed staff, i.e., the City Manager, City Attorney and City Clerk, except during City Council Closed Sessions, when issues of hiring, firing, promoting, disciplining, etc., may be addressed appropriately.
 5. Discuss directly with the City Manager any displeasure with a department or staff member.

6. Refer complaints to the City Manager for further processing. Staff shall be given adequate time to investigate and respond to such complaints.
7. Receive from the City Manager timely information regarding unusual events that the public would be concerned about; e.g., an emergency situation, significant road closure, an area cordoned off by police or fire, a significant event, etc.
8. Avoid communicating with persons or parties in litigation with the City (or any entities for which the City Council sits ex-officio as the governing board as noted in Chapter 2, Section IV.D.2 of this Manual) in a manner that compromises the City's or other entity's position in such litigation.
9. Include the City Manager in follow-up meetings where a Councilmember has first met with an individual or company representative regarding official business of the City.

II. RELATIONSHIP AND CONDUCT WITH CITY ATTORNEY

- A. Legal Advisor to the City. In all matters, the City Attorney represents the City and is the legal advisor to the City Council, the City Manager, the City Clerk, and department directors. The general legal responsibilities of the City Attorney are to provide legal assistance necessary for formulation and implementation of legislative policies and projects; to represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings to prepare and/or review and approve ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and to keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.
- B. Does Not Represent Individual Councilmembers or Staff. It is of the utmost importance to understand that the City Attorney does not represent individual members of Council, but the City and the City Council as a whole.

III. RELATIONSHIP AND CONDUCT WITH CITY CLERK

- A. The City Clerk performs statutorily mandated duties and such tasks as may be assigned by the City Council and/or the City Manager. The general responsibilities of the City Clerk are:
 1. to serve as the Elections Official of the City;

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

IV. RELATIONSHIP AND CONDUCT WITH STAFF

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

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure that the concern is resolved.

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

1. If a councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon a majority of the Council at an open meeting to do so as a matter of Council policy.
2. The City Council recognizes the primary functions of staff are in executing Council policy and actions taken by the Council as a body and in keeping the Council informed.
3. Staff is directed to reject any attempt by individual members of the Council to unduly direct or otherwise pressure them into making, changing, or influencing recommendations or business decisions in any manner.

V. REQUESTS FOR RESEARCH OR INFORMATION

- A. General Considerations. Individual Councilmembers shall not direct staff to initiate any action or prepare any report, project or study. All such requests shall be made to the City Manager and/or the City Council. Councilmembers may ask the City Manager directly for information requiring limited resources and information, without first

seeking concurrence from the majority of City Council. This information will be distributed to all City Councilmembers.

- B. Responses to Requests. Requests made by individual Councilmembers for information or assistance shall be for the sole purpose of fulfilling his/her responsibilities as delineated throughout this Manual and not for any private or personal interest. Requests will be addressed as quickly as possible under the circumstances at the time, providing that in the judgment of the City Manager (or the City Attorney depending on the nature of the request) the request is not of magnitude, either in terms of workload or policy, that would require more than twenty (20) minutes of time in which to respond or is of such a nature that it would be more appropriately assigned to staff through the collective direction of the City Council. If the individual Councilmember request goes beyond these parameters, or in the judgment of the City Manager, is not within the scope of City policies or business, the City Manager will bring the request to the full Council for consideration. The method by which responses are delivered to Councilmembers shall comport with the City's routine business practice.

- C. Policy-Related Requests. All Council requests dealing with policy and such other requests that may be construed as direction shall be directed to the City Manager. Councilmembers may also contact the City Attorney or City Clerk.

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

- E. Written Requests Preferable. To assist the City Manager, requests for information are best tracked if submitted in writing, either in memorandum form or through email to ensure proper responsiveness.

- F. Access to Certain Information Restricted. There are certain restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRS) under review are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council.

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

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

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

CHAPTER 8 – COMMUNICATION AND REPRESENTATION

I. REPRESENTING MAJORITY VS. INDIVIDUAL OPINION

- A. Dual Roles of Councilmembers. A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Councilmember retains the right to speak as an individual, not as a member of the City Council, as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.
- B. General Policy Considerations. An important role of a Councilmember is communication-communication with the public to assess community opinions and needs, communication with staff to provide policy direction, and communication to gain an understanding of the implications of various policy alternatives. Because the City Council acts as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members express personal views and not those of the Council, the public must be so advised.

II. CORRESPONDENCE FOM COUNCILMEMBERS/USE OF CITY FACILITIES

A. Stationary Use and Related Guidelines

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

The City will also maintain official City stationary that will include all five current Council members' names within the letterhead. Staff will use this stationary when preparing official City Council correspondence that will be signed by the Mayor in his/her official capacity as the Council representative.

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

3. **Correspondence Public Record.** All Councilmember correspondence created using City resources, including, but not limited to, City letterhead are public records and shall be copied to the full Council, the City Manager, the City Attorney, and the City Clerk. The City Clerk's Office shall retain this correspondence in accordance with applicable records retention regulations.
4. **Permission Required.** Whenever a Councilmember other than the Mayor wishes to write a letter on City letterhead, he/she should inform the Council (in writing or verbally at an open meeting) what the letter is about and seek Council approval that the letter may be written on City letterhead. Such letters shall only pertain to Official City business.

B. Regulations Related to Use of Public Resources for Official City Business/Personal or/Campaign Purposes

1. **Letterhead and Staff.** City letterhead and staff support cannot be utilized for personal or political purposes. Any use of the City's official seal and logo shall be subject to the provisions of Chapter 1.06.040 of the Big Bear Lake Municipal Code and applicable State laws. The use of City seal, logo, or other insignia on personal matters and correspondence is not permitted.
2. **Council Chambers and Staff Photos.** The City Council Chamber cannot be used as a location for taking campaign photos or engaging in any form of campaign activity. Any violations of this prohibition may be reported to the Fair Political Practices Commission and any other enforcement agencies, and may further result in reprimand or censure, as provided in Chapter 10. The use of photos with current City staff and City Council candidates in election materials is prohibited.
3. **Use of Titling, Labeling or Branding of Individual Councilmember Events.** When an individual Councilmember is hosting a special meeting or event that is widely advertised and open to the general public, they are required to include a standard disclaimer message on all promotional materials associated with the event to ensure the participants are aware it is not an official City of Big Bear Lake meeting or event. In addition, all Councilmembers will be required to follow the City's Ordinance related to the use of the official City seal and logo.
4. **Use of City Office & Conference Rooms.** The City Council will be provided with the use of one office to be shared by all five members of the Council. This office will be equipped with a shared computer and each individual Councilmember will be provided with their own secure login. In addition, all Councilmembers can use any available conference rooms located at City Hall. To ensure availability of the Council's shared office and/or meeting rooms, please contact the City Clerk Department's staff to schedule the use of these City facilities during normal City Hall business hours. Then the City's staff will ensure these rooms are unlocked and set up appropriately per the requested

needs (i.e. the heater is turned on, ensure the presentation computer is logged into, set up the appropriate number of tables and chairs, etc.) of the meeting.

5. **Use of City Facilities by Individual Councilmembers.** Individual Councilmembers are permitted to utilize available offices, conference rooms, and/or meeting spaces at City Hall and other City facilities as necessary or desired to meet with small groups of constituents and/or other parties for the purpose of conducting individual Councilmember business, and should reserve appropriate meeting space with City staff. Individual Councilmembers hosting a special meeting or event that is widely advertised and open to the general public, with the exception of campaign or election/re-election events which shall not be allowed, may host such events, at City facilities, so long any required permits are first obtained and all of the applicable fees are paid by the City Councilmember, as would be required of any other member of the community of organization.

III. SPEAKING FOR “THE CITY”

- A. Issue Position Statements. When members are requested to speak to groups or are asked the Council’s position on an issue, the response should reflect the position of the Council as a whole taken in open session. It is permissible, however, for a Councilmember to clarify his/her vote on a matter by stating: “While I voted against ‘X’, the City Council voted in support of it.” When representing the City at meetings or other venues, it is essential that those in attendance gain an understanding of the City Council’s position rather than that of an individual member.
- B. Communication of Council Policy. The Mayor and individual Councilmembers are not authorized to speak on behalf of the City or the City Council with regard to City or City Council policy or positions, except when such policy or position has been clearly established or when the Mayor or Councilmember has been designated by the City Council as a spokesperson on a given subject.
- C. Supporting State or Federal Legislation. The City Council and/or City staff may receive requests to adopt supporting resolutions and/or to provide letters of support relating to issues that have a potential to impact our community. Many of these requests are of an urgent nature and require a prompt response. When a request isn’t time sensitive, the City Manager will include these items on the next City Council meeting agenda to seek approval from the entire City Council. When time is of the essence, the City Council provides authority to the Mayor and/or City Manager to use their judgment to determine if the City should offer their formal support to the requestor.
- D. Representation at Ceremonial Functions.
 1. **City Sponsored Events.** The Mayor, or Mayor Pro Tem in his/her absence, shall represent the Council at ceremonial functions organized by the City. The Mayor

or Mayor Pro Tem may, at his/her own discretion, ask another Councilmember to represent the Council at that function when neither is available. Staff shall also include any Councilmember who has promoted a project or event in any program or event in any program or agenda in such a function.

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

- E. Appearances before Agencies and Organizations. If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Councilmember should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not represent the position of the City Council.
- F. Participation in Community Activities. From time to time, Councilmembers may choose to participate in community activities, committees, events and tasks forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.
- G. Business Cards. City Councilmembers will be provided with City Manager approved business cards in increments of 500. No more than one order will be processed within a 12-month period unless approved in advance by the City Manager. City business cards may not be used for personal or financial gain, for obtaining privileges not otherwise available to a Councilmember, or for soliciting political contributions. Councilmembers are prohibited from using any other form of non-approved business cards that contain the City logo or the City seal.
- H. City Council Mileage Reimbursement. Councilmembers are not provided access to operate a City owned vehicle. Instead, the City provides each Councilmember with a monthly "Vehicle Allowance" per an adopted resolution. The current resolution (Resolution No. 88-09), provides a \$50 monthly stipend be paid to each Councilmember and a \$100 monthly stipend be paid to the Mayor. This resolution indicates the monthly stipend is intended to reimburse a Councilmember for their personal vehicle expenses incurred while engaging in official City business. In addition, the City will reimburse Councilmembers for their personal travel expenses (including mileage) incurred while attending City related conferenced and training

events. The Elected and Appointed Officials Expense Reimbursement Policy (Resolution No. 2006-10) should be reference to determine all allowable travel reimbursements.

In the event a Councilmember is using their personal vehicle to attend various meetings/trainings related to their individual Agency/Board/Committee (i.e. BBARWA, SCAG, MARTA) assignments, they should seek mileage/travel reimbursement from those organizations.

IV. GUIDELINES AND PROCEDURES FOR CEREMONIAL RECOGNITION ITEMS

- A. The City Council has a practice of recognizing people, organizations, events and dignitaries that are related to our local community. The City Council will issue proclamations and other recognition items to honor an individual, an organization, recognize a special event or a special day, month or year. City Councilmembers, citizens, or bonafide organizations may request a proclamation and other recognition item. All recognition requests relevant to the City of Big Bear Lake will be considered except those related to political, religious, or lifestyle ideology. The City Manager shall determine if the recognition item will be issued by presentation during a City council meeting, at an event, or mailed to the requestor.

CHAPTER 9 – COMMISSIONS, COMMITTEES, AND BOARDS

I. PURPOSE AND GENERAL CONSIDERATIONS

- A. Establishment of Ad Hoc Committees. The City Council and/or the Mayor can establish an ad hoc committee. The Mayor shall be responsible for appointing all members of any City ad hoc committee.
- B. Role of City Commissions, Committees, Subcommittees, and Boards. Most commissions, committees, subcommittees, and boards established by the City Council are advisory to the City Council. The role of all such commission, committee, subcommittee, or board is to make recommendations to the City Council on matters affecting the City of Big Bear Lake. Except as otherwise provided in State law, the City Charter, or City ordinances, commissions, committees, subcommittees, and boards have no authority to appropriate funds or make policy except as otherwise approved by the City Council.
- C. Instruction and Training. The Council shall ensure that all members of City committees and commissions are properly instructed on their responsibilities, direction, and performance expectations.
- D. Planning Commission. The membership, powers, and responsibilities of the Planning Commission are set forth in the Big Bear Lake Municipal Code and various provisions of State law. In accordance there with, the Planning Commission has adopted rules for transacting Planning Commission business.
- E. Conflict of Interest. All members of commissions, committees, and boards shall abide by provisions of the Political Reform Act, FPPC regulations, and provisions of the common law relating to conflicts of interest.

II. CITY COUNCIL SUBCOMMITTEES

- A. Purpose. The City Council from time to time forms committees composed solely of a portion of its own membership. These committees, often referred to as subcommittees, are formed to study, investigate, and make recommendations to the full Council regarding specific topics may be designated as either Standing or Ad Hoc.
 - 1. **Standing Subcommittees.** These subcommittees have a continuing subject matter jurisdiction or meeting scheduled that are fixed by the Council. Regardless of the number of members, standing subcommittees are required to comply with the Brown Act.
 - 2. **Ad Hoc Subcommittees.** These subcommittees have a specific purpose and limited duration, no continuing subject matter jurisdiction, and no meeting scheduled fixed by the Council. Ad Hoc Subcommittees composed solely of

less than a quorum of the City Council membership (2 members maximum) are generally exempt from the Brown Act and thus are not required to schedule regular meetings or post meeting dates and agendas.

B. Subcommittee Formation and Appointment.

1. **Standing Subcommittees.** The Council may create or dissolve Standing subcommittees at any time by the affirmative vote of a majority of the Council. The Mayor has the discretion to make appointments to such Standing subcommittees himself/herself or to allow a majority of the Council to vote on such appointments.
2. **Ad Hoc Subcommittees.** The Council or the Mayor may create Ad Hoc subcommittees. The Mayor has the discretion to make appointments to such Ad Hoc subcommittees himself/herself or to allow a majority of the Council to vote on such appointments.

III. ADMINISTRATIVE SUPPORT FOR CITY COMMISSIONS, COMMITTEES, AND SUBCOMMITTEES

- A. **Staff to Provide Support.** City staff will provide assistance and support to City commissions, committees, and subcommittees; however, such commissions, committees, and subcommittees, and boards do not have supervisory authority over City employees. While staff may work closely with these entities (particularly the Planning Commission), City staff members remain responsible to their immediate supervisors and ultimately to the City Manager. The members of City commissions, committees, and subcommittees are responsible to perform the functions (as set forth in Big Bear Lake Municipal Code or other City Council directive) of their respective committees/commissions.
- B. **Examples.** Staff support includes preparation of an agenda and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate back-up materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.
- C. **Procedure for Recommendations to Council.** Advisory City commissions, committees, and subcommittees wishing to communicate progress, status and/or recommendations to the City Council must do so through approved Council agenda procedures. In addition, if such commissions, committees, and subcommittees wish to correspond with an outside agency, such correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individual members of City commissions, committees, and subcommittees who would like City staff to perform research or review a particular issue must gain the approval for such a request from the City Manager before any work is planned or done.

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

- A. Outside Agencies. City Councilmembers are appointed to and serve as City representatives on the boards of commissions and/or committees of outside agencies in the region, such as the San Bernardino County Transportation Authority (“SBCTA”), Big Bear Area Regional Wastewater Authority (“BBARWA”), Mountain Transit, and others.
- B. Mayor to Make Appointments. Annually, after the first meeting in December, the newly seated Mayor shall make, and publicly announce, the Councilmember appointments to regional Boards, Commissions, and Committees.
- C. Absence. Whenever a member of the City Council is unable to attend a regional board or commission to which he or she is designated as the City’s representative, he or she shall notify his/her alternate.
- D. Duties. Councilmembers serving as City representatives on such outside agencies shall comply with the rules of procedure adopted by such agencies when participating in meetings of such agencies and shall provide updates or reports to the City Council on the activities of such agencies as required.

CHAPTER 10 – ENFORCEMENT

I. WARNING

Violation(s) of State, Federal, or local laws; or of City policy, including the provisions of this Manual, by an individual Councilmember may result in the issuance of a formal warning to the member. The purpose of the formal warning is to acknowledge the violation(s), educate the member, and promote the desired change in behavior or action in the future.

II. REPRIMAND

Multiple or repeated violations of State, Federal, or local laws; or of City policy, including the provisions of this Manual, may result in the issuance of a formal written reprimand to an individual Councilmember. The purpose of the formal written reprimand is to convey heightened concern regarding the violation(s), and further impress upon the member the need for a change in behavior or action in the future. The formal written reprimand shall be made in the form of a resolution approved by a majority of the City Council.

III. CENSURE

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

IV. CENSURE PROCEDURE

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

1. **Specific Allegations.** The request must include specific allegations of the conduct that constitutes a violation of the Laws or City policy upon which the proposed censure is based.
2. **Support; Hearing or Investigation.** If a majority of Councilmembers support the request then a) a direction shall be given to the City Manager to calendar the item for a future agenda or b) the Council shall appoint an ad hoc committee to investigate the charges.

3. **When No Investigation is Required.** If the conduct or violation alleged is patent or otherwise clearly apparent, setting of the censure hearing shall proceed in accordance with Subsection C, below.
- B. Investigation. If a majority of the Council determines that an investigation is warranted, the Council shall designate an ad hoc committee consisting of two of its members, one of which shall be the Mayor, to conduct the investigation. If the Mayor is the subject of the charges, the Mayor Pro Tem shall be appointed in lieu of the Mayor to serve on the ad hoc committee.
1. **Independent Investigator.** The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee to conduct the investigation.
 2. **Process for Taking Statements.** In the course of the investigation, the committee must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its subpoena power granted under the Government Code.
 3. **Conclusion of Investigation.** At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results and upon a majority vote of the Council, a censure hearing may be set in accordance with Subsection C, below.
 4. **Investigation Guidelines.** The following guidelines apply to ad hoc committee investigations:
 - (a) The committee may be staffed by administrative and legal staff.
 - (b) If authorized by City Council, the committee may subpoena witnesses and documents.
 - (c) In making a determination to hold a censure hearing, the committee should determine if after taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
 - (d) The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.
- C. Censure Hearing. If a censure hearing is set, it must be set far enough in advance to give the Councilmember subject to the charges adequate time to prepare a defense. That member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The Councilmember subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or the Mayor Pro Tem if the Mayor is the subject of the charges, shall preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal

adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.

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

V. REMOVAL

A. Disruptive Conduct by Councilmember During Meeting.

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

The City Council may establish rules for the conduct of its proceedings. It may punish a Councilmember or other person for disorderly behavior at a meeting. In accordance with Section 36813 and Section III.C of Chapter 5 of this Manual, the punishment may include removal from the Council meeting of the disruptive Councilmember upon a majority vote of the City Council. A motion for removal may be made by any Councilmember, including the Mayor, and is not debatable. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

VI. ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF MANUAL

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