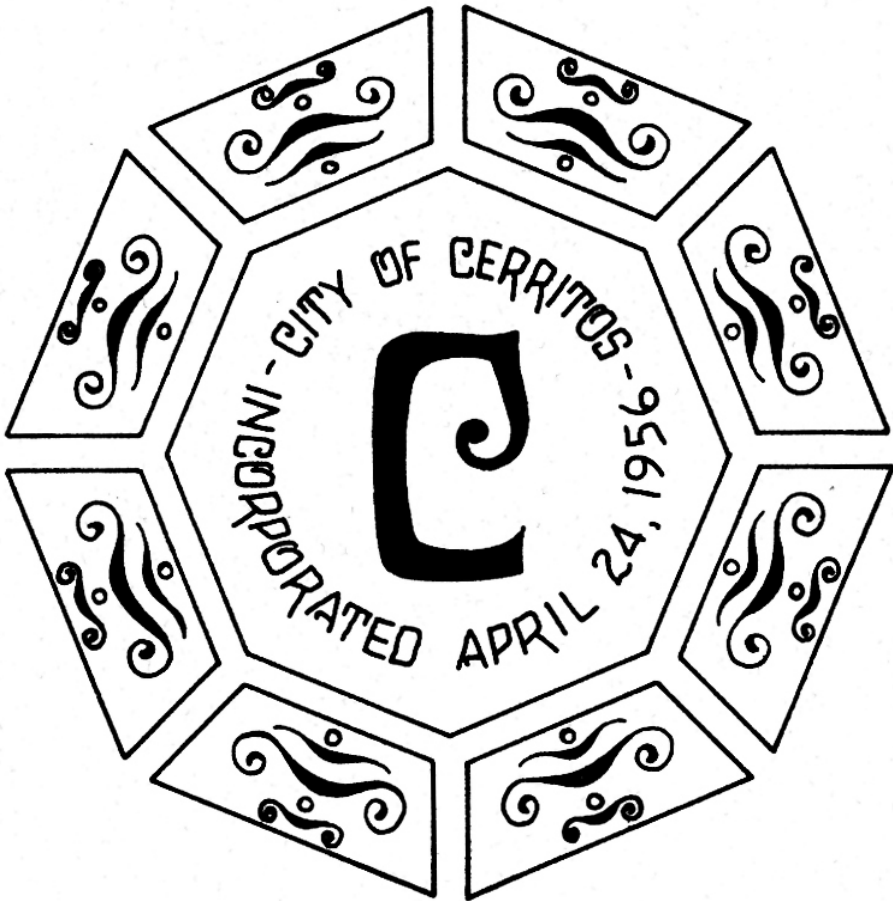


# COUNCIL PROTOCOL MANUAL



CITY OF CERRITOS

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# **Chapter 1**

## **Introduction and Overview**

As a City Councilmember, you not only establish important and often critical policies for the City of Cerritos, you are also a board member of a public corporation having an annual budget currently of over a hundred million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

### **1.01 Council-Manager Form of Government**

The City of Cerritos has a Council-Manager form of government. As described in the City Charter and the Government Code of California, certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner.

The City of Cerritos was incorporated on Tuesday, April 24, 1956 as a General Law City. On February 17, 1959, with the voter's approval, the City became a Charter City.

### **1.02 Purpose of City Council Protocol Manual**

The City of Cerritos has prepared its own Protocol Manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

Values. Respect for each Councilmember's interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Councilmembers shall respect each other's right to disagree. All Councilmembers shall practice a high degree of decorum and courtesy. When addressing the public, in any way, all Councilmembers shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Councilmember.



### **1.03 Overview of Basic City Documents**

This Protocol Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

#### *A. Codes of the State of California*

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Cerritos is a “charter city,” which means Cerritos derives its power directly from the Constitution, subject to limitations in its Charter and legislative matters of statewide concern.

#### *B. Cerritos Charter and Municipal Code*

The City of Cerritos Charter and Municipal Code contain laws and regulations that govern the City of Cerritos. The Charter operates as the “constitution” of the City of Cerritos and the Municipal Code reflects laws that are adopted by Ordinance. Topics covered in the Municipal Code include, but are not limited to: administration and personnel, revenue and finance, business licenses and regulations, vehicles and traffic, zoning, and development.

#### *C. Goals of Annual Budget*

The annual budget is the primary tool and road map for accomplishing the goals of the City. The process includes a review of the previous year’s budget and goals and evaluating resources and options for the future. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for on-going and future government goals and operations.

#### *D. Annual Budget Process*

The annual budget is set for the fiscal year beginning July 1 and ending June 30. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. Study sessions on the budget are held mid-year and in May and public hearings in June with adoption at the second City Council meeting in June.

#### *E. Annual Financial Audit*

The annual financial audit includes the financial statements of the City for the fiscal year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual audit includes statements for the various groups of funds and a consolidated group of statements for the City as a whole. The City Council has the responsibility of hiring an independent auditor, and of reviewing and accepting the audit.



### **1.03 Overview of Basic City Documents (continued)**

#### *F. General Plan*

A state-mandated General Plan addresses the City's long range planning needs relative to land use, transportation, economic development, and other planning elements. The City's General Plan is reviewed on an ongoing basis, but mandatory elements may only be revised four times a year; however, certain amendments necessary for affordable housing developments are not subject to this limitation (California Government Code § 65358).

#### *G. Five-Year Capital Improvement Program*

The Five-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and construction of capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of City services.

#### *H. Disaster Preparedness Plan*

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the City Manager directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident. The Chain of command is as follows:

- The City Manager is the Director of Emergency Services
- The City Manager may appoint an Assistant Director of Emergency Services

### **1.04 Orientation of New Members**

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the following will be provided in a timely manner:

- A. The City Manager will host an orientation program to distribute materials outlining City policy and protocol.
- B. The City Manager will facilitate a meeting with the City Attorney for conflict-of-interest training, review of current legal matters and review of parliamentary procedure.
- C. The City Manager will arrange a meeting with Personnel prior to the first pay period to cover information reviewed with all City employees (e.g., benefits elections, I-9, retirement options, etc.).
- D. The City Manager will arrange meetings with key Department Heads to be briefed on current projects within his/her Department and to tour City facilities.
- E. The City Manager will arrange an opportunity for "ride alongs" with the Sheriff's Department.
- F. The City Manager's assistant will arrange a meeting for a briefing on various aspects of City Hall, including, but not limited to, travel procedures, email, phone service, etc.
- G. The City Manager will provide information for attendance at the League of California Cities' New Mayors and Council Members Academy.



## **Chapter 2**

### **Cerritos City Council: General Powers and Responsibilities**

#### **2.01 City Council, Generally**

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety, and general welfare of the citizenry.

The City Council is the policy-making and law-making body of the City. State law, the City Charter, and local ordinances define the powers and responsibilities of the Council.

It is important to note that the five members of the City Council acts as one body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below (2.05), when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is staff's responsibility to ensure the policy of the majority of the Council is upheld.

Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Councilmembers who held a minority opinion on an issue.

#### *A. Council Non-Participation in Administration*

In order to uphold the integrity of the Council-Manager form of government and to provide proper checks and balances, members of the City Council shall refrain from becoming directly involved in the administrative affairs of the City, unless directed by a majority of the Council to participate in a policy or project. As the Council is the policy-making body and the maker of local laws/ordinances, any involvement in enforcement of the same would only damage the credibility of the system.

#### **2.02 Council Organization**

Pursuant to the provisions of the Cerritos City Charter, Section 404, on the first Wednesday following any general or special municipal election at which any councilperson or councilpersons are elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The term of office shall be for one year at which time the City Council shall elect a new mayor pursuant to the procedure specified in Section 2.04 of this document. Note that immediately upon election (even before being sworn into office), newly-elected Councilmembers are subject to the provisions of the Brown Act. Newly elected Councilmembers, however, shall not be allowed to attend closed sessions before being sworn into office.





A. *Sexual Harassment Training*

Pursuant to City Council consensus given at the September 24, 2012 Special Meeting, after each General Municipal Election, each Councilmember shall complete the City's required Sexual Harassment training, and recomplete every two years thereafter as long as they shall remain a member of the Cerritos City Council.

## **2.03 Role of Councilmembers**

Members of the Cerritos City Council are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the City Manager. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

A. *Summary of Council Duties and Responsibilities (as set forth by Charter and State and Federal laws):*

1. Councilmembers serve as the:
  - a. City Council
  - b. Board members of the Successor Agency to the Cerritos Redevelopment Agency
  - c. Board members of the Cuesta Villas Housing Corporation
  - d. Board members of the Cerritos Public Financing Authority
2. Establish Policy
  - a. Adopt goals and objectives
  - b. Establish priorities for public services and improvements
  - c. Adopt/amend the operating and capital budgets
  - d. Approve Public Works contracts over \$7,500 and other contracts over \$25,000, and establish limits on the authority for the City Manager to enter into non-Public Works contracts
  - e. Adopt resolutions
3. Enact Local Laws
  - a. Adopt ordinances
4. Supervise Appointed Officials
  - a. Appoint City Manager, City Attorney and City Clerk/Treasurer
  - b. Evaluate performance of City Manager, City Attorney, City Clerk and City Treasurer
  - c. Establish commissions, committees and task forces
  - d. Make appointments to such bodies
  - e. Provide direction to advisory bodies
5. Make Decisions
  - a. Study problems
  - b. Review alternatives
  - c. Determine best course of public policy
  - d. Call special elections as necessary
6. Limitations
  - a. The above shall not constrain the City Council from exercising its full legal authority.



## 2.04 Election of Mayor and Mayor Pro Tem

Procedures for electing officers are as follows:

### A. Annual Selection of Mayor and Mayor Pro Tem (Timing)

Annually, on the second Wednesday of each March the Members of the City Council, shall choose a presiding officer from their number who will have the title of Mayor (and the title of Chair for the other entities in which the Councilmembers serve). In addition to the powers conferred upon him/her as Mayor/Chair, he/she will continue to have all the rights, privileges and immunities as a member of the Council and a member of those other entities. If a permanent vacancy occurs in the Office of Mayor/Chair, the members of the Council at their next regular meeting will select a Mayor/Chair from their number for the unexpired term. Following the election of the Mayor/Chair, there will be an election for Mayor Pro Tem. The term of the Mayor Pro Tem/Vice Chair will run concurrently with that of the Mayor.

**Mayor/Chair.** The City Clerk will conduct the election for Mayor/Chair as follows:

- a. The City Clerk will declare the Office of Mayor and Chair vacant and open nominations for the Office of Mayor of the City of Cerritos and Chair of the other entities on which the Councilmembers serve as a group.
- b. Nominees can nominate themselves.
- c. Nominees can vote for themselves.
- d. As part of City of Cerritos tradition, nominations are “seconded.” It should be noted, however, that nominations do not require a second as part of parliamentary procedure.
- e. The call for nominations will continue until there are no further nominations.
- f. A majority vote of those present is required for a declared winner. A tie is not a majority vote. An abstention is not counted.
- g. If no nominees receive a majority vote, the City Clerk re-opens the nominations and the nomination process is repeated.
- h. If a majority vote cannot be achieved, then the outcome of a tie vote will be determined by coin toss or drawing straws.

**Mayor Pro Tem/Vice Chair.** The newly elected Mayor will conduct the election for Mayor Pro Tem/Vice Chair as follows: All procedures remain as stated above (2.04.A).

### B. Term Limits

Term Limits have created a unique situation for the City of Cerritos. From time to time a Councilmember that may be considered for the Mayor Pro Tem position will be termed out of office before they would be able to serve as Mayor. In this situation, recognizing the importance to have a member (especially one who has never been Mayor nor Mayor Pro Tem) gain the full experience from serving in the Mayor Pro Tem position prior to their serving as Mayor, a term limited member, who will not be able to serve as Mayor before their term ends, shall not be considered for the Mayor Pro Tem position.



## **2.05 Role of Mayor**

The Mayor and Mayor Pro Tem are peers of and serve at the pleasure of the other City Council Members.

### *A. Presiding Officer*

The Mayor serves as the presiding officer, unless otherwise delegated, and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other member and is expected to vote in all proceedings, unless a conflict of interest exists. During Council proceedings, the Mayor facilitates discussion, gauges direction, and listens for majority support prior to calling for a vote on a motion. The Mayor does not possess any power of veto. State law allows the Mayor to move or second an action.

### *B. Ceremonial Representative and Other Duties of the Mayor*

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. In the Mayor's or Mayor-Pro-Tem's absence, the Mayor shall appoint a Councilmember to perform the ceremonial role. However, all Councilmembers are encouraged to participate. The Mayor may initiate and execute certificates of appreciation and recognition, and proclamations (proclamations are discussed in more detail in Section 5.04 of this document). The Mayor has the responsibility of making liaison, board and committee assignments for Councilmembers with those assignments to be ratified by the Council.

## **2.06 Mayor-Pro-Tem, Absence of Mayor and Councilmembers**

In the absence of the Mayor, the Mayor-Pro-Tem shall perform the duties of the Mayor.

When both the Mayor and Mayor Pro Tem are absent, the City Council will designate from among the Councilmembers present a person to serve as "Acting Mayor" who shall, for the term of such absence, have the powers of Mayor.

## **2.07 Resignation or Removal of Mayor or Mayor-Pro-Tem**

If the Mayor or Mayor-Pro-Tem resigns or is removed, the City Council will select a new Mayor or Mayor Pro Tem.

## **2.08 Emergency Response**

The City Council may proclaim, and the Mayor shall sign, a declaration of emergency. If the City Council is not in session, the Director of Emergency Services may proclaim the existence of an emergency.

## **2.09 Appointment of Officer**

The City Council is responsible for appointing four (4) positions within the City organization-- the City Manager , City Attorney, City Clerk, and City Treasurer. These four (4) positions serve at the pleasure of the City Council. The City Manager is responsible for all other personnel within the City organization.



## 2.10 Commissions and Committees

### A. *Appointments Made by the Council*

Commissions, committees, and task forces provide a great deal of assistance to the Cerritos City Council when formulating public policy and transforming policy decisions into action. The City has several standing commissions and committees. In addition, special purpose task forces may be appointed by the City Council to address specific issues of interest on a limited duration basis. These ad hoc committees will be dissolved upon completion of the intended task. Committees and task forces are purely advisory to the Council, and, in some situations, staff. Some Commissions have limited final decision-making authority, subject to appeal to the City Council, but may also serve in an advisory capacity in certain situations.

The procedures established in this Manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governance of their community.

The City Council is specifically empowered to create all commissions, committees and task forces, pursuant to the provisions of the Cerritos Municipal Code, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate a desire to serve on such commissions, committees, or task forces.

For full-term vacancies, the filing period is as determined by Ordinance. For all vacancies, the City Clerk will:

1. Publicly announce the position vacancy and filing period by publication of same in the official newspaper of the City of Cerritos and set forth the qualifications required, if any.
2. Notify the incumbent(s) whose term(s) is/are expiring, of such term expiration and invite the incumbent(s) to consider being reappointed.
3. Advertise the position and accept applications when an incumbent's term expires.
4. Prepare interview packets for Councilmember review prior to the Council interview period, including:
  - a.) A list of current membership;
  - b.) A list of current vacancies and term expirations;
  - c.) A summary of the duties and responsibilities of the vacant position on the Commission or Committee;
  - d.) The applications; and
  - e.) Recommendations from the staff liaison outlining needed expertise on the Commission or Committee, if any.

Commissioners and Committee Members serve two-year terms that expire March 31 of odd-numbered years. Each Councilmember recommends one individual for appointment to each of the Commissions and two recommended appointments per Councilmember to each of the Committees. Appointments are confirmed by the City Council.



## 2.10 Commissions and Committees (continued)

### B. Resignations.

Vacancies occurring in the middle of a term shall be filled by appointment for the unexpired portion of the term in the same manner provided herein for the initial appointment

### C. Councilmembers' Roles and Relationships with City Bodies

1. Because the Council has the ability to review decisions made by the commissions and recommendations made by committees and task forces, Councilmembers shall not be appointed to City commissions or committees concurrent with their term of office.
2. Unless specifically authorized by a majority vote of a quorum of the Council, no Councilmember shall be authorized to testify before or direct the work of any commission, committee or task force of the City.
3. If a Councilmember is testifying in such a capacity pursuant to the above provision, testimony should be undertaken in such a manner as to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:
  - a. Councilmembers shall not testify in matters pending before any commission, committee, or task force that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol may require the Councilmember to disqualify his or herself from participating in any appeal or review proceedings before the City Council.
  - b. Except in matters directly involving personal interests, Councilmembers, in their capacity as private citizens, should abstain from providing testimony or influencing decisions in matters pending before any City commission, committee or task force that will receive, or could potentially receive, future review or other action before the Council. Where a Councilmember elects to provide such testimony, the following rules shall apply:

### D. Councilmembers' Roles and Relationships with City Bodies

- b. (i) The Councilmember shall declare at the outset and upon the record that the Councilmember is present in his or her private capacity as an interested citizen, and not on behalf of or at the request of the City Council.
- b. (ii) The Councilmember shall refrain from stating or implying that the Councilmember's position or opinion is that of the City Council.
- b. (iii) The Councilmember shall refrain from directing City staff or the advisory body to take any action on behalf of the Councilmember.
- b. (iv) The Councilmember shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.
- b. (v) The Councilmember shall disqualify him or herself from participating in the matter should it come before the Council for review and/or decision.



## **2.10 Commissions and Committees (continued)**

### *D. Stipends/Compensation*

Stipends/Compensation, if any, are established by the City Council and are subject to state and federal tax laws. The stipend may be declined by the appointee to any Commission or Committee.

*E. List of Commissions/Committees.* The summary and requirements of City Commissions and Committees who are appointed by the City Council appear on the following pages.



## CITY COMMISSIONS

### **Economic Development Commission**

- Advises the City Council on the needs of existing businesses, the availability of economic development opportunities and resources, development and monitoring of an economic development strategic plan, and evaluating and streamlining of the entitlement process and business related procedures.
- Five-member advisory body
- Must be a City resident, or have a place of employment or business in the City of Cerritos while serving on the Commission. Must be at least 18 years of age.
- Two-year term expiring March 31 of odd-numbered years
- Meets the second Tuesday of the first month of each quarter at 7:00 p.m. (second Tuesday of February, May, August and November)
- Compensation \$150.00 per month

### **Fine Arts and Historical Commission**

- Assists the City Council in the administration of the Art in Public Places Program and advises the City Council on matters of a historical nature. The Art in Public Places program is designed to promote the general welfare by encouraging pride in the community, increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art pieces that reflect diverse styles.
- Five-member advisory body
- Must be a City resident with an interest in public art and/or history
- Two-year term expiring March 31 of odd-numbered years
- Meets the third Thursday of each odd-numbered month at 7:00 p.m.
- Compensation \$100 per month

### **Parks and Recreation Commission**

- Acts in an advisory capacity to the City Council on matters pertaining to acquisition, development and maintenance of public parks and recreation programs and related projects. The Commission also assists in the formation of general policies concerning recreational services for approval by the City Council.
- Five-Member advisory body
- Must be a City resident
- Two-year term expiring March 31 of odd-numbered years
- Meets the first Thursday of each month at 7:00 p.m. (dark in January and April)
- Compensation \$150 per month



## 2.10 Commissions and Committees (continued)

### CITY COMMISSIONS (CONTINUED)

#### Planning Commission

- An advisory body that reviews matters related to planning and development. The Planning Commission holds public hearings regularly scheduled to consider land use matters such as precise plans, conditional use permits, zone changes, general plan amendments, subdivision and parcel maps, environmental impact documents and variances. Additionally, the Planning Commission studies and develops land use policy for City Council consideration. The Planning Commission's review authority is established by state mandate in conjunction with City ordinance.
- Five-member advisory body
- Must be a City resident
- Two-year term expiring March 31 of odd-numbered years
- Meets the first Wednesday of each month at 7:00 p.m.
- Compensation \$350 per month

#### Property Preservation Commission

- The Property Preservation Commission hears matters pertaining to substandard building and property nuisances. The Commission also hears appeals for requests for parkway tree removal and oversees the annual City Wide Pride and Community Expo event.
- Five-member advisory body
- Must be a City resident
- Two-year term expiring March 31 of odd-numbered years
- Meets the last Tuesday of each month at 7:00 p.m.
- Compensation \$150 per month

### CITY COMMITTEES

#### Community Safety Committee

- The general duties and responsibility of the Community Safety Committee are to act in an advisory capacity in matters related to crime, fire prevention, disaster and emergency preparedness, and traffic and pedestrian safety.
- Ten-member advisory body
- Must be a City resident
- Two-year term expiring March 31 of odd-numbered years
- Meets the third Wednesday every other month at 7:00 p.m.
- Compensation \$25 per month





## 2.10 Commissions and Committees (continued)

### CITY COMMITTEES (CONTINUED)

#### Let Freedom Ring Committee

- The Let Freedom Committee assists City staff in planning and presentation of the City's Annual July 4th Celebration as well as the annual Festival of Friendship.
- Ten-member advisory body
- Must be a City resident
- Two-year term expiring March 31 of odd-numbered years
- Meets as needed
- Compensation \$25 per month

#### Commission and Committee Requirements

##### 1. Residency Requirement

Members of all Commissions and Committees are required to be Cerritos residents. The only exception to this requirement is with the Economic Development Commission, which permits persons with a place of employment or business in the City of Cerritos to serve on the Commission.

##### 2. Term of Appointment

Commissioners and Committee Members serve two-year terms that expire March 31 of odd-numbered years. Each Councilmember recommends one individual for appointment to each of the Commissions and two recommended appointments per Councilmember to each of the Committees. Appointments are confirmed by the City Council.

##### 3. Brown Act

Appointive bodies of the City Council are subject to the provisions of the Brown Act. Generally, the Brown Act is California's Open Meeting Law for local government and provides for the public's right to attend and meaningfully participate in meetings of local legislative bodies, councils, commissions, boards, committees and other public agencies. All meetings of appointive bodies are open to the public.

##### 4. Statement of Economic Interests—Form 700

Commission Members are subject to certain provisions of the State of California Political Reform Act and the City's adopted Conflict of Interest Code. As such, all Commissioners are required to file Statements of Economic Interests, Form 700, with the City to ensure disclosure of their financial interests, which could ultimately affect official actions. The City Clerk oversees the filing of these statements and provides all forms for this purpose. Committee Members do not file statements of economic interests.



## **2.10 Commissions and Committees (continued)**

### **Commission and Committee Requirements (continued)**

#### **5. Assembly Bill 1234**

In 2006 the provisions of Assembly Bill 1234 became effective, which added or amended certain sections of the Government Code with regard to ethics training and other related matters. The effect of the legislation is that all Councilmembers, Commissioners and Committee Members are required to receive ethics training via a State-approved course. Course availability and filing deadlines are provided by the City Clerk's Office.

#### **6. Oath of Allegiance**

Following appointment confirmation by the City Council, each appointee takes the Oath of Allegiance, which is administered by the City Clerk.

## **2.11 Service on Outside Boards**

Councilmembers are often requested to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication, develop regional policy/positions and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Councilmembers participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

## **2.12 Incompatibility of Offices**

In general, California law prohibits public officials from simultaneously holding more than one public office when the functions or responsibilities of the two offices have the potential for overlapping. This prohibition arises from a concern over the potential clash of two public offices held by a single official with potentially overlapping public duties. The Legislature may, however, expressly authorize through legislation the holding of two offices notwithstanding the fact that the dual holding may otherwise be prohibited. For example, the Legislature has exempted local agency formation commissions, the Coastal Commission, joint powers agencies, and transportation corridor agencies.



## Chapter 3

# Support Provided to City Council

### 3.01 Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Manager's Office. Secretarial services provided include distributing mail and email, scheduling appointments, coordinating travel arrangements, and receiving messages. All other Council requests for staff services are made by request to the City Manager or Executive Assistant who will assign the appropriate staff member. Sensitivity to workload of support staff is appreciated and turnaround time will vary depending on current work assignments.

### 3.02 Office Equipment

To enhance Councilmembers' service to the community and their ability to communicate with staff and the public, the City provides council offices, meeting facilities and office equipment for City business.

It is important to note that all letters, memoranda, and interactive computer communication (email) involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with a few exceptions specified in the Public Records Act, are public records.

#### A. *Use of City Equipment*

1. The City's electronic equipment and information systems are intended for professional business use by a Councilmember in the performance of their official duties. Personal use of City equipment is prohibited.
2. Except for City-issued laptop computer or fax machine, a Councilmember shall not take City property to his or her home. Use of City equipment for personal gain or political purposes is prohibited.

#### B. *Monitoring, Enforcement and Penalties*

1. City information systems or storage media are the property of the City of Cerritos. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to Councilmembers.
2. The City retains the right to monitor and audit email and internet usage. The right to use these technologies does not include the right to privacy.
3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Councilmembers should assume that electronic evidence discovery might recover deleted or unsaved data.
4. Councilmembers' use of a personal internet account on City equipment, and Councilmembers' use of a City internet account on personal equipment are to be arranged through the City Manager and are subject to the provisions of this policy. Councilmembers should be aware that their personal email and electronic files on City equipment could be monitored by the City and could be subject to review as part of a public records request.



### **3.03 Meeting Rooms**

Councilmembers may utilize the office space provided in City Hall. Use of other meeting rooms for city related matters, including the conference room located at City Hall, may be scheduled through the City Manager's Office.

### **3.04 Mail, Deliveries**

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of a designated location in the City Council's office. The City Manager's staff disseminates mail to individual Council mailboxes. Staff does not open mail addressed to individual Councilmembers. General correspondence addressed to Councilmembers as a whole will be opened and delivered to the Council designated location. Councilmembers are encouraged to check for mail often. In addition, City staff will email, telefax or personally deliver materials that are time sensitive to a Councilmember's home or office, as directed.

### **3.05 Council Library**

A library of current City plans, implementation programs, and the Cerritos Municipal Code is located in the City Council's office area. These documents are for reference and are not to be removed from the office. Many of these documents are also available on the City's website.



## **Chapter 4**

### **Financial Matters**

#### **4.01 Council Compensation**

The City of Cerritos Charter (Section 402) states that the members of the City Council shall receive a salary in such amount as the City Council may by ordinance, from time to time approve. The City Council salary is set forth in Chapter 2.32 of the Cerritos Municipal Code. The members of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. The City Council has adopted a travel reimbursement policy which is attached as an appendix to the Protocol Manual.

A seated City Council may not increase its own salary. Councils may only pass an ordinance to change the salary of an incoming City Council. State law limits an increase in City Council salaries to 5%.

#### **4.02 Budget**

The annual City budget includes appropriations for expenses necessary for Councilmembers to undertake official City business. Funding provided includes membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies. Councilmembers shall attend these functions at his/her own discretion for purposes of improving his/her comprehension of and proficiency in municipal affairs and/or legislative operations.

#### **4.03 Financial Disclosure**

Candidates for the office of Councilmember shall file a financial disclosure statement with the City Clerk who will retain a copy and forward the original to the Fair Political Practices Commission (FPPC) (California Government Code §§ 87201 and 87202). Financial disclosure shall be filed with nomination papers, not earlier than 113 days before the election with the deadline being no later than 88 days before the election (California Elections Code, § 10220-10227; California Government Code § 87200). When Councilmembers assume office or leave office, whether by election, appointment, end of term, or resignation, Statements of Economic Interests (FPPC Form 700) covering the previous 12 months, or the period since the previous statement was filed under Government Code § 87202 or 87203, must be filed within thirty days (California Government Code § 87204). In addition, Councilmembers are required to file financial disclosure statements (FPPC Form 700) on an annual basis after January 1 and before April 1 of each year covering the previous calendar year (California Government Code § 87203). Statements filed in any of the above circumstances will be available for public inspection.

#### **4.04 Travel Reimbursement and Ethics Training Policy**

In satisfaction of Government Code sections 53232.2 and 53232.3 (AB 1234), the City of Cerritos and its various sublegislative bodies have adopted a travel reimbursement policy and an ethics training policy. The adopted policy is attached to the appendix of this Protocol Manual.



#### **4.05 City Credit Card Policy**

- A. *Card Issuance.* Each Councilmember may be issued a City credit card, upon request. Use of City credit cards is set forth in the City Credit Card Policy (Appendix D).
- B. *Cards Lost or Stolen.* Lost or stolen cards must be reported to the Finance Director within one working day of discovery.
- C. *Leaving Office.* Each card holder must surrender the City credit card immediately upon leaving office, or upon request of the City Manager or Finance Director. Use of the card after privileges are withdrawn is prohibited.



## **Chapter 5**

# **Communications**

### **5.01 Overview**

Perhaps the most fundamental role of a Councilmember is communication—communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents; and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs 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 are expressing personal views and not those of the Council, the public should be so advised.

### **5.02 Correspondence from Councilmembers**

City letterhead, the City Logo, and staff support cannot be utilized for personal or political purposes, but for only City-related matters. City Councilmembers shall follow the City's policy and State and Federal laws regarding usage of the City's logo and/or official letterhead.

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

Councilmembers are discouraged from responding directly to comments, inquiries, or complaints without coordinating with the City Manager's office to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

On occasion, City Councilmembers may wish to correspond on a City-related issue on which the Council will not be taking a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of the Council. City letterhead and office support may be utilized in these circumstances.

All Councilmember correspondence using City resources shall be copied to the full Council. City Council correspondence is a public record pursuant to the California Public Records Act and is open to disclosure to members of the public.

Councilmembers should also note that sending more than 200 substantially similar pieces of mail in a calendar month at public expense may be prohibited as a mass mailing under the Political Reform Act unless it falls within an exception.

Councilmembers may initiate and execute certificates of appreciation and recognition.



### **5.03 Local Ballot Measures**

At times, initiatives that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

### **5.04 Proclamations**

Proclamations are approved and issued by the Mayor as a ceremonial commemoration of an event or issue (i.e., National Night Out). Proclamations are not statements of policy, and do not require the approval or action of the Council. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue.

### **5.05 State Public Records Act**

To ensure that business communications submitted to and by elected and appointed officials comply with the California Public Records Act and the Ralph M. Brown Act (state open meetings act), the following is set forth:

#### *A. Communications, Generally*

All letters, memoranda, and interactive computer email communications involving City Councilmembers and members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. Copies of such letters, memoranda, and email communications may be provided to the public or news media with the filing of a public information disclosure request with the City Clerk. The City Clerk has a system for processing such requests.

#### *B. Written Communications*

Written letters and memoranda received by the City on a specific agenda items, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's Records Retention Schedule.

#### *C. Electronic Communications*

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not require retention. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official may constitute a public record. Such records may be subject to public inspection and copying.
3. Email communications that are intended to be shared among three or more Councilmembers, whether concurrently or serially, must be considered in light of the Ralph M. Brown Act (state open meetings act). The intended purpose of the email shall not be to have a discussion that should be held at an open meeting, but may be sent for informational purposes only.





## **5.05 State Public Records Act (continued)**

4. Email should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other “confidential” City business. Legal email communications should not be shared with individuals other than the intended recipients or the attorney-client privilege protecting the document from disclosure may be waived.
5. City email should not be used for personal use.



## Chapter 6 Conflicts of Interest

### 6.01 Ethics, AB 1234 Ethics Training

The City maintains a commitment to conducting business according to the highest achievable ethical standards.

State law (California Government Code § 53235, *et seq.*) requires public officials to complete two hours of training in ethics principles and laws every two years. In addition to Councilmembers, Cerritos requires the training of all of its commissioners, its City Manager, its department directors, and its mid-managers when they staff a City commission. The League of California Cities offers AB 1234 training, often in conjunction with League conferences or other training workshops, and on-line training is offered through the Institute for Local Government and the Fair Political Practices Commission. Certificates of course completion are kept on file by the City Clerk.

### 6.02 Conflicts of Interest

There are numerous sources of potential conflicts of interest that may require a Councilmember to disqualify himself or herself from participating in decision-making. The Political Reform Act (PRA) is one of the two primary laws that govern financial conflicts of interest of public officials. Government Code Section 1090 is the other primary law governing financial conflict of interests and is discussed below. The PRA is implemented and enforced by the Fair Political Practices Commission (FPPC) which has issued comprehensive implementing regulations. To better understand the PRA's impact on a Councilmember's actions, it is suggested that members discuss the law and potential conflicts with the City Attorney or a private attorney.

In general, under the PRA, public officials are prohibited from making, participating in or in any way attempting to use their official position to influence a government decision in which they know or have reason to know they have a material financial interest (California Government Code §87100; 2 California Code of Regulations §§ 18700, 18702-18702.4). A "public official" is defined as including every member, officer, employee or consultant of the state or local government agency (California Government Code § 82048; 2 California Code of Regulations § 18701).

#### A. *Applicability*

Under the PRA, an official has a financial interest if it is reasonably foreseeable that a decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

1. Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more (California Government Code §§ 82005, 82034, 82035; 2 California Code of Regulations § 18703.1).
2. Any real property in which the public official has a direct or indirect interest worth \$2,000 or more (California Government Code § 82033).



## 6.02 Conflicts of Interest (continued)

3. Any source of income other than gifts or certain loans aggregating \$500 or more provided to the public official within 12 months prior to the time of the decision (California Government Code § 82030; 2 California Code of Regulations § 18703.3).
4. Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management (2 California Code of Regulations § 18703.1).
5. Any gift totaling \$420 (adjusted biannually by the FPPC) or more provided to, received by or promised within 12 months prior to the decision (2 California Code of Regulations §§ 18703.4, 18704-18961).

### B. Analysis

In general, the FPPC suggests that an eight-part analysis be followed in determining whether a conflict of interest exists:

1. Is the person involved a public official? The PRA applies to “public officials at any level of state or local government” (California Government Code § 87100).
2. Is the public official making, participating in making, using, or attempting to use his/her official position to influence governmental decision (2 California Code of Regulations §§ 18700, 18702-18702.4)?
3. What are the actual economic interests of the official potentially impacted by the decision (California Government Code § 87103, 2 California Code of Regulations §§ 18704-18704.5)?
4. Is the economic interest directly or indirectly involved in the governmental decision (2 California Code of Regulations §§ 18704-18704.5)?
5. Is the financial effect on the economic interest material (2 California Code of Regulations §§ 18702-18702.5)
6. Is it “reasonably foreseeable” that the governmental decision will have a material financial effect on the economic interest (2 California Code of Regulations §§ 18700-18706)?
7. Will the decision’s effect on the official’s economic interest differ from that on the public generally (2 California Code of Regulations §§ 18707-18707.10)?
8. Is participation by the public official legally required (2 California Code of Regulations § 18708)?

### C. Disqualification and Disclosure

When the agenda item is called, a City Councilmember who has a conflict of interest is required to publicly state that a conflict of interest exists, describe the nature of the economic interest giving rise to the conflict, disqualify himself or herself, and leave the room. When a conflict of interest arises involving a matter on the consent portion of the agenda, the Councilmember is not required to leave the room, unless that item is pulled from the consent agenda for separate discussion. Ideally, Councilmembers will become familiar enough with the sources of conflicts to determine in advance whether disqualification is necessary. However, if a Councilmember becomes aware of a potential conflict only during the meeting, it is perfectly appropriate for the Councilmember to ask for a break in order to discuss the matter with the City Attorney, if necessary. If the Councilmember decides a conflict exists, that Councilmember may not participate in any aspect of the decision making, including discussing the matter with City staff.



## 6.02 Conflicts of Interest (continued)

### D. *Legally Required Participation*

In the event that a decision cannot be made because a majority of the Council is disqualified due to conflicts of interest, the PRA allows the minimum number of Councilmembers necessary to constitute a quorum to return and participate in the decision to the minimum extent required. The Councilmembers permitted to participate must be chosen through a random process (California Government Code § 87101).

### E. *Conflict of Interest Code*

The City is required to adopt and maintain a Conflict of Interest Code. Under state law, the code must be reviewed every two years and amended as circumstances change. The City's code must be consistent with minimum requirements of the PRA (California Government Code §§ 87300-87313). The City's Conflict of Interest Code is attached as an appendix.

### F. *Advice on Conflict of Interest*

The City Attorney may provide advice to a Councilmember about the existence of a conflict of interest. However, advice given by the City Attorney does not protect the Councilmember from an enforcement action by the FPPC. A Councilmember may seek a formal written opinion from the FPPC on a particular set of facts. Such an opinion letter would provide protection from an enforcement action arising under the same set of facts.

### G. *Other Sources of Conflict*

In addition to the PRA, State law prohibits Councilmembers from having a financial interest in City contracts (California Government Code § 1090). The financial interests covered by Section 1090 are different than those in the Political Reform Act. Having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating Section 1090 are severe. If a Councilmember believes that he or she may have such a conflict, the member should seek advice from the City Attorney.

### H. *Revolving Door Policies*

For a period of one year after leaving office, state law prohibits Councilmembers and chief administrators from accepting employment with the City, or from acting as agent or attorney for any other person by appearing formally or informally, orally or in writing, before the Council or any of its commissions, or committees if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance of, amendment to, award of, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property (California Government Code § 87406.3).

### I. *Liability*

It is important to note that that violations of certain laws and regulations by individual members of the City Council may result in that member being personally liable for damages which would not be covered by the city's insurance. Examples may include discrimination, harassment or fraud.



## **6.02 Conflicts of Interest (continued)**

### *J. Harrassment*

State law prohibits and the City has policies and procedures which prohibit any form of racial or sexual harassment. Council members should be familiar with the City's sexual harassment policies. Violations of such policies may find Council members personally exposed through legal action.



## **Chapter 7**

### **Interaction with City Staff/Officials**

#### **7.01 Overview**

City Council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

#### **7.02 Council-Manager Form of Government**

Cerritos has a Council-Manager form of government. Basically, with this structure, the City Council's role is to establish City policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration 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 principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Councilmembers, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments.

The Council-Manager form of government is outlined in the California Government Code.

The powers and duties of the City Manager include:

- Generally supervise over the administrative affairs of the City
- Appoint and remove at any time any department directors and employees
- Attend all meetings of the Council at which the Manager's attendance may be required by that body
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency
- Recommend for adoption by the Council such measures as the Manager may deem necessary or expedient
- Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to be submitted
- Keep the Council fully advised of the financial condition of the City and its future needs
- Prepare and submit to the Council a proposed budget for the fiscal year, and be responsible for its administration upon adoption
- Perform such other duties as the Council may determine by ordinance or otherwise
- Implement and administer City Council policy



### **7.03 Non-interference by City Council**

The City Council is to work through the City Manager when dealing with the administration of the City.

In no manner, either directly or indirectly, shall a Councilmember become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. No member of the Council shall, by suggestion or otherwise, attempt to influence or coerce the City Manager concerning appointments to City offices or employment. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City's procurement code/procedures.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any commission, committee or member of a board shall give an order to, try to influence, coerce or direct, either formally or informally, any subordinate of the City Manager, publicly or privately. See Section 406 Cerritos Charter.

Violations of the provisions of this section by any of the above persons, if reported by any staff to the City Manager, may be brought forth to the entire City Council for review. The Council, on a case-by-case basis, will establish what, if any, corrections and/or sanctions are appropriate. See Chapter 9, § 9.03.

### **7.04 City Council/City Manager Relationship**

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief administrative officer of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

#### *A. Performance Evaluation*

The City Council is to evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance is evaluated in the following areas: Leadership, teamwork, job knowledge, attitude, accountability, empowerment, communication, problem-solving skills, quality of service, safety/risk-taking, implementation and administration of adopted Council policy.



## **7.05 City Council/City Staff Relationship**

City Councilmember contact with City staff members, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency.

Council is encouraged to contact staff members directly to ask questions for clarification or to request information. Councilmembers may request research from staff on a given topic directly when it is anticipated that the request can be completed by staff in less than one hour.

A Councilmember shall not direct staff to initiate any action, change course of action, nor initiate any project or study that is of significant nature without approval of a majority of the Council.

Concerns by a member of Council over the behavior or work of a City employee shall be directed to the City Manager privately to ensure the concern is resolved. Councilmembers shall not reprimand employees directly nor shall they communicate their concerns to anyone other than the City Manager.

## **7.06 City Council/City Attorney Relationship**

The City Attorney is appointed by and serves at the pleasure of the City Council. The City Attorney is the legal advisor for the Council, its committees, commissions, the City Manager, and all City officers and employees with respect to legal issues involving an official duty or matters pertaining to the affairs of the City. The general responsibilities of the City Attorney are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keep City Council and staff apprised of court rulings and legislation affecting the legal interests of the City.

It is important to note that the City Attorney does not represent individual members of the Council, but rather the City Council as a whole. Accordingly, with the exception of conflict of interest inquiries, questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council. Individual Councilmembers may seek advice or assistance from the City Attorney on City matters while exercising their best judgement. The City Attorney's performance is reviewed as provided by the services retention contract.





## 7.07 City Council/City Clerk Relationship

The City Clerk is appointed by and serves at the pleasure of the City Council. Article VI of the City Charter and the statutes of the State of California prescribe the functions and duties of the City Clerk. The City Clerk is the local official for elections, local legislation, the California Public Records Act, the California Political Reform Act, and the Brown Act (open meeting laws). Before and after the City Council and other City legislative bodies take action, the City Clerk ensures that the matters under consideration are in compliance with all federal, state and local statutes and regulations, ensures full transparency to the public, and affirms that all transactions are properly executed, recorded and archived. The office of the City Clerk is a service department upon which the City Council and all City Departments and the general public rely upon for timely and accurate information regarding operations and legislative history of the City. The City Clerk serves as the liaison between the public and the City Council and provides various municipal services.

### A. Duties of City Clerk

1. Attend all meetings of the City Council and be responsible for the recording, preservation and protects the maintaining of a full and true record of all the proceedings of the City Council and various legislative bodies in books and electronically which shall bear appropriate titles and be devoted to such purposes.
2. Is the Custodian of Official Records. Maintains separated books in which shall be recorded respectively all ordinances, resolutions and policies, with a certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating the same has been published or posted in accordance with the City Charter, keep all books properly indexed and open to public inspection when not in actual use.
3. Receive claims, summons, and subpoenas, officiates at public bid proceedings, processes official appeals, and receives/distributes other official correspondence directed at the municipal corporation.
4. Receives and processes all requests for information under the California Public Records Act and the Federal Freedom of Information act and assures the codification of the City's adopted Ordinances.
5. Be the custodian of the Seal of the City
6. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of the official records.
7. Be responsible for the conduct of all city elections and any local initiatives, referendums and recalls. Manages the election process from pre-planning, candidate nominations, semi-official and official canvass certification of election results and filing of final campaign disclosure documents.
8. Facilitate, maintain, and update the City's Conflict of Interest Code, provide public access to statements, compliance with filing schedules and track compliance of required ethics training under California statute AB 1234.
9. Deputize other persons to assist in carrying out the duties of the City Clerk.



## **7.08 Roles and Information Flow**

### *A. Council Roles*

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual Councilmembers may not intervene in staff decision making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. 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. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

### *B. Access to Information*

The City Manager is the information liaison between the Council and City staff. Requests from Councilmembers for information are to be directed to the City Manager and will be responded to promptly. The information requested shall be copied to all members of the Council so that each member may be equally informed. The sharing of information with the City Council is one of the City Manager's highest priorities. There are limited restrictions controlling when information cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (e.g., access to restricted or confidential information related to crimes) may not be available to members of the City Council.

### *C. Staff Roles*

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council, and keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Director. This direction follows the policy guidance of the City Council as a whole.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, that it would be more appropriately assigned to staff through the direction of the full City Council.

## **7.09 Dissemination of Information**

In addition to regular, comprehensive memoranda written by the City Manager directly to City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Councilmembers receive copies of all correspondence received by the City Manager that will assist them in their policy-making role. The City Manager also provides other documents to the Council on a regular basis, such as status reports, executive summaries, and agendas of all City commission and committee meetings and weekly reports.

A variety of methods are used to share information with the Council. Workshops and study sessions are held to provide detailed presentations of matters. The City Manager's open door policy allows individual Councilmembers to meet with the Manager on an one-on-one basis.



## **7.10 Magnitude of Information Request**

Any information, service-related needs, or policy positions perceived as necessary by individual Councilmembers that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so directed by an action of the Council, staff will proceed to complete the work within a Council established timeline.

## **7.11 Staff Relationship to Advisory Bodies**

Staff support and assistance may be provided to the City's commissions, committees and task forces. These bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions or committees are responsible for the functions of the advisory body. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda and appropriate notice; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as outlined in 8.06 of this manual. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the City Council.

## **7.12 Restrictions on Political Involvement by Staff**

Cerritos is a nonpartisan local government. Reflected within the Council/Manager form of government is a principal of professional staff which formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. They may register to vote, sign nominating or recall petitions, and they may vote in any election. However, there are limitations to such involvement.

General employees have no restrictions while off the job. No participation in campaigns or other political activities may take place while on the job. No city resources may be used by staff/Council Members in support of any campaign. Even while off the job, no employee may participate in campaign or other activities while in a city uniform. The support of the City Council in these matters is requested and expected. This section does not prohibit the use of City resources or staff for the purpose of providing information regarding a ballot measure as governed by state law.

Additionally, City Council members should coordinate any requests for City information for groups or organizations through the City Manager's Office and should refrain from contacting or scheduling City staff for such purpose.



### **7.13 Council Attendance Policy**

If a Councilmember intends to be absent from the City for more than 24 hours, he or she shall notify the City Manager of such absence and its duration.

#### *Vacancy for Nonattendance*

If a Councilmember is absent, without permission of the City Council expressed in its official minutes, from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy (City of Cerritos Charter Section 403).

At the start of each City Council meeting, the City Clerk, or designee, will call the roll. Any absent Councilmember who has called the Mayor, City Clerk or City Manager's Office before 5:00 p.m. on the day of the meeting to advise of such absence may request to be excused by the City Council.



## **Chapter 8**

# **City Council Meetings**

The City Council's collective policy and law-making powers are put into action at the Council meetings. It is here that the City Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of Council meetings all lend themselves to the essential democratic nature of local government.

### **8.01 Meeting Schedule**

Regular City Council meetings are held the 2nd and 4<sup>th</sup> Thursdays of each month at 7:00 p.m., in the Council Chamber, 18125 Bloomfield Ave., Cerritos.

### **8.02 Public Notice of Meetings and Hearings**

Pursuant to the California Government Code, cities are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. The procedure followed by the City of Cerritos is as follows:

#### *A. Public Hearing Notices*

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council or the City's commissions shall be given by one publication of a notice containing the time, place, date, subject, and body before whom the hearing is to be held, in the City's official newspaper consistent with State law (City of Cerritos Charter Section 417).

#### *B. Preliminary Agenda of Regular Council Meeting*

The public shall be notified of the agenda for the forthcoming regular City Council meeting by the posting of a copy of the agenda in the following public places in the City at least 72 hours in advance of the meeting:

1. Cerritos City Hall, Bloomfield Avenue at 183rd Street, Cerritos, California, 90703.
2. Cerritos Public Library, 18025 Bloomfield Avenue, Cerritos, California 90703.
3. Posting Board at retail center located at 18802 Gridley Road, Cerritos, California, 90703.
4. Posting Board at retail center located at 13301 East Artesia Boulevard, Cerritos, California, 90703.

### **8.03 Special Meetings**

Special meetings may be called by either the Mayor, Mayor-Pro-Tem or Acting Mayor in the absence of the Mayor. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, by email, or by facsimile, written notice to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.



### **8.03 Special Meetings (continued)**

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

At all regular and special meetings, public comments are invited during a public hearing, and before or during consideration of any item on the agenda. Public comment is appropriate on any matter within the jurisdiction of the City Council. All regular meeting agendas must provide a time for the public to address the body on items not on the agenda.

### **8.04 Emergency Meetings**

State Law permits the Council to hold an emergency meeting without providing advance 72 or 24-hour notice when prompt action is necessary due to the disruption or threatened disruption of public facilities during an emergency situation. Emergency situations are those matters immediately affecting the public health, safety and welfare of the community (California Government Code § 54956.5).

### **8.05 Study Sessions**

The City Council may meet informally in a study session. The study session is the forum used by the Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others. All discussions and conclusions held during a study session are of an informal nature. Although no final action is taken while in a study session, a majority of the Council may give City staff preliminary direction on what to bring back to the Council for later consideration. Such direction given at a study session does not in any way obligate a Councilmember to vote in a particular way if the item is later brought back to the Council for further review.

### **8.06 Placing Items on the Agenda**

City Council members should work with the City Manager directly to coordinate items to be placed on future agendas. City Council may direct the City Manager to place items on a future agenda during a Council Meeting.

The City Manager works with Department Directors to schedule regular business items for the Council to consider as part of their Regular and Special Meetings.

#### **A. City Council Agenda Planning**

Any Councilmember may request that an item be placed on a City Council agenda by making a request to the City Council for concurrence. The item shall be placed on the agenda as soon as possible with consideration for scheduling issues.

#### **B. Advisory Bodies and Civic Organizations**

Advisory bodies of the City Council and other civic agencies (e.g., Chamber of Commerce) may submit items for Council consideration by submitting a written request to the City Manager/City Clerk at least 15 working days prior to the meeting, to be considered for placement on an agenda.



## **8.06 Placing Items on the Agenda (continued)**

### *C. Members of the Public*

A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting. If the issue is placed on the agenda, the City Clerk will notify the requester so that he or she may plan to attend the meeting.

### *D. Emergency or Other Items Added to the Agenda*

Emergency items may be added to an agenda in accordance with state law. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting. The Council may add items to the agenda upon a 4/5ths vote determining that there is need to take immediate action and that the need for action came to the City's attention after posting of the agenda [California Government Code § 54954.2(b)].

## **8.07 Communications Received After Agenda Distribution**

All writings, documents, or electronic communications relating to any item on the agenda, received after distribution of the Council agenda packet and prior to the Council meeting, shall be distributed to the entire City Council and made available for public inspection during normal business hours at Cerritos City Hall.

Citizens providing writings or documents to the City Council during the Council meeting must present copies of each document to the City Clerk for distribution. The document will be retained as part of the official record and copies will be available to the full Council and public as soon as copies can be made.

## **8.08 Video/DVD, Web Streaming and Audio Recording of Meetings**

Regular City Council meetings, except study sessions and those meetings or portions of meetings conducted in Closed Session pursuant to the California Government Code, are broadcast live over the local Community Access Channel (Channel 3) and web streamed live and archived on the City's website.

Video/DVDs are kept for the sole purpose of being able to rebroadcast the meetings on the Community Access Channel and web meetings are archived on the City's website for up to one year. Both forms of broadcasted meetings are for the convenient viewing by Cerritos citizens, are not the permanent record of City Council proceedings, and are only retained consistent with state law.



## 8.09 Order of Business

The established order for conduct of the official business of the City Council/Cerritos Public Financing Authority/Cuesta Villas Housing Corporation and Successor Agency Regular Meetings is as follows. The Council, at any time, by simple majority of those present, vote to consider items in a different order. This section summarizes each meeting component.

1. **Call to Order**
2. **Invocation** - non-sectarian prayer usually led by local religious minister, rabbi, etc.
3. **Pledge of Allegiance** - usually led by a local boy/girl scout troop
4. **Roll Call** - The City Clerk, or designee, takes roll and announces the presence or (excused) absence of individual Councilmembers.
5. **Presentations**
6. **Public Comments and Suggestions** – This time is provided for people to address the Council or submit written communications on matters not on the agenda. At the conclusion of all oral communications, the Council may respond to statements. Any request that requires Council action will be set by the Council for a future agenda or referred to staff. Speakers addressing the Council may be limited to three minutes, with a maximum of five minutes, with total time allotted not to exceed 45 minutes unless the Chair extends. To assist in the preparation of appropriate responses, (in addition to submitting blue Speaker cards) persons are requested to state their name and city of residence for the record. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs. Cerritos City Charter § 411.
7. **Consent Calendar** - All matters on the Consent Calendar are considered to be routine by the City Council and are enacted on one motion. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Councilmembers or members of the public may remove an item to be addressed individually.
8. **Public Hearings**
9. **Public Works Activities**
10. **New and Old Business**
11. **Legislative Items**
12. **City Council Communications/Committee Reports/Report on Meetings** - All reports shall be specifically limited to items relating to City business. Councilmembers shall govern themselves as to the length of their comments, but shall, generally, not exceed 10 minutes.
13. **Closed Session: Litigation and/or Personnel and /or Real Estate consideration**
14. **Adjournment**





## **8.10 Council Action**

The City Council exercises legislative authority through a simple motion, an amendment to a motion, adoption of a resolution, or adoption of an ordinance. Depending on the item, staff reports will generally attempt to present appropriate motions, with options, for the Council to make. The City Council is encouraged to review the staff recommendations and use presented options as a template when making a motion. In most situations, a majority of the members present is adequate to adopt a motion, however this is not always the case, and staff will advise the Council when either a super majority or majority of the entire body is required. In addition, in most situations a voice vote is all that is required for Council action; however, staff will advise the Council when a roll call vote is required. Motions should be concise and give clear direction to staff.

Although finality in action is an important principle in government, there may be occasions when the Council wishes to reconsider a motion it has previously passed. In such circumstances, a motion to reconsider may be made either at the meeting where the item was first voted upon, or at the very next meeting of the Council. A motion to reconsider brought forward at the following meeting of the Council will require proper notice on the agenda. A motion to reconsider an item previously voted on can be made only by a Councilmember who voted in the majority.

## **8.11 Legislative and Quasi-Judicial Actions of the Council**

The Council can take both legislative and quasi-judicial action. In general, the Council acts in a legislative capacity when it takes action to adopt policies, plans, and ordinances of general application. In these situations, a Councilmember may rely on any information he or she lawfully obtains when participating in a decision-making process. In contrast, the Council will also act in a quasi-judicial capacity when it acts on matters that implicate constitutionally protected property and liberty interests. These types of actions generally involve land use entitlements and other types of permits, licenses, etc.

The distinction between legislative and quasi-judicial activity is especially important because of the rights that are given to the applicant. Specifically, an applicant in a quasi-judicial matter is entitled to due process of the law. This includes a right to have a decision made on the record by a fair and impartial Council. In order to ensure these rights are satisfied, the Council must disclose all ex parte communication it receives; that is, information or evidence a Councilmember obtains from outside the Council hearing on the matter.

## **8.12 General Parliamentary Procedure**

Parliamentary procedures set the agreed-upon standard for conducting business. For general guidance, the Council will follow Rosenberg's Rules of Order, attached as Appendix G. Certain processes are subject to state code and must be complied with. The Council will accept direction from the City Manager/City Clerk and the City Attorney on the code. For other matters, the Cerritos City Council has a tradition that adheres to the common parliamentary practices used by similar institutions to facilitate the orderly processing of the business of its meetings. When necessary to resolve issues that may arise over the process, the Mayor will refer to the City Attorney and/or the City Clerk who will act as the Parliamentarian. Upon such advice, the Council will vote and follow the decision of the majority. However, no ordinance, resolution, or any other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the City Council to observe any such rules.



## **8.12 General Parliamentary Procedure (continued)**

It is the intent of Council not to become involved in entanglements over parliamentary procedure. Issues relating to the conduct of a meeting may be determined by the Mayor.

## **8.13 Public Presentations at Meetings**

The Mayor may establish reasonable time restrictions on presentations from members of the public that take into consideration the complexity of the subject matter, the number of other members of the public wishing to address the Council, and the number of other items on the agenda to which the Council must attend.

Members of the public who wish to utilize electronic media in their presentations must coordinate in advance with the City Manager or his/her designee. The City Manager may establish reasonable rules on the public's use of electronic media, to minimize the disruption of Council meetings as well as the burden on City staff, including the requirement of advance notice and/or submission of presentation data to ensure all compatibility issues are resolved before the Council meeting. Electronic media presentations are subject to time restrictions as established by the Mayor. The public may use the City's projector in the Council Chambers to assist in making their electronic presentations, subject to electronic media presentation rules established by the City Manager.



## **Chapter 9**

### **Protocol Administration**

#### **9.01 Biennial Review**

The City Council will review and revise the City Council Protocol Manual as needed. The City Council will specifically review, and if necessary revise, the Protocol Manual every April following a City Council election.

#### **9.02 City Attorney as Protocol Advisor**

The City Attorney shall assist the Mayor and serve as an advisor for interpreting the City Council's adopted Protocol Manual.

#### **9.03 Adherence to Non-interference Policy**

The City Council delegates to the City Manager the responsibility to discuss with any Councilmember, on behalf of the full Council, any perceived or inappropriate interference or encroachment of administrative services. The City Manager will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. If inappropriate action continues after this discussion, the City Manager will report the concern to the full Council.

#### **9.04 Applicability of Protocol Manual**

The City Council Protocol Manual shall apply when the Council is sitting as another entity or agency. The role of Mayor and Mayor-Pro-Tem shall be interchangeable with the Chair and Vice-Chair when sitting as another entity.



# Appendix



## **Ralph M. Brown Act**

Refer to League of Cities Manual (Open & Public IV:A Guide to the Ralph M. Brown Act, 2nd edition)  
at: <http://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/OpenPublic2010.aspx>



# Travel Policy

**CITY OF CERRITOS  
CERRITOS REDEVELOPMENT AGENCY  
CERRITOS PUBLIC FINANCING AUTHORITY  
TRAVEL REIMBURSEMENT AND ETHICS TRAINING POLICY**

## 1. PURPOSE

The City of Cerritos/Cerritos Redevelopment Agency/Cerritos Public Financing Authority shall reimburse expenditures incurred only in the course of official and authorized City/Agency/Authority business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, provided other applicable requirements of this policy, or other City/Agency/Authority policies, are also met.

They include, but are not limited to:

- a. Communicating with representatives of local, regional, state and/or national government on City/Agency/Authority-related issues;
- b. Attending educational seminars designed to improve skills, knowledge and information levels;
- c. Participating in local, regional, state and/or national organizations whose activities affect City/Agency/Authority interests;
- d. Recognizing service to the City/Agency/Authority or community;
- e. Attending community events or participating in the events of local nonprofit, service or philanthropic organizations;
- f. Meetings with representatives of local organizations, charitable groups, religious affiliations or intergovernmental agencies to discuss matters affecting the interests of the City/Agency/Authority;
- g. Implementing a City/Agency/Authority approved strategy for attracting or retaining business to the City; and
- h. Meetings with City/Agency/Authority consultants, contractors, advisors, agents, legal counsel, etc. to discuss matters of importance to the City/Agency/Authority.

International travel expenses shall require prior approving authority approval.

## 2. APPLICABILITY

This policy shall apply to all persons incurring expenses during official City/Agency/Authority business and/or while acting on behalf of the City/Agency/Authority, for which reimbursement is sought.

This includes, but is not limited to, members of the City Council/Redevelopment Agency/Financing Authority, City Commissions, Committees, ad hoc/blue ribbon committees, (hereinafter "officials"); City/Agency/Authority non-legislative appointees (hereinafter "appointees"); and staff members, employees, volunteers, and additionally designated individuals of the City Council or City Manager (hereinafter "employees").

The City Council/Redevelopment Agency/Financing Authority shall make the final decision regarding compliance with this policy for "officials" and "appointees," and for "employees" the City Manager/Executive Director shall make such decision.



### 3. NON-REIMBURSABLE

Examples of expenses incurred that the City/Agency/Authority will not reimburse include, but are not limited to, the following:

- a. The personal portion of any trip;
- b. Political or charitable contributions or events;
- c. Family expenses, including partner's expenses when accompanying officials, appointees or employees on City/Agency/Authority-related business, as well as children or pet-related expenses;
- d. Entertainment expenses, including movies, sporting events, or other cultural events;
- e. Non-mileage personal automobile expenses, including repairs, traffic/parking citations, insurance or gasoline; and
- f. Personal losses incurred while on City business.

Any questions regarding a particular type of expense should be resolved by the approving authority before the expense is incurred.

### 4. COST CONTROLS

To conserve City/Agency/Authority resources and keep expenses within community standards, expenditures should adhere to this policy. In the event that expenses are incurred which exceed this policy, the cost borne or reimbursed by the City/Agency/Authority will be limited to the costs that fall within this policy, unless previously approved otherwise or provided for otherwise in this policy, by the approving authority.

### 5. TRANSPORTATION

The most economical mode and class of transportation reasonably consistent with scheduling needs, and cargo space requirements must be used, using the most direct and time-efficient route. Government and/or group rates must be used when available.

- a. **Airfare.** Coach class priced on round-trip purchase; or one-way (both directions) whichever is most cost effective. Every attempt should be made to secure advance pricing.
- b. **Automobile.** Automobile mileage will be reimbursed based on the City employment system/personnel policies resolution presently in effect. These rates are intended to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable, when necessarily incurred. Mileage reimbursement will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
- c. **Car Rental.** Economy, compact or mid-sized rentals only. If several officials and/or employees are sharing a car rental, a larger size may be appropriate. Applicable loss damage waiver insurance is encouraged. Attempts should be made to acquire the lowest rate through competitive shopping and advance reservations. Car rentals may be considered an alternative to airfare or mileage reimbursement where the cost of airfare or mileage equals or exceeds the cost of car rental.
- d. **Taxis/Shuttles.** Taxis or shuttle fares may be reimbursed, including a gratuity not to exceed 15 percent per fare, when the cost of such fares are equal to or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.



## 6. LODGING

Lodging expenses will be reimbursed or paid for, when travel on official City/Agency/Authority business reasonably requires an overnight stay.

- a. **Conference/Meetings.** If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see below.
- b. **Other Lodging.** Travelers must request government rates, when available. A listing of hotels offering rates in different areas is available through the State of California's "Lodging Guide Program." Lodging rates that are equal to or less than government rates are presumed to be reasonable and reimbursable for purposes of this policy.

In the event that government rates are not available, lodging rates that do not exceed \$300 per night are presumed reasonable and, hence, reimbursable. In unique circumstances, the City Manager/Executive Director may approve the reimbursement of reasonable lodging costs that exceed the standards above.

The maximum lodging amount will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Los Angeles Metropolitan Area.

## 7. MEALS

Meal expenses and associated gratuities will be reimbursed at a maximum rate of \$100 per diem.

Such amount will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Los Angeles Metropolitan Area.

## 8. TRAVEL-RELATED TELEPHONE/FAX/CELLULAR/INTERNET USE

Individuals subject to this policy will be reimbursed for actual telephone, fax, cellular and internet expenses incurred on business upon submission of a photocopy of the bill (with personal information redacted.) Telephone bills should identify which calls were made on City/Agency/Authority business. For cellular calls when the official, appointee or employee has a particular number of minutes included in their plan, the official, appointee or employee shall identify the percentage of calls made on public business and pro rate the bill accordingly. Cellular telephone expenses will not be reimbursed for individuals who receive a City/Agency/Authority cellular telephone stipend.

## 9. AIRPORT PARKING

Airport parking fees shall be reimbursable.

## 10. OTHER

Reasonable baggage handling fees and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials, appointees or employees receive reimbursement from another agency are not reimbursable.





## **11. CASH ADVANCES**

From time to time, it may be necessary for an official, appointee or employee to request a cash advance to cover anticipated expenses while traveling or doing business on behalf of the City/Agency/Authority. Such request must be submitted to the City Manager/Executive Director or his designee prior to the need for the advance with the following information:

- a. The purpose of the expenditure(s);
- b. The benefits of such expenditure(s) to the City/Agency/Authority;
- c. The anticipated amount of the expenditure(s) (i.e., hotel rates, meal costs, and transportation expenses); and
- d. The date(s) of the expenditure(s).

Any unused cash advance must be returned to the City/Agency/Authority treasury within five business days of the official's, appointee's or employee's return. Expense reports and receipts documenting how the advance was used in compliance with this reimbursement policy shall be submitted as set forth in this policy.

## **12. TRAVEL-RELATED CREDIT CARD USE**

Holders of City/Agency/Authority issued credit cards may use the City/Agency/Authority credit card for such purposes as provided herein. Receipts documenting expenses incurred on the City/Agency/Authority credit card and in compliance within this policy must be submitted as set forth below.

## **13. EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE**

All cash advance expenditures and expense reimbursement requests must be submitted on an expense report form provided by the City/Agency/Authority. Expense reports must document that the expense in question met the requirements of this policy.

Officials, appointees and employees must submit their expense report within thirty (30) days of an expense being incurred, accompanied by receipts documenting each expense.

Inability to provide such documentation in compliance with this policy may result in the reimbursement request being denied.

## **14. AUDITS OF EXPENSE REPORTS**

All expenses are subject to verification that they comply with this policy.

## **15. REPORTS TO LEGISLATIVE BODY**

At the next regular City Council meeting or regular meeting of the respective legislative body following the incurring of the expense, each official shall briefly report to their respective legislative body on the meeting(s) attended at the City/Agency/Authority expense. If multiple officials attended, a joint report may be made. Meetings shall have the meaning as defined in Government Code section 53232.

## **16. COMPLIANCE WITH THE LAWS**

Officials, appointees and employees should recognize that some expenditures may be subject to reporting under the Political Reform Act and/or other laws or may be prohibited altogether. All City/Agency/Authority expenditures are public records subject to disclosure under the Public Records Act.



## **17. ETHICS TRAINING**

Pursuant to applicable state law, City/Agency/Authority officials, as well as members of any body of the City that is subject to the provisions of the Ralph M. Brown Act (“Open Meeting Law”), Council/Agency/Authority appointees and employees subject to the reporting requirements of the Political Reform Act and the City of Cerritos/Cerritos Redevelopment Agency/Cerritos Public Financing Authority Conflict of Interest Code, who receive stipends or reimbursement for actual and necessary expenses incurred, shall be required to attend and must complete a certified curriculum in ethics training at least once every two years, (or as frequently as the law may subsequently be amended to provide.) Such individuals shall submit copies of their certification to the City Clerk within thirty (30) days of completion of the curriculum. Records showing proof of completion of ethics training in compliance with AB 1234 shall be filed and maintained in the City Clerk's Office and have a retention period of at least five years. Failure to file a record showing proof of completion of ethics training with the City Clerk as outlined above will result in a fine of \$10 per day up to \$100.

## **18. VIOLATION OF THIS POLICY**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- a. Loss of reimbursement privileges;
- b. A demand for restitution to the City/Agency/Authority;
- c. The City reporting the expenses as income to county, state and/or federal authorities;
- d. Civil penalties of up to \$1,000 per day and three times the value of the resources used;
- e. Prosecution for misuse of public resources;
- f. Disciplinary action, up to and including termination, dependent upon severity and frequency.
- g. A fine of \$10 per day up to \$100 will be assessed for failure to file with the City Clerk an ethics training record showing proof of completion of an ethics training course in compliance with AB 1234.

## **19. ENFORCEMENT AUTHORITY**

It shall be the duty and responsibility of the City Council/Redevelopment Agency/Financing Authority to enforce the provisions of this policy as respects officials and appointees. It shall be the duty and responsibility of the City Manager/Executive Director to enforce the provisions of this policy as respects employees.



**Credit Card Policy\***  
CITY OF CERRITOS  
PROCUREMENT CARD USER AGREEMENT

The City of Cerritos is pleased to present you with this Procurement Card. It represents the trust in you and your empowerment as a responsible agent to safeguard and protect City assets.

I, \_\_\_\_\_, hereby acknowledge receipt of the City of Cerritos Procurement Card Number \_\_\_\_\_.

As a cardholder, I agree to comply with the terms and conditions of this agreement and the Procurement Card procedures. I acknowledge receipt of said agreement and confirm that I have read and understand the terms and conditions. I understand that the City of Cerritos is liable to U.S. Bank and Visa for all City of Cerritos charges.

I agree to use this card for City of Cerritos approved purchased only and agree not to exceed the policy limits, such as the limits detailed in the City's travel and meeting policy (attached). Additionally I understand I cannot use this card to make personal purchases. Charges which exceed this policy will be the responsibility of the card holder and deducted from the employee's paycheck.

Also, when the City credit card is used for travel related purposes the user must complete the City's Travel Expense Report form within 30 days following the dates of travel.

I acknowledge that I am the only person that may use this procurement card and will not give my card or its number to any other person for procurement use. I understand that improper use of this card may result in disciplinary action and loss of my procurement card privilege. Furthermore, fraudulent use of this procurement card will result in disciplinary action up to and including termination.

I understand that the City of Cerritos may terminate my right to use this card at any time for any reason. If my card is lost, I agree to notify Support Services Division immediately. Additionally, I agree to return this card to the City of Cerritos immediately upon request, change of job position, or upon separation of employment.

Cardholder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Division: \_\_\_\_\_

Distribution: Original to Cardholder Personnel File  
Copies to Support Services and Cardholder

Revised: 06/14/2010

**\*FORMS MUST BE ISSUED DIRECTLY FROM THE CITY OF CERRITOS.**

**\*\*REQUEST FOR PROCUREMENT CARD MUST BE ISSUED DIRECTLY FROM THE CITY OF CERRITOS**



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

By Judge Dave Rosenberg

## About the Author

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

## Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of *Rosenberg's Rules of Order*. What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

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

- 1. Rules should establish order.**

The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.



**2. Rules should be clear.**

Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.

**3. Rules should be user friendly.**

That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.

**4. Rules should enforce the will of the majority while protecting the rights of the minority.**

The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### **Establishing a Quorum**

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

### **The Role of the Chair**

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself. Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.



## **The Basic Format for an Agenda Item Discussion**

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

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

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

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

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

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

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

*Seventh*, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

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

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



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

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

## **Motions in General**

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus. Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...” A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

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

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

## **The Three Basic Motions**

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

1. **The basic motion**. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend**. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
3. **The substitute motion**. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”



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

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

### **Multiple Motions Before the Body**

There can be up to three motions on the floor at the same time.

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

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

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

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





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

### **To Debate or Not to Debate**

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

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

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

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

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

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

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

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



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

## Majority and Super Majority Votes

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

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

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

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

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

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

## Counting Votes

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

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



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

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes. In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.” Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

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

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



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

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

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

### **The Motion to Reconsider**

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

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

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

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

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



## Courtesy and Decorum

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

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude. Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

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

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

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

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

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

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



## **Special Notes About Public Input**

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

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

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

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

