

**2022**

**COMMISSION & COMMITTEE**

**HANDBOOK**



City Clerk's Office  
City of Palos Verdes Estates  
340 Palos Verdes Dr. West  
Palos Verdes Estates, CA 90274  
Phone: (310) 378-0383  
Web site: [www.pvestates.org](http://www.pvestates.org)

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• Principles of Local Government Public Engagement see: <a href="https://www.ca-ilg.org/sites/main/files/file-attachments/principles_of_local_government_public_engagement_kp_6.pdf">https://www.ca-ilg.org/sites/main/files/file-attachments/principles_of_local_government_public_engagement_kp_6.pdf</a>	
• ABCs of Open Government Laws see: <a href="https://www.ca-ilg.org/sites/main/files/file-attachments/abcs.pdf?1485796214">https://www.ca-ilg.org/sites/main/files/file-attachments/abcs.pdf?1485796214</a>	

- Everyday Ethics for Local Officials: the Ethics of Speaking One's Mind see: [https://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_Everyday\\_Ethics\\_June08\\_0.pdf?1436996216](https://www.ca-ilg.org/sites/main/files/file-attachments/resources_Everyday_Ethics_June08_0.pdf?1436996216)
- Tips for Promoting Civility in Public Meetings see: [https://www.ca-ilg.org/sites/main/files/file-attachments/tips\\_for\\_promoting\\_civility\\_in\\_public\\_meetings\\_2.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/tips_for_promoting_civility_in_public_meetings_2.pdf)
- Working Together to Achieve One's Goals: Some Strategies for Success see: [https://www.ca-ilg.org/sites/main/files/file-attachments/working\\_together\\_may\\_2012\\_ht\\_updated.pdf?1446510619](https://www.ca-ilg.org/sites/main/files/file-attachments/working_together_may_2012_ht_updated.pdf?1446510619)

**COMMISSION/COMMITTEE ORIENTATION HANDBOOK**

First and Foremost, congratulations and welcome to the City of Palos Verdes Estates! We understand that the recruitment process has been long, tedious and overwhelming. However, we'd like to make things a bit easier. So, we're providing you with this neat New Employee Orientation Handbook which has been created to help you familiarize yourself with the general organization of the City of Palos Verdes Estates' government. Enclosed in the handbook, you will also receive policies and procedures, benefits, lots of reading materials and additional information that is useful to get you easily acquainted with the City.

Your handbook shall serve as an introduction to the City of Palos Verdes Estates. Again welcome to the PVE team!

## **MISSION AND VISION STATEMENT**

### **Mission Statement**

Guided by the highest principles of public policy and law, our mission is to provide exemplary service to the Community, City Council and our fellow Employees with a commitment to integrity, efficiency, professionalism and cooperation.

### **Vision Statement**

To achieve the highest quality of life in Palos Verdes Estates by honoring the principles of our City's founders, while adapting to future needs and challenges.

### **Values**

As employees of the City of Palos Verdes Estates, we are proud of our organization and the community we serve. As City employees, we value:

- Honesty and Integrity
- Respect for Those We Serve and Each Other
- Teamwork
- Exceptional and Responsive Service
- Effective Communication
- A Safe Community and Work Environment
- Responsible Use of Resources - Natural, Fiscal, Human

## **HISTORY OF PALOS VERDES ESTATES**

Palos Verdes Estates was incorporated in 1939 and is the oldest of the four cities on the Palos Verdes Peninsula. The Palos Verdes Peninsula, which became known as Rancho de los Palos Verdes was part of a land grant deeded to Don Delores Sepulveda in 1822 in return for his support of the Mexican Revolution. In 1882, the land was deeded to Jotham Bixby who brought farming to the Peninsula. The Bixby family sold the land to Frank Vanderlip, Sr., a New York City Financier, in 1913. Vanderlip envisioned a master planned residential community by the sea, and by the early 1920's construction of homes had begun. In 1923, the Palos Verdes Homes Association was established to maintain the natural rural beauty of the City, as well as supervise land development.

The new community was laid out and landscaped by the famous Olmsted Brothers, sons of Frederick Law Olmsted, Sr., who designed Central Park in New York City.

Palos Verdes Estates has a population of 13,099 residents. It is 4.75 square miles with 4.5 linear miles of coastline. There are 849 acres of City parkland, which is 28% of the City's land.

### *Neptune Fountain*

The City's logo is a two-thirds scale replica of a bronze statue and fountain erected in Bologna, Italy in 1563 donated to Palos Verdes Estates in 1930 by the Palos Verdes Project. This beautiful landmark, Neptune Fountain, is located in Malaga Cove Plaza. The statue is thought to have been over 100 years old before it was brought to the City and was obtained from a villa courtyard outside Venice.

## **ORGANIZATION OF PALOS VERDES ESTATES GOVERNMENT**

Palos Verdes Estates is a "General Law City" operating under authority defined in state laws. The legislative power of the City is vested in the City Council. The Council consists of five residents of the City who are elected at large by the registered voters of Palos Verdes Estates. Each year, one member of the Council is selected to serve as Mayor and one as Mayor Pro Tempore. Through its powers to pass ordinances, levy taxes, award contracts, and appoint certain city officers, committees, and commissions, the Council directs the course of City government and sets City policy. The Mayor signs official documents, chairs Council meetings and acts as the official representative of the City on public and ceremonial occasions. The City Council meets the second and fourth Tuesday of each month in the City Council Chambers.

### **SECTION 2: CITY COUNCIL & ROLE OF THE CITY COUNCIL**



Mayor Victoria A. Lozzi is serving her first term on the City Council. Previously she served as City Treasurer from March 2017 through March 2019. She has served for the past three years on the Board of the Palos Verdes Chapter of National Charity League, Inc., and prior to that on the Board of the California Alumni Association at UC Berkeley. She filled the finance role for both organizations.

Councilmember Lozzi and her husband, Nick, have lived in Palos Verdes Estates for eight years. They have four children, three of whom are away at college, and one is a senior at Palos Verdes High School. Councilmember Lozzi graduated from UC Berkeley, and has been a corporate banker for over 28 years. She specializes in helping organizations finance projects, implement efficient banking operations and manage investment assets. Councilmember Lozzi hopes her fresh perspective and strategic approach to City finance will help to make Palos Verdes Estates the most efficient organization it can be, while instilling a culture of fiscal discipline.



Mayor Pro Tem Roos graduated in 1999 from Southern Methodist University with a bachelor's degree in Computer Science and later returned to earn an MBA from SMU's Cox School of Business where he was recognized as a Cox Distinguished Scholar. He has held numerous Leadership roles over the course of his professional career at both tech startups and major technology companies including Microsoft, Symantec, and Broadcom.

Mayor Pro Tem Roos and his husband Carlos moved to Palos Verdes Estates in 2014. They live in Lunada Bay neighborhood with their two school-age children. Mayor Pro Tem Roos believes that all residents expect the same things from local government: they expect our leaders to ensure public safety and preserve the character of our City while remaining fiscally responsible. He puts that philosophy to work as a member of our City Council.



Council Member Murdock has worked extensively with executive teams to develop strategic plans, improve business operations, and implement performance measurement programs. She brings strong fiscal acumen, problem solving, and collaboration skills to the Council. She is a strong advocate of being data-driven, improving transparency, and soliciting input from all stakeholder groups.

Council Member Murdock has been a resident of PVE for over 22 years with her husband Bob and their four children – a recent graduate from UC Berkeley, a junior at UCLA, and twins in 8<sup>th</sup> grade at PVIS. In addition to a B.S. in Chemical engineering from Stanford University, she has earned an MBA from the Anderson School at UCLA. With over 17 years in strategy and business operations consulting at Accenture and elsewhere, she specializes in the healthcare industry.



Council Member David A. McGowan is serving his first term on the City Council. Previously he served on the Finance Advisory Committee for our City. He is or has been actively involved in numerous civic and/or professional organizations including the Los Angeles Parks Foundation (Founding Board Member, Treasurer), the Southern California Committee for Olympic Games (Board Member, Chief Financial Officer), Los Angeles Sports Council (Board Member), President of two Home Owners Associations, Chapter President of Financial Executives Institute as well as having served on the Board of two Health Care organizations.

Council Member McGowan brings 50 years of professional and executive expertise to our Council. He currently owns Lunada Bay Associates, LLC, a specialized consulting firm working with the legal community, corporations and governmental entities. MPT McGowan is a retired partner with the international accounting firm, PricewaterhouseCoopers LLP (PwC) where he directed teams that performed financial analysis in major complex dispute and litigation matters. He is frequently requested to provide expert witness testimony in Federal, State, and Municipal Courts as well as before governmental bodies. His expertise has been called upon to perform internal investigations, contract disputes, damage analytics, construction disputes and pension matters involving both corporations and governmental entities. Prior to joining PwC, he held executive positions with Medtronic Inc, Norwest Corporation (currently Wells Fargo) and First Bank System (currently U.S. Bank Corporation). He began his career with Peat Marwick & Mitchell (currently KPMG). MPT McGowan earned his undergraduate degree from the University of Denver and his master's degree from the Kellogg School of Management at Northwestern

University. His professional certifications include: retired Certified Public Accountant (CPA,) Certificate of Management Accounting (CMA) and he is a retired Certified Fraud Examiner (CFE). MPT McGowan and his wife Lynn have been residents of PVE since 1995. They are a diverse family with four grown sons and five grandchildren living in four different states.

He's a strong advocate for safety and security while being concerned about maintaining the quality of life in PVE. His skills will provide the necessary financial integrity, acumen, transparency and leadership.



Council Member Michael Kemps is serving his first term on City Council following the March 5, 2019 General Election. He has lived in Palos Verdes Estates for most of his adult life. He grew up on the Palos Verdes Peninsula and graduated from local schools (Soleado Elementary, Malaga Cove Intermediate, and Rolling Hills High School). As a teenager, Council Member Kemps implemented and supported Amateur Radio repeater systems on the Peninsula. He volunteered and supported disaster preparedness operations and communications for anticipated local and state-wide events.

After achieving numerous top-tier technology certifications, Council Member Kemps founded Innovative Computing Systems, Inc. in 1989 and serves as its Chief Executive Officer. The firm provides technology services primarily for the legal profession. Today, he cultivates relationships with clients and partners and provides oversight of company operations with his leadership team. Council Member Kemps is involved in the International Legal Technology Association (ILTA), the Association of Legal Administrators (ALA), and several non-profit organizations. His technology insights have been widely published. Council Member Kemps served on the Advisory Board of Premier Bank of Palos Verdes and was a founding member of the Bank prior to its acquisition. Council Member Kemps is also an instrument-rated private pilot.

Council Member Kemps and his wife of 23 years, Gemma, have three children who grew up in Palos Verdes Estates. He believes that our City is an ecological jewel. His areas of focus are fiscal responsibility, transparency, and the preservation of our City's unique character. Council Member Kemps encourages resident engagement and collaboration as our City celebrates a period of rebirth.

The day-to-day affairs of the government are directed by the City Manager and administered by the heads of the various City departments.

**City Manager:** The City Manager, appointed by the City Council, is the chief administrative officer of the City. It is the City Manager's responsibility to manage, direct, and coordinate the municipal services and business affairs of the City. The City Manager is responsible for the enforcement (by the appropriate officers) of all ordinances passed by the City Council. To keep the Council apprised of the needs of the City, the City Manager makes or initiates studies of a multitude of issues and presents to the City Council solutions and recommendations. The City Manager is responsible for the overall preparation and presentation of the annual City budget. The City Manager coordinates the City's working relationship with local, regional, State, and Federal public agencies on issues and problems facing the City and serves as the prime liaison between City administration, community groups and citizens.



**City Clerk:** The City Clerk's primary function is record-keeping. Among such records are City ordinances, resolutions, minutes of City Council meetings, deeds, easements, and contracts. The City Manager as the City Clerk maintains the Municipal Code and City seal, issues all legally required public notices, prepares the City Council agendas, conducts Municipal elections, issues the oath of office to all appointed and elected officers of the City, and administers the Fair Political Practices Act.

**City Treasurer:** The City Treasurer is an elected official, who as the custodian or banker of the City funds, must keep exact records of all receipts. The Treasurer is responsible for the management and issuance of all securities, bonds, or notes authorized by the City, and for the proper payment of principal and interest as they come due to the holders.

**City Attorney:** The City Attorney's responsibilities are to furnish advice to the Council, City Commissions, and City officers regarding legal aspects of all City business, including approving bonds, and contracts, and drafting ordinances and other legal documents; and to represent the City in litigation to which the City is a party or in which it has an interest.

**Community Support Services Department:** The Community Support Services Department oversees the Finance, accounting and financial control functions of the City, and information technology, including assisting the City Manager in the preparation of the annual budget. The Finance is responsible for accounting for all revenues and expenditures, preparing State and Federal reports as well as internal financial reports to the City Council and staff. The preparation of payroll and vendor checks and the administration of employees' retirement benefit programs are Finance Department responsibilities.

**Police Department:** The three operational areas of the Police Department, Administrative, Investigation, and Operations, are under the direction of the Police Chief. The men and women of the Police Department work together as a coordinated team. They enforce laws and ordinances concerned with the security of life and property of Palos Verdes Estates' citizens. A 24-hour-a-day service is rendered to deter and prevent crime, apprehend criminals, regulate traffic, assist in the event of a disaster, and provide information and service to the general public. The Department also handles such ancillary functions as Animal Control, Crossing Guards, PVE-CARES, Disaster Preparedness and the Disaster District Program, Neighborhood Watch and School Liaison.

**Community Development Department:** The Community Development Director oversees the Planning and building Division of the Department.

**Planning Division:** The Planning Department, under the supervision of the Planning/Building Director, manages the implementation of the land use and development policies of the City, handles

the administration of the zoning and environmental regulations, manages the long range planning projects including all elements of the City’s General Plan. The City Planning staff provides public information, administers the Neighborhood Compatibility ordinance, processes conditional use permits, and variance applications. The department provides staff support to the Planning Commission and the City Council.

**Building Division:** The Building Department issues permits for all construction projects in the City and inspects all such projects. Building Inspectors contracted with the City through HR Green inspect all construction projects.

**Public Works Department: The Public Works Director** oversees all Public Works projects and Engineering, as well as streets and parklands.

**Public Works and Engineering:** Public Works and Engineering is responsible for all Capital Improvement Projects, sewer and wastewater as well trash collection and recycling.

**Streets:** The Streets Division of Public Works repairs and maintains streets and alleys, including curbs, sidewalks, bridges, guardrails, drainage structures, traffic and street signs, and street markings. Activities include asphalt and concrete repairs, sealing and filling of potholes, slurry sealing, the replacement of worn signs and the painting and striping of street lanes.

**Parklands:** The Parklands Division of Public Works is responsible for the maintenance of the City's 512 acres of parklands and shoreline preserve, approximately 14,000 trees and the City Fountains. The Division is responsible for the landscaping and maintenance of street dividers and strips, tree trimming and maintenance in parklands and City rights-of-way.

**Fire:** The City contracts with the Los Angeles County Fire Department for fire and paramedic services.

### ***Commissions and Committees***

**The Planning Commission** is an advisory body to the City Council. The Commission is comprised of residents appointed by the Mayor and confirmed by the City Council. The Planning Commission reviews and makes recommendations to the City Council regarding new construction projects, zoning changes, grading and neighborhood compatibility applications, utility projects, street tree changes and right-of-way encroachments in the City. Regular Planning Commission meetings are held on the third Tuesday of each month in the City Hall Council Chambers.

**The Parklands Committee** is an advisory body to the City Council. The Committee meets at City Hall on the second Monday of every month. The Parklands Committee has knowledge of local

plants and trees, and an appreciation of the City’s parklands and rights-of-way plantings. The Committee advises residents concerning designated street trees, tree management procedures, and right-of-way planting.

**Traffic Safety Committee** suggests the best means for coordinating and administering traffic regulations, assists in the publication of traffic reports, addresses concerns having to do with traffic matters, and recommends the best means of improving traffic conditions.

Ad hoc committees are appointed as the need arises.

## **SECTION 1** **INTRODUCTION TO THE ORGANIZATION**

### **Role of Local Government**

Cities exist to locally and directly provide for the needs of residents and the business community, provide local control and leadership over the community, locally determine the vision and destiny of the community, and maintain the community's character through local laws.

Generally, cities provide basic services not available from the private sector, best provided locally or not provided by other levels of government including, for example, services such as law enforcement, traffic control, and recreation and refuse collection. Cities also exercise their constitutional police powers and statutory authority to enact laws that regulate activities and develop, maintain, and protect the community character. Such regulatory authority is embodied in zoning and building codes as well as other municipal ordinances that address public safety, animal control, etc. In contrast, cities rely on County government to, for example, coordinate and handle regional services such as public health, public assistance / welfare, and regional transportation.

The City of Palos Verdes Estates is a "general law" city. This means that the City's powers are limited to the authority granted to it by the State Legislature and California Constitution. As a general law city, Palos Verdes Estates provides services to the public mandated by and under the provisions of State of California statutes.

### **PVE History and Characteristics**

The City of Palos Verdes Estates, incorporated December 20, 1939, is the oldest of the four cities on the Palos Verdes Peninsula. In 1913, New York financier Frank A. Vanderlip, Sr. purchased the land from the Bixby family with the idea of building a residential community. The new community was laid out and landscaped by the famous Olmsted Brothers, sons of Frederick Law Olmsted, Sr., who designed Central Park in New York City. Gently winding roadways, green hillsides, paths, stands of eucalyptus, pepper, and coral trees were established, and a full 28% of the land area was dedicated to be permanent open space. This early planning and dedication of parklands gives the City its unique rural character and has resulted in its international reputation for scenic beauty. In 1923, deed restrictions were imposed, when the Bank of America, as trustee for Vanderlip's Palos Verdes Project, drafted a trust indenture and outlined provisions for development. The area was then unincorporated and governed by the Palos Verdes Homes Association, which was liable for taxes on all parkland. After the economic crash in 1929, the Association owed taxes to Los Angeles County and residents. Concerned that the parklands might be sold for payment, in 1939 the Homes Association voted for City incorporation. In 1940, the parklands were deeded by the Homes Association to the new City.

Over the years, the City's governance has been guided by the vision of the original founders with an emphasis on preserving, protecting and enhancing the quality of life and natural assets that make Palos Verdes Estates unique.

**Statistical information<sup>1</sup> :**

<b>Incorporation</b>	<b>December 20, 1939</b>
<b>Square Miles</b>	4.79 miles
<b>Miles of Paved Streets</b>	87.9 miles
<b>Miles of Coastline</b>	4.5 miles
<b>Population (2017)</b>	13,012
<b>Median Age of Residents</b>	50.9 years
<b>Residents Educational Attainment</b>	72.5% bachelors or higher
<b>Median Household Income</b>	\$197,826
<b>Median Value of Owner-Occupied Homes</b>	\$1,935,000
<b>Open Space Parkland Acres</b>	382 acres
<b>Shoreline Preserve</b>	130 acres
<b>Equestrian Trail</b>	3 mile length

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<sup>1</sup> Source: City-data.com and U.S. Census



## **CITY DEPARTMENTS AND THEIR FUNCTIONS**

### **City Manager's Office – City Manager, Mark Prestwich**

The City manager serves as the City's Chief Administrative Officer ensuring that the policies of the City Council are executed effectively and efficiently; he is appointed by the City Council. He is responsible for recruiting and appointing senior staff members, preparing and monitoring the City budget, analyzing policies, and making recommendations to the City Council. The City manager is the Personnel Officer and responsible for personnel management and administration and oversees purchasing. The City Manager may delegate these duties to other staff members, but retains overall responsibility for them.

- **City Clerk, Kylvynn Chaney**

The City Clerk maintains all official City records including, the City Council Minutes, Ordinances, Resolutions, Contracts, Deeds. She is the Custodian of Records for the City. The City Clerk prepares City Council agendas and minutes, assembles agenda packets, and posts and publishes the agenda and all legal notices. The City Clerk maintains the Municipal Code and City Seal. The Clerk administers Municipal Elections, handles public records, and assists the City Manager with special projects.

### **City Support Services Department – Stephen Hannah, Director**

City Support Services Department, supervised by the City Support Services Department, operates and maintains the City's accounting and internal auditing systems, and collects and disburses City funds. City Support Services Director prepares the draft annual budget for submittal to City Council, and acts as purchasing agent. The City Support Services Director also serves as the City's Information Technology Manager.

- **Human Resources – Jinu Thomas, HR Administrative Analyst**

The HR Analyst, is responsible for Human Resources and Risk Management. The HR Analyst processes recruitment and onboarding of new employees, maintaining all personnel files and personnel action forms. The HR Analyst prepares salary surveys and participates in labor negotiations. She updates city policies and Personnel Rules and Regulations. The HR Analyst is responsible for administering Workers Compensation and Claims filed against the City.

### **City Attorney - Trevor Rusin (Interim)**

The City Attorney is retained by the City on a part-time basis to advise the City Council, City Manager, Staff, Committees and Commissions on matters of law as they relate to City activities. He represents the City in litigation and drafts and/or reviews ordinances, resolutions, contracts, agreements, and other legal matters.

## **PUBLIC WORKS DEPARTMENT – ANASTASIA SEIMS, DIRECTOR**

Streets and Parks and Engineering are functions of the City's Public Works Department. HR Green, an engineering consulting firm under contract to the City, manages these functions under the supervision of the Public Works Director. The department plans and supervises all Capital Improvement projects related to streets and other City property. The Public Works Department also supervises the Parklands and Plaza maintenance, street sweeping, tree trimming, street resurfacing and storm drain maintenance and trash hauling.

## **COMMUNITY DEVELOPMENT DEPARTMENT – SHERYL BRADY, ACTING DIRECTOR**

The Community Development Department oversees zoning, the City's General Plan, and Housing Element, Building, and Code Enforcement. The Community Development Department processes Conditional Use Permits, Grading Permits and Neighborhood Compatibility Applications. The Building Department services are provided by contract with HR Green. The department Issues permits for all construction projects in the City and inspects all projects; it is responsible for implementation of Building Codes also under the supervision and direction of the Community Development Director.

## **POLICE DEPARTMENT – POLICE CHIEF TONY BEST**

Palos Verdes Estates is the only City on the Peninsula with its own Police Department. The Department enforces all local, state and federal laws, including criminal and traffic. The functions of the police department are separated into three divisions: Operations, Investigations-Administration, and Services. The Department provides emergency response as well as thorough follow-up on all police related incidents. Incarceration is contracted with the Redondo Beach Police Department jail facilities. The Police Department provides several auxiliary services including education programs, community relations, which includes Neighborhood Watch and PV CARES program.

### **Staff's Service Philosophy**

In 2012, City staff developed the following:

#### *Mission Statement*

Guided by the highest principles of public policy and law, our mission is to provide exemplary services to the Community, City Council and our fellow Employees with a commitment to integrity, efficiency, professionalism and cooperation.

#### *Vision Statement*

To achieve the highest quality of life in Palos Verdes Estates by honoring the principles of our City's founders, while adapting to future needs and challenges.

#### *Values*

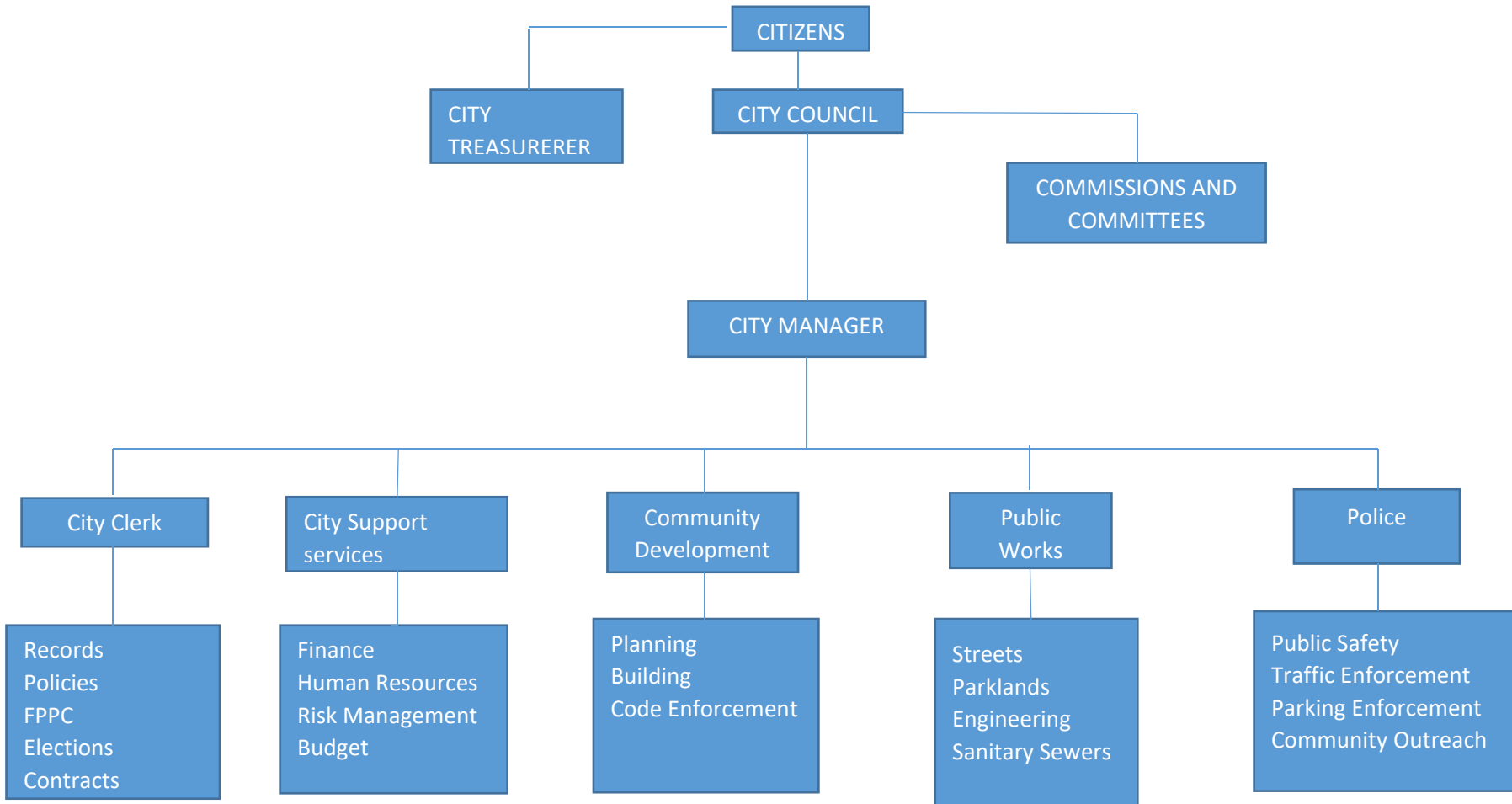
As City of Palos Verdes Estates employees, we are proud of our organization and the community we serve  
As City employees, we value:

- Honesty and Integrity
- Respect for Those We Serve and Each Other
- Teamwork
- Exceptional and Responsive Service
- Effective Communication
- A Safe Community and Work Environment
- Responsible Use of Resources – Natural, Fiscal and Human



# City of Palos Verdes Estates

## ORGANIZATION CHART



## GENERAL INFORMATION PERTAINING TO SERVING ON A COMMITTEE

1. Committee members must participate in State-mandated AB 1234 training every two years. Training is available on line at <http://localethics.fppc.ca.gov/login.aspx>. Periodically, the City Attorney or neighboring jurisdictions provide training for elected officials. As those opportunities present themselves, Committee members will be informed.
2. It is recommended that Committee members register for electronic notification of City events and activities to be aware of information.
  - a. For City news blasts, please visit <http://www.pvestates.org/how-do-i/sign-up-for-e-notifications> to register for notices.
  - b. "Nixle" is a listserve for police and traffic announcements; please register at [www.Nixle.com](http://www.Nixle.com).
  - c. "Pulse Point" provides notice of fire and paramedic calls. Registration and notice occurs through an "app" on your cell phone.
3. Committee mail that is not pertaining to an agenda is delivered to the Committee member at the Committee meeting. On occasion, the mail may be delivered to the Committee member's residence on the last day of the business week after 5:00 p.m. by the Police Department or if there is a public safety call that precludes the scheduled delivery, the material will be delivered around 8:00 a.m. the following morning.
4. Some Committees, based on the frequency of meetings and the volume of material have iPads for members that are preloaded with software (iLegislate) to access each Agenda. The iPads are used by Committee members during meetings to follow the agenda. The City Clerk will arrange for delivery and training.
5. Any/all written material (e.g., proposed building plans, late correspondence) provided for Committee meetings is maintained on file at the City, so it is also not necessary for members of the Committee to keep copies of documents.
6. Committee members will be provided business cards, and a key card for rear entry into City Hall during non-business hours for meetings. In addition, a name plate will be prepared for the Committee member's seat on the dais. Furthermore, all Committee members' names are posted on the City website.
7. Committee members are generally prohibited from voting on applications or matters before the Committee that constitute a conflict of interest (e.g., for properties within a 500 foot radius of the Committee member's property(-ies). Committee members are also requested to recuse themselves from participating on any matters pertaining to a City concession if he/she is a member of the club.

8. Regarding mail:

- a. Email for the Committee member is received by the City and will be provided to the Committee member(s).
- b. U.S. mail received by the City will be opened, as such mail is public record, pertains to City business, and the writer is typically writing the Committee. Information that is deemed relevant to the entire Committee will be copied and shared among all. The Committee's staff representative will respond to letters with the Chair person's concurrence.

Emails or mail received individually by a Committee member pertaining to City business can be forwarded to the staff representative for a response on behalf of the City.

9. The staff representative will send emails to the Committee members to keep them informed of matters as necessary. Staff's protocol is to blind copy the City Council and write "BCC" on the bottom of the email. This is to preclude an accidental "reply to all" and thus cause a potential Brown Act violation.
10. The staff representative's role is to ensure and provide Committee members with the same information to make informed decisions and to be equally aware of matters that arise. Within the confines of the Brown Act, the staff representative's role is that of a facilitator and conduit of information in support of the Committee in doing the City's business. The staff representative is also a resource of information if there are questions. Prior to each Committee meeting, it is very helpful to staff to know Committee member's questions or concerns on the subject matter(s) so staff can be prepared to address them in advance of, or at, the meeting. Questions and information deemed of potential interest to all will be shared with the full Committee.
11. Committee members are encouraged to conduct the City's business (e.g., meetings with residents) at City Hall and with a staff person present. This is for the Committee member's benefit. A staff resource is often helpful for addressing the topic and/or appropriate follow-up. Please advise the staff representative of such meetings that are scheduled.
12. As a Committee member, it is a regular occurrence to receive concerns or complaints about the City. As an initial response, it is recommended that the Committee member encourage the individual to contact the appropriate City staff person who will either respond directly to the concern, or refer the matter to the City Manager who will either respond directly or address the issue with the City Council.

13. Historically, the Palos Verdes Estates City Council focuses only on matters that directly relate to providing municipal services to its residents. As such, the City Council has not extended itself into County, State and Federal issues that do not affect the delivery of services to residents.
14. The Committee members and staff representative work most effectively together when they understand one another and communicate effectively. To develop and build teamwork, it is typical for a Committee Chair person and the staff representative to meet regularly to review agendas and topics related to the Committee. As schedules permit, the Vice Chair is included in these meetings.
15. Throughout the year, there are a variety of times when it is necessary or valuable for the Committee to meet with the City Council to discuss priorities, process and direction. The staff representative will facilitate the scheduling of such meetings. Typically, they will be calendared for one-time a year.
16. A Committee may create an Ad Hoc Committee for a one-time purpose. It is not encouraged on a routine basis as it may result in working outside the public view, and it may add to the staffing needs of the Committee.

## **ROLE OF THE COMMISSION AND COMMITTEES**

### **Role of the City Council**

Members of the City Council wear several “hats” in the performance of their duties. The City Council’s primary role is to provide legislative and policy direction on municipal matters, and through the annual budget process and Investment Policies, approve the allocation and use of municipal resources. As community leaders, members of the City Council also serve as ambassadors for the community and “eyes and ears” for matters of public interest. In a disaster, the City Council serves in the role of policy advisers to the Emergency Management Director. And, the City Council, through its connection to local, regional and State organizations, protects and promotes municipal interests. The City Council retains a professional City Manager to implement its direction and decisions; the City Manager is the City Council’s “Chief Executive Officer” to whom all City staff report. In its capacity as a “Board of Directors,” the City Council directs the City Manager, not staff within the organization. The City Council also retains a City Attorney to advise the City Council on legal matters and provide legal representation.

The City Council’s business is conducted in public under the rules established by the Ralph M. Brown Act (Brown Act), under the guidance of AB 1234, and following both the Municipal Code and the City Council’s self-established policies and procedures. City Council members are required to participate in AB1234 (ethics) training every two years. For public accountability in relation to conducting the public’s business, City Council members are annually required to submit a Statement of Economic Interest form (Form 700) to the Fair Political Practices Commission (FPPC).

The City Council holds two regular meetings each month on the second and fourth Tuesday at 7:30 p.m. to conduct its business (with the exception of the first meeting in January that is held on the second Wednesday). In addition, Special Meetings, Joint Meetings and Adjourned Meetings are scheduled as needed. All meetings, with the exception of “Closed Sessions” that are held for specific purposes according to State law, are noticed and open to the public. Notice of regular meetings and the agenda materials are available 72 hours in advance of the meetings and are posted at City Hall, Malaga Cove Library, PV Golf Club and City website.

### **Role of the Commission & Committees**

The City’s Commission and Committees meet independent of the City Council to develop decisions, conclusions and recommendations without Council and Council member influence that may prejudice or affect subsequent City Council consideration of the Commission/Committee action.

Recognizing that Commission and Committee member’s terms are staggered, the City Council meets annually at a specifically scheduled meeting, generally in May, to publically interview incumbent and new applicants for each Commission and Committee. Appointment decisions are made by agreement among the full Council.

## Planning Commission

Planning Commissioners are volunteer positions that are appointed by the City Council and serve two-year overlapping terms. Commissioners are required to comply with the FPPC requirement to annually submit a Statement of Economic Interest form (Form 700). The Commission reviews and makes decisions on most construction projects, zoning changes, grading and neighborhood compatibility applications, utility projects and right-of-way encroachments in the City. Staff support of the commission is provided by and under the leadership of the Community Development Director. The Planning Commission meets on the third Tuesday of each month at 5:00 p.m. in the council chambers at City Hall. Once a year the City Council, Planning Commission and Palos Verdes Homes Association (PVHA) meet together for the purpose of facilitating issues with the coordination of the plan review process. The Planning Commission also partners with the PVHA if an update is made to the City's General Plan.



## Parklands Committee

The Parklands Committee is an advisory body to the City Council Members. Committee members are volunteers appointed by the Council to two-year overlapping terms. The Committee has knowledge of local plants and trees and an appreciation of the City's Parklands and rights-of-way plantings. The Committee advises residents concerning designated street trees, tree management procedures, and right-of-way planting. It reviews and makes recommendations on homeowner proposals for right-of-way and parkland planting, and tree pruning, removals and maintenance. It administers the Tree Management Policy - a process whereby residents may request the removal or reduction of public trees, primarily for view enhancement. Staff support of the commission is provided with support from the City's Urban forester, under direction of the Public Works Director. The Parklands Committee meets on the second Thursday on alternating odd-numbered months at 6:30 p.m. in the council chambers at City Hall.



## Traffic Safety Committee

The Traffic Safety Committee is an advisory body to the City Council. Its volunteer members are appointed by the Mayor and Council to overlapping two-year terms. The Committee suggests the means for coordinating and administering traffic calming, assists in the publication of traffic reports, receives traffic matter complaints, and recommends the means of improving traffic conditions and the administration and enforcement of traffic regulations. Staff support of the



commission is provided by and under the leadership of the City's Traffic Engineer, a service provided by a consultant. The Traffic Safety Committee meets on the first Wednesday of alternating odd -numbered months at 6:30 p.m. in the council chambers at City Hall.

### **Investment Policy Advisory Committee**

The Investment Policy Advisory Committee, established in 2017, works with the City Treasurer to advise the City Council on policy matters associated with City investments. The Committee acts in an advisory capacity to the City Council in all matters of investments and banking, including all matters affecting policy and procedures related to investments and banking; initiates studies, evaluations and reviews of matters of investment and banking and report its findings and make recommendations to the City Council and city treasurer; and advises the city council and city treasurer on any issue or matter pending before the City Council or City Treasurer which relates to investment and banking matters and which is referred to the Investment Policy Advisory Committee by the City Council. The Investment Policy Advisory Committee consists of 4 individuals, the City Treasurer, two residents and the former City Treasurer as an ex-officio member, and meets on the third Tuesday following Fiscal Quarter end at 4:00 p.m. in the Council Chambers.

### **Finance Advisory Committee**

Established in 2018, the purpose of the Finance Advisory Committee is to provide input and recommendations to the City Council regarding budget reconciliation, including actual revenues and expenses at the departmental level; consult and work with staff in the preparation of long-range financial planning forecasts; and advise and assist the City Council on fiscal liability matters facing the city and other fiscal matters referred to the Finance Advisory Committee. The Finance Advisory Committee meets on the third Wednesday of even-numbered months at 6:00 p.m. The Committee consists of 5 residents and the City Treasurer as an ex-officio member.

### **Law Enforcement Services Special Tax Oversight Committee**

The Law Enforcement Citizen Advisory Committee is established, in accordance with voter approval of Measure E, to ensure that the parcel tax for funding the police Department is accurately and appropriately allocated to the Police Department. The Committee will meet twice a year concurrent with the City's receipt of parcel tax revenue and consists of five residents.

### **Other City Committees**

Residents of Palos Verdes Estates have a history of active involvement in the City and a strong commitment to volunteer community service. Accordingly, the City Council appoints interested and qualified residents to both standing and ad hoc committees as necessary from time to time. Each committee reviews matters under its purview and advises the Council. Interested residents who would like to serve on a committee may submit resumes to the City Clerk when there are openings. Openings are announced in the City Newsletter and through the City's noticing procedures and practices.

Ad hoc committees in past years have included the Technology Task Force, Financial Advisory, Fire and Paramedic Tax, Cable, Insurance, PVE 60th Celebration, and Roessler Pool Restoration (culminating in the Palos Verdes Beach & Athletic Club) Committees.



## **Information for Members of the Planning Commission, Parklands Committee and Traffic Safety Committee**

### **Requirements of the position:**

1. A Member must be a registered voter and resident of Palos Verdes Estates. City employees and relatives of City employees or elected officials will not be considered for appointment.
2. With the exception of the ability to read architectural and site plans and other documents and reference materials as appropriate for the particular Commission or Committee, no special skills, education or occupational experience is required.
3. A Member does not have an employment relationship with the City, and volunteers his or her services without compensation.
4. A Member serves at the pleasure of the City Council.
5. The identity of Members is public information and Members' names will be posted on the City's website.

### **Term of appointment:**

6. The term of a Member is two years. A Member can reapply for consideration by the Council for successive terms.

### **Time Commitment:**

7. Regular Commission/Committee meetings are held each month. In the event of a heavy agenda certain agenda items may be deferred to another meeting.
8. The meeting length is dependent on the number of applications being reviewed but typically is 2-4 hours.
9. Information related to the applications being reviewed at the meetings will be provided to each Member no later than the Friday evening before the meeting. After a review of the materials, a visit to the site of the application is recommended to fully understand the application. Preparation time varies among individuals but generally entails the equivalent of a full day to read and analyze the written materials and to visit the subject properties or street locales. Since the written materials are usually provided only a few days before the meeting, preparation is intensive.
10. The Member shall participate in any joint meeting with the City Council as requested.

### **Roles and Responsibilities:**

11. The Member shall attend each meeting unless excused, and shall participate in discussions related to the applications under review unless precluded from participation by a legal conflict.
12. The Member shall review thoroughly the materials provided by the City to become familiar and knowledgeable with each application. Questions on the materials may be discussed with City staff prior to the meeting.

13. Based on personal review of the materials provided, observations of the site of the project/request and the discussions during the Commission/Committee meeting, the Member will participate in the Commission/Committee deliberations as to the acceptability or denial of the application/request.

**Organization:**

14. The Commission/Committee is composed of five members of whom one member is the Chair, and one member, the Vice-Chair, as appointed by the Mayor with the concurrence of the Council. The Chair is responsible for facilitating the meeting. The Vice-Chair serves as Chair in the Chair's absence. All five members' votes are equally weighted.
15. Commission and Committee members receive no compensation or benefits for serving in the appointed position.
16. Individuals appointed to a Commission or Committee will only serve on one board at a time.
17. Elected officials (City Council members and Treasurer) do not serve on a Commission or Committee.

**Public Meetings and the Ralph M. Brown Act:**

18. State Law requires that all meetings of a City shall be open and public. All business of the Commission/Committee are to be held at an open and public meeting where proper notice is given to the public including an agenda that identifies the items to be discussed.
19. The City Attorney will provide Members with the requirements of the Brown Act and is a resource available to answer any questions regarding compliance. The City Attorney is available by cell phone and email over weekends, and the contact information will be provided.

**Ethics and Conflict of Interest Considerations:**

20. The City Attorney will provide information and guidelines for ethics laws and good practice for transparency and fairness in decision making. In the event a Member has any question regarding his or her ability to participate in a discussion or vote, the Member should consult with the City Attorney prior to that time.
21. Planning Commissioners are required to submit FPPC Statement of Economic Interests Form 700 disclosing financial interests.
22. Members shall recuse themselves from participation in any matter within 500 feet of their residence or property or if he/she has a material financial interest in the matter.
23. Should a Member determine that a legal conflict-of-interest or "perceived" conflict exists, with respect to the particular project/request under consideration, the Member shall publicly state the nature of the conflict and recuse himself or herself before any discussion ensues. Absent a legal disqualification (conflict of interest), it is expected that each Member will participate in making a decision on matters properly before the body.
24. Each Member shall participate in biannual ethics (AB 1234) training.
25. Members must comply with the City's "No Gift Policy" as updated by the City Council on February 10, 2015 as attached.

**Best Practices:**

26. In evaluating an application/request, the Member will participate in the deliberations including an evaluation of an application/request to determine if it meets the provisions of the City's General Plan, Zoning Ordinances, the Neighborhood Compatibility Ordinance, Tree Management Policy, Parklands Policy and other City requirements as appropriate to the Commission/Committee specific area of responsibility and as needed. City staff may present a technical analysis including a recommendation for approval or denial. Decisions will be made on the information presented as well as testimony by the applicant and other interested parties, and the Member's review of the materials and site visit.
27. A Member shall be familiar with the laws, policies, and guidelines relevant to the business of the Commission/Committee. City staff and City Attorney are a resource in this regard and may be consulted to answer any questions before the meeting.
28. A Member shall think independently, yet recognize the value of resolving differences with other Members to send well-reasoned and clear recommendations to the City Council.
29. When Members have differing opinions as to an application/request, the Members should explain and justify their respective positions. Members should strive for mutually agreeable compromise or consensus on applications/requests.
30. A vote, when called for, will be made on each and every matter before the Commission/Committee. A majority vote of the quorum will determine whether the application/request is accepted or denied.
31. A Member shall act in the spirit of the law where judgment and discretion are called for.
32. A Member shall treat the public with courtesy and respect, and listen to testimony and the information presented and the concerns expressed by each individual.
33. A Member shall act without personal motivation, bias or self-interest.
34. Recommendations for change or improvements in current policies and practices should be brought to the attention of the City staff person assigned to support the Commission/Committee, City Manager, or Mayor.

Received and reviewed:

\_\_\_\_\_

Name

\_\_\_\_\_

Date

### Role and Responsibilities of a Commission or Committee Member

- Commissioners and Committee members are encouraged to take an active role in helping the Commission or Committee fulfill its goals and objectives as outlined by the City Council.
- Commissioners and Committee members are responsible for attending meetings regularly to ensure a quorum, and to facilitate the business and meet the goals of the Commission or Committee.
- It is the responsibility of Commissioners and Committee members to provide advance notice to the Chairperson or Staff Liaison, if they cannot attend a meeting.
- Commissioners and Committee members are also responsible for reviewing meeting materials in advance of a meeting, and complying with the Ralph M. Brown Act (Brown Act) as set forth in state and local laws regarding public meetings.
- Commissioners and Committee members should also have knowledge of the City's Municipal Code and Policies as they relate to the Commission or Committee's role. General Information can be found in Section 2.24 of the City's Municipal Code, which is included below for reference.

### State Mandated Ethics and Other Trainings

California Government Code sections 53235 and 53235.1 require that any newly appointed local agency official and certain Commissioners receive two hours of training in local government ethics within one year of assuming the position and once every two years thereafter. The City Clerk will notify you if you are required to complete this training.

### Conflicts of Interest and Statement of Economic Interests (Form 700)

Commission and Committee members must keep their personal interests separate from their Commission and Committee duties and responsibilities, and avoid conflicts of interest. A conflict of interest occurs if Commissioners and Committee members allow their personal relationships, money (or the promise of money), or other outside factors to influence how they perform their duties and responsibilities. A conflict of interest also exists if members use information acquired in their capacity as Commission or Committee members for personal gain.

To avoid potential conflicts or the appearance of any conflicts, Commissioners and Committee members may not participate in discussions, deliberations, or recommendations regarding issues in which they have a personal or financial interest. In addition, they may not accept gifts from lobbyists or anyone doing business with the City or who may come before the Commission or Committee.

Commissioners and Committee members are required to complete and sign conflict of interest documentation (Statement of Economic Interests - Form 700) prior to commencing their duties.

### Service at the Will of the City Council

Generally, committee members serve at the pleasure of the Council and can be removed at any time.

### Process for Resigning from a Commission or Committee

Letters or email of resignation can be submitted to the City Manager or City Council. Copies of the resignation should also be provided to the City Clerk's office, and staff liaison.

### Process for Filling Vacancies

It is the policy of the City Council to give public notice of vacancies on Commissions and Committees and actively recruit qualified candidates. Vacancy information can be found on the City's website. Any resident interested in volunteering to serve on one of these bodies is invited to submit an application. Applications are generally accepted in April of each year as two-year terms are set to expire and openings become available.

### Types of Meetings

#### a. Regular Meetings

Commissions and Committees hold regular meetings to conduct business, such as receiving and filing reports, discuss and take action on recommendations and vote to forward recommendations to the City Council or other entities as deemed appropriate. The agenda for a regular meeting must be posted 72 hours in advance of the meeting in accordance with the Brown Act.

#### b. Special Meetings

The Chairperson or a majority of the appointed Commissioners or Committee members may call a special meeting if deemed necessary and will coordinate with the City Manager or staff liaison regarding availability of staff and a meeting room. The agenda of a special meeting must be posted 24 hours in advance of the meeting in accordance with the Brown Act and distributed to interested parties that have requested notification.

### Ralph M. Brown Act (Brown Act)

Meetings are subject to the Brown Act, which guarantees the public's right to attend and participate in Commission and Committee meetings. Agendas must be physically posted at the meeting site and accessible to the public. The agenda must include all items which will be discussed or acted upon by the Commission or Committee. Generally, the Commission or Committee cannot discuss, deliberate, or take action on any item not included on the agenda. Commissions and Committees must allow a member of the public to address the Commission or Committee on any agenda item before or during consideration of that item. Members of the public are also given the opportunity to address the Commission or Committee on any matter not on the agenda which is within the subject matter jurisdiction of the Commission or Committee.

### Quorum Determination

A quorum is the minimum number of members who are required to be present at the meeting in order to conduct business. Generally, a quorum is a majority of the members of the body, unless otherwise established.

## Palos Verdes Estates Municipal Code

### Chapter COMMISSIONS AND COMMITTEES

2.24

#### 2.24.010 Term of office

Except as may be otherwise provided, the term of office of all members of any commission or committee shall be two years, or such period as the council may establish at the time each member is appointed, so long as such term does not exceed two years. If a vacancy occurs other than by expiration of a term, such vacancy shall be filled for the unexpired portion of the term. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 612 § 1, 1999; Ord. 529 § 2, 1991; Ord. 241 § 1, 1967; Ord. 10 § 1, 1940)

#### 2.24.020 Manner of appointment

The members of any commission or committee of the city shall be appointed by the mayor and approved by a majority vote of the council. Members shall serve at the pleasure of the city council and may be removed by a majority of the council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 241 § 1, 1967; Ord. 192 § 1, 1960; Ord. 10 § 2, 1940)

#### 2.24.030 Qualifications

No person shall be eligible to be a member of any committee unless he or she is an elector and a resident of the city of Palos Verdes Estates. No person shall serve on more than one commission or committee at the same time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 10 § 3, 1940)

#### 2.24.040 Serve without compensation

Each member shall serve without compensation. Any member shall receive reimbursement for actual expenditures made in the discharge of official duties provided the same is authorized by the city council. No member shall have the power to incur any obligation against the city for any purpose unless the same is specifically authorized by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 192 § 2, 1960; Ord. 10 § 4, 1940)

#### 2.24.050 Meetings

For each commission or committee, the city council shall establish regular meetings at a frequency, time and place to be fixed by resolution. Each commission and committee of the city shall call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act, Title 5, Cal. Gov. Code Division 2, Part 1, Chapter 9 (Cal. Gov. Code § 54950 et seq.) and as such provisions may be amended from time to time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 192 § 2, 1960; Ord. 10 § 4, 1940)

#### 2.24.060 Quorum

A quorum of the commission or committee shall consist of one member more than one-half the members. All action of a commission or committee requires a quorum to be present, except as to the adjournment of a meeting, or the fixing of a time and place for a meeting, which actions may be taken without the presence of a quorum. Any action must be concurred in by a majority of the members present at the time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 306 § 1, 1975; Ord. 10 § 4, 1940)

#### **2.24.070 Officers**

The mayor shall appoint a chair and vice-chair to each commission or committee. The officers shall be appointed to a term of one year. The chair shall preside at all meetings, and in the absence of the chair, the vice-chair shall preside. In the absence of both the chair and the vice-chair, the commission or committee shall choose a temporary chair. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 659 § 1, 2004; Ord. 639 § 1, 2002; Ord. 622 § 1, 2001; Ord. 620 § 1, 1999; Ord. 529 § 2, 1991; Ord. 286 § 1, 1973; Ord. 10 § 4, 1940)

#### **2.24.080 Parliamentary rules**

Ordinary rules of parliamentary practice shall govern the meetings of each commission or committee, except to the extent that they conflict with other applicable rules and regulations specifically governing the conduct of public meetings by bodies subject to the Brown Act. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 10 § 4, 1940)

#### **2.24.090 City planning commission**

A. There is hereby created a city planning commission consisting of five members.

B. The city planning commission shall have and exercise all powers and duties granted to it by any provision or provisions of this code and shall further have the power to recommend to the city council or any officer or commission thereof plans and regulations to enhance the future growth, development, and beautification of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 10 § 5, 1940)

#### **2.24.100 City parklands committee**

A. There is created a city parklands committee consisting of five members of the public, who shall be appointed and serve in accordance with the requirements of this chapter.

B. The city parklands committee shall have the following powers and duties:

1. To act in an advisory capacity to the city council in all matters pertaining to parklands, grounds and landscaped portions of rights-of-way of the city, including all matters affecting policy, procedures, management and use of such public property;

2. At the request or direction of the city council, to initiate studies, investigations and surveys in the use or management of parklands and other public property, and to report its findings and recommendations to the city council;

3. To advise and assist the city council on any issue or matter pending before the city council which may affect parklands or other public property and which is referred to the parklands committee by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 631 § 1, 2002; Ord. 625 § 1, 2000; Ord. 612 § 2, 1999; Ord. 604 § 1, 1996; Ord. 529 §§ 2, 28, 1991; Ord. 241 § 1, 1967; Ord. 10 § 6, 1940)

#### **2.24.110 City traffic safety committee**

A. There is created a city traffic safety committee, consisting of five members of the public, who shall be appointed and serve in accordance with the requirements of this chapter.

B. The city traffic safety committee shall have the following powers and duties:

1. To act in an advisory capacity to the city council on matters of traffic safety, including all matters affecting policy and procedures related to traffic safety;
2. At the request or direction of the city council, to initiate studies, investigations and surveys on matters of traffic safety and report its findings and make recommendations to the city council; and
3. To advise and assist the city council on any issue or matter pending before the city council which relates to traffic matters and which is referred to the traffic safety committee by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 631 § 2, 2001; Ord. 625, 2000; Ord. 610 §§ 1, 2, 1999; Ord. 448 § 2, 1987; Ord. 230 § 1, 1965)

#### **2.24.120 City investment policy advisory committee**

A. There is created a city investment advisory committee to serve in accordance with the requirements of this chapter. The city investment advisory committee shall consist of the city treasurer; four members of the public that shall be appointed by the city council; and one ex-officio nonvoting member who is the city manager or city manager's designee. Except for the city treasurer, members shall serve at the pleasure of the city council and may be removed by a majority of the council.

B. The city investment policy advisory committee shall have the following powers and duties:

1. To act in an advisory capacity to the city council in all matters of investments and banking, including all matters affecting policy and procedures related to investments and banking;
2. At the request or direction of the city council, to initiate studies, evaluations and reviews of matters of investment and banking and report its findings and make recommendations to the city council and city treasurer; and
3. To advise and assist the city council and city treasurer on any issue or matter pending before the city council or city treasurer which relates to investment and banking matters and which is referred to the investment policy advisory committee by the city council.

C. Notwithstanding any other provision of this chapter, the city treasurer shall serve as chair of the investment policy advisory committee. (Ord. 745 § 1, 2020; Ord. 726 § 1, 2017; Ord. 720 § 1, 2017)

#### **2.24.130 City finance advisory committee**

A. There is created a city finance advisory committee to serve in accordance with the requirements of this chapter. The city finance advisory committee shall consist of five members of the public that shall be appointed by the city council and the city treasurer, who shall serve as an ex officio nonvoting member. Except for the city treasurer, members shall serve at the pleasure of the city council and may be removed by a majority of the council.

B. The city finance advisory committee shall have the following powers and duties:

1. To provide input and recommendations to the city council regarding budget reconciliation, including actual revenues and expenses at the departmental level;
2. To consult and work with staff in the preparation of long-range financial planning forecasts; and



3. To advise and assist the city council on fiscal liability matters facing the city and other fiscal matters referred to the finance advisory committee. (Ord. 727 § 1, 2018)

## CONDUCT OF MEETINGS

Meeting procedure is an important aspect of running an effective meeting in conducting business. The City of Palos Verdes Estates follows Rosenberg's Rules of Order in conducting all City Council, Commission and Committee meetings. Rosenberg's Rules of Order is simple to follow and easy to read. For your convenience, the link below will give you access to the latest version of Rosenberg's Rules of Order:

<https://www.cacities.org/UploadedFiles/LeagueInternet/77/77d4ee2b-c0bc-4ec2-881b-42ccdbbe73c9.pdf>

## **POLICIES, PROCEDURES AND GUIDELINES**

As a commissioner or committee member it is your responsibility to become familiar with the policies, procedures and guidelines for the respective committee to which you are appointed.

### **Planning Commission**

The city planning commission shall have and exercise all powers and duties granted to it by any provision or provisions of this code and shall further have the power to recommend to the city council or any officer or commission thereof plans and regulations to enhance the future growth, development, and beautification of the city.

The Planning Commission has policies and procedures for handling items that come before the Commission. Below are the links to the various guidelines that you will most frequently follow:

For consideration of Neighborhood compatibility, click the link below:

<https://www.pvestates.org/home/showpublisheddocument/2517/636104946734070000>

For consideration of single family residences, click the link below:

<https://www.pvestates.org/home/showpublisheddocument/15289/637497501572870000>

To become familiar with all planning materials, applications and forms, click the link below:

<https://www.pvestates.org/services/planning/handouts-applications-forms>

### **Parklands Committee**

The City is home to 28 acres of parklands. The Parklands Committee is responsible for to act in an advisory capacity to the city council in all matters pertaining to parklands, grounds and landscaped portions of rights-of-way of the city, including all matters affecting policy, procedures, management and use of such public property.

Policies, procedures and guidelines were established to assist the Parklands Committee when applications affecting Parklands come before the Committee. Links to those policies and guidelines are below:

Parklands Landscaping Policy

<https://www.pvestates.org/home/showpublisheddocument/1655/636005004405300000>

Tree Management Policy

<https://www.pvestates.org/home/showpublisheddocument/9582/636668391976100000>

Designated Street Tree List

<https://www.pvestates.org/home/showpublisheddocument/8228/636543933556730000>

Palos Verdes Estates Municipal Code Section 2.24 Commissions and Committees

<https://www.codepublishing.com/CA/PalosVerdesEstates/#!/PalosVerdes02/PalosVerdes0224.html#2.24>

Palos Verdes Estates Municipal Code Title 17 Zoning Procedures

<https://www.codepublishing.com/CA/PalosVerdesEstates/#!/PalosVerdes17/PalosVerdes17.html>

Palos Verdes Estates Municipal Code Title 18 Zoning Regulations

<https://www.codepublishing.com/CA/PalosVerdesEstates/#!/PalosVerdes18/PalosVerdes18.html>

## Ralph M. Brown Act

The Ralph M. Brown Act (“the Brown Act”) requires all government business be conducted in open meetings. The Brown Act which is located in the Government Code Sections 54950, et seq. sets specific requirements for legislative bodies to conduct open meetings in public. There are a few exceptions to the open meeting requirements which are noted in section 54954.5.

The Brown Act defines “meetings” (regular meetings, special meetings, emergency meetings). The Act requires agendas that briefly describe the actions to be taken by the legislative body; and the time frame for posting agendas so the public has adequate notice to attend.

The Brown Act requires that the public has a right to address any item listed on the agenda either before or during deliberation of that item. The Act also prohibits “serial meetings” where one member of the legislative body communicates with other members of the legislative body to obtain consensus prior to public deliberation of such item.

Below are various links to assist you in becoming familiar with the Ralph M. Brown Act.

League of California Cities’ Open and Public (a guide to understanding the Brown Act:

<https://www.cacities.org/UploadedFiles/LeagueInternet/86/86f75625-b7df-4fc8-ab60-de577631ef1e.pdf>

The Government Code sections relating to the Brown Act can be found at the link below:

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=)

In addition, a summary of the major provisions of the Brown Act and how to avoid serial meetings can be found by clicking the links below:

<https://www.bbklaw.com/bbk/media/library/pdf/major-provisions-and-requirements-of-the-brown-act.pdf>

[https://asccc.org/sites/default/files/10-2016-Annual\\_Carney\\_Sanchez\\_Avoiding-the-Perils-and-Pitfalls-of-Serial-Meetings-in-the-Digital-Age%20%281%29.pdf](https://asccc.org/sites/default/files/10-2016-Annual_Carney_Sanchez_Avoiding-the-Perils-and-Pitfalls-of-Serial-Meetings-in-the-Digital-Age%20%281%29.pdf)

# Understanding the Role of Chair

Meetings are central to the local agency decision-making process. Through public meetings, elected and appointed officials come together to receive public input, discuss, deliberate and decide issues on behalf of the public. Such decisions typically require support of a majority of the decision-making body.

All members of the decision-making body usually have the same voting power. The meeting chair, however, plays a special role in helping the group reach wise decisions. The following tip sheet offers suggestions for performing that role well.

## Goal of Meeting Discussions

The usual goal of any discussion at a public agency meeting is for decision-makers to:

- Receive and share information, so everyone can make informed choices;
- Share thoughts and perspectives on what decision best serves the public's interests and other community values; and
- Reach a decision on what the best option is.

Another goal is for the group to reach decisions in a way that builds and maintains relationships as well as promotes trust in both decision-makers and the decision-making process.

## Everyone's Role

*All* participants in the decision-making process are responsible for working towards achieving these meeting goals. Moreover, everyone has a shared stake in having an opportunity to be heard and being treated fairly. Thus, all officials have an interest in supporting the chair's efforts to conduct the meeting effectively and fairly

## The Chair's Role

The chair's role includes:

- Helping the group determine whether it has all the information necessary and available to make a decision;

- Encouraging decision-makers to share multiple points of view;
- Actively listening to determine potential points of agreement and testing those points for actual agreement;
- Managing any conflicts that may arise during the discussions;
- Keeping the discussion on topic;
- Ensuring that clear decisions are made;
- Sticking to the agenda; and
- Getting through the agenda items in a timely manner.

As a result, the role of the chair can be understood as:

- A team captain who leads by example and helps the group function as a team;
- A coach who encourages participants to perform at their best, including as it relates to principles of fair play and sportsmanship; and
- A referee who has authority to stop the action and apply the rules of play.<sup>1</sup>

For the chair to play the role of referee effectively, the chair needs the group's trust and respect. To earn this trust and respect, the chair needs to conduct the meeting fairly. This means applying the group's agreed upon standards in an impartial manner. If one's colleagues understand that the chair's goal is to be an impartial facilitator to help the group achieve consensus, the group will be more inclined to act in ways that support the chair's efforts and achieve the meeting's goals.

To achieve both the perception and the reality of impartiality, it can be helpful for the chair to hold off expressing his or her views on a matter and not engage in debate.

## Strategies for Success

### At the Beginning of the Meeting

- **Welcome and Introductions.** It can be helpful for the public (particularly first-timers) to know who is sitting at the dais, what opportunities there will be to provide input, and how they can understand what is going on (for example, if translation equipment/service is available, where people can pick up the equipment). This can communicate decision-makers' earnest desire to both receive public input and have the public understand what is going on.
- **Agenda Overview.** A brief statement of the major sections of the agenda can remind both decision-makers and the public of the scope of what needs to be accomplished during the meeting.
- **Aspirational Statement on Decorum.** If the body has adopted a guidelines and goals for civility, a brief reminder to that effect can help set the tone for both decision-makers' interactions and encouragement for other meeting participants' conduct.

## As the Body Moves to New Agenda Sections/Items

- **Agenda Sections.** Different agenda sections are sometimes subject to different procedures. For example, a consent agenda usually is a group of items that are routine and non-controversial and are taken up as a group.

Conversely, other items are taken up one by one. Sometimes certain items are subject to special procedures (for example, public hearings). It can be helpful for the chair to briefly note these differences, as a reminder to new decision-makers and first time attenders at the meeting.

*Example: Chair: “Now we are at the public hearing portion of the agenda. To be respectful of the rights and interests of all involved, there will be three stages to our consideration of each item:*

1. *Facts and Evidence:*
  - a. *First staff will summarize their analysis of the issue before us.*
  - b. *Then, the applicant will be given a chance to explain, based on facts and evidence, how the applicant has met standards necessary for us to approve the application.*
  - c. *Next the public will be given an opportunity to offer their thoughts and evidence on the merits of the application. This can include any suggestions or questions that the public thinks we should ask of the applicant.*
  - d. *We will then ask any questions of the applicant.*
2. *Law and Analysis:*
  - a. *After listening to and considering both the applicant’s and the public’s information, it becomes our turn to discuss among ourselves what we have learned based on what has been presented.*
  - b. *Once it appears that a consensus is developing, we may ask questions of staff on what kinds of findings need to be made to explain our decision based on the information we have received.*
3. *Decision:*
  - a. *The chair will entertain a motion to make a decision and adopt findings consistent with that decision.*
  - b. *If the motion receives a second, we’ll vote to see if a majority of us can agree.”*

- **Being Clear on the Issue to Be Resolved.** In addition to calling the agenda item, it can be helpful to identify the issue to be resolved.

*Example: Chair: “The issue before us is whether the application to engage in X enterprise meets the standards in our zoning code for such activities.”*

### When Consensus is not Immediately Forthcoming

If the conversation does not seem to be coalescing into a consensus or even a majority position, one technique for non-time sensitive matters is to refer the matter back to staff for further work. Staff will then have time to craft a decision that endeavors to take into account as many of the concerns expressed as possible.



This reminds staff, decision-makers, the applicant and the public the standard which needs to be focused on. In addition, for complex or divisive items, sometimes participants can lose sight of the issue to be decided. A helpful role the chair can play in getting the discussion to a point of resolution is to remind participants of the issue to be resolved (or ask staff to state the issue to be resolved).

- **Note about Technical Language.** Public agency decisions sometimes involve special terminology, jargon and acronyms. This can lead to confusion and misunderstanding, which in turn, can take the discussion in unproductive directions. Another important role of the chair is to make sure the conversation occurs at a level that everyone can understand. The chair can ask speakers to define unfamiliar terms and explain unfamiliar concepts.

## Fostering Discussion and Decision

- **Opening up the Issue for Discussion.** Having stated the issue and heard staff and the public's information on it, ask for decision-makers' thoughts. To enable the chair to be a fair guider of the discussion, the chair will typically refrain from offering their thoughts at the beginning.
- **Who Speaks When and to Whom.** At this point in the meeting, the discussion is among decision-makers and therefore decision-makers should be speaking to each other in an effort to come to a decision, not the public.

### Staff can be a Resource

Depending on the nature of the topic under discussion, agency staff and legal counsel can sometimes assist the chair in listening for consensus or clarifying misunderstandings that are impeding the effort to reach consensus.

Where staff sits can determine how helpful they can be in this role. Being able to signal or make eye contact with the chair is one issue. Many agencies have key staff (attorney and chief administrative official) sit at the dais with the body.

An important role of the chair is to make sure only one person speaks at a time, so both the public and decision-makers can understand and follow the discussion. A typical approach is for each decision-maker to offer their thoughts and then listen to other decision-makers' thoughts in turn.

If it appears multiple people want to talk at once, the chair has the option of asking people to raise their hands to be recognized before speaking. The chair can keep a list of who has asked to be heard, to call on each person to speak in sequence. Everyone who wants to speak should know that they are on the list and their turn is coming.

- **Keeping Discussion Participation Balanced.** Some bodies have a norm that each person will take a turn in asking all their questions and sharing their thoughts. Others find that such a restriction interferes with dialogue and the deliberative process. If a person seems to be repeating him or herself or otherwise dominating the discussion to the exclusion of others, one approach is for the chair to acknowledge that the individual's perspective has been heard.

Example: Chair *“We have heard that Supervisor Nasirian feels strongly that fixing our roads is an urgent priority. What are others’ thoughts?”* or *“Is there anyone who hasn’t spoken yet who would like to share their thoughts?”*

The chair can also give preference to those who haven’t spoken.

Example: Chair *“I see your hand up Council Member Cooke and we’ll get to you in a moment; I am going to recognize Council Member Suarez first since she hasn’t yet spoken.”*

- **Avoiding Interrupting one Another.** When people are passionate or otherwise convinced of the correctness of their position or information, they will sometimes jump in to respond to what a colleague is saying. A chair’s role is to intervene to protect the person’s ability to finish their thought. (*“Let’s let Director Feliciano finish his thought; you’ll have an opportunity to share your perspectives.”*)
- **Dealing with Conflict.** Differing perspectives is inherent in a group decision-making process and healthy. However, if the discussion gets particularly heated among two or more decision-makers, a helpful device is to have people address their remarks to the chair. Another is to summarize the points of disagreement and then move the discussion away from those who are in conflict by asking others how they see the issue. If the conversation turns personal, the chair can ask the group to keep the discussion focused on the problem at hand, not underlying motivations or personalities. If these techniques are unsuccessful, calling a recess can be helpful to enable people to step away from the conflict and reflect on how to move the discussion forward. *See also Dealing with Emotional Audiences ([www.ca-ilg.org/dealing-emotional-audiences](http://www.ca-ilg.org/dealing-emotional-audiences)).*
- **Actively Listening for Signs of Consensus.** The chair’s role is to listen for points of agreement and possible consensus and then test the chair’s sense of where people are leaning. Tools the chair has to help the group get to a decision point include:
  - *“It sounds like Supervisor Rodriguez and Supervisor Ifill are both concerned about the impact of the proposed use, even with the proposed conditions on the permit, on surrounding neighbors. Am I understanding your concerns? Would either of you like to move that the application be denied?”*
  - *Thank you Council Member Chen for sharing that view; would you like to make a motion to that effect?”*
  - *“It sounds that there are two views on the board: [state the two views]. Which strikes people as having more advantages for our community? “What’s the group’s pleasure? The question before us is [restate the issue before the group].”*
- **Motion and Second.** Once a motion is made, the chair asks for a second. A second to the motion indicates that at least one other person agrees with the maker of the motion.
  - If no one seconds the motion, the chair can note that the motion is appearing to die for lack of a second. The chair can ask if someone else wants to make a different motion.
  - If the group seems ambivalent, the chair can ask if someone wants to second the motion for purposes of discussion. Through that discussion, an approach at least a majority can agree on may emerge, in which case the chair may want to ask whether there’s a friendly amendment to the original motion or a substitute motion.

- **Vote.** It's helpful for the chair to re-state the motion on which the group is voting.

## At the End of the Meeting

- **End on an Upbeat Note.** If at all possible, end the meeting on a positive note and thank everyone for their contributions to the meeting and their participation.
- **Explain Next Steps.** Note that the actions taken at the meeting are being recorded through meeting minutes, which will be reviewed at the next meeting. Note when the next meeting will be.

### If at First You Don't Succeed

People can take a while to get used to the norms associated with group decision-making. If an approach doesn't work perfectly the first time, don't give up. Think about what worked and what didn't and consider whether persistence might help get the group to a better place. Many agencies have key staff (attorney and chief administrative official) sit at the dais with the body.

## More Resources

### Dealing with Emotional Audiences

[www.ca-ilg.org/EmotionalAudiences](http://www.ca-ilg.org/EmotionalAudiences)

### Codes of Conduct for Elected Boards

[www.ca-ilg.org/CodesOfConduct](http://www.ca-ilg.org/CodesOfConduct)

### ILG's Meeting Resource Center

[www.ca-ilg.org/meeting-resource-center](http://www.ca-ilg.org/meeting-resource-center)

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## References

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at [www.fppc.ca.gov/index.php?id=52](http://www.fppc.ca.gov/index.php?id=52). A source for case law information is [www.findlaw.com/cacases/](http://www.findlaw.com/cacases/) (requires registration).

<sup>1</sup> See Vermont Institute for Government, *Born to Chair: An Introduction to the Science and Art of Chairing a Board Meeting* (1998), available at [www.sec.state.vt.us/municipal/pubs/chair.pdf](http://www.sec.state.vt.us/municipal/pubs/chair.pdf) and <http://crs.uvm.edu/citizens/chair.pdf>.

## PUBLIC SERVICE ETHICS

### Fair Political Practices Commission

The Mission of the Fair Political Practices Commission (FPPC) is to promote the integrity of representative state and local government in California through fair, impartial interpretation and enforcement of political campaign, lobbying, and conflict of interest laws.

The FPPC was created by the Political Reform Act of 1974, a ballot initiative passed by California voters as Proposition 9.

The FPPC educates the public and public officials on the requirements of the Act. It provides written and oral advice to public agencies and officials; conducts seminars and training sessions; develops forms, manuals and instructions; and receives and files statements of economic interests from many state and local officials.

The FPPC investigates alleged violations of the Political Reform Act, imposes penalties when appropriate, and assists state and local agencies in developing and enforcing conflict-of-interest codes.

### **FORM 700: Statement of Economic Interests**

Government Code requires most elected and appointed individuals to fully disclose their personal assets and income described in Form 700. Local positions include:

- Mayors and Members of City Councils
- Chief Administrative Officers
- City Attorneys
- City Managers
- Planning Commissioners
- City Treasurers
- County and city public officials (including employees and consultants) who manage public investments; and
- All positions set forth in the City's Conflict of Interest Code which is updated every even numbered year.

The current forms can be found on the FPPC website at <https://www.fppc.ca.gov/Form700.html>. The Reference Pamphlet with instructions on filling out and filing the Form 700 can be found on the FPPC Website at [https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2021-22/Ref\\_Pamphlet\\_2021.pdf](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2021-22/Ref_Pamphlet_2021.pdf)

All individuals required to file a Form 700 must do so within 30 days of assuming office, annually thereafter, and within 30 days of leaving office. The City Clerk's Office notifies all required filers every year when it is time to file the annual Form 700.

In addition, Government Code requires every state and local government agency to adopt a unique conflict-of-interest code. The code lists each position within the agency filled by individuals who make or participate in making governmental decisions that could affect their

personal economic interests. The code also requires individuals holding those positions to periodically file Form 700 disclosing certain personal economic interests as determined by the code's "disclosure categories." These individuals are called "designated employees" or "code filers." A copy of Palos Verdes Estates current Conflict of Interest Code can be filed on the City's website at:

<https://www.pvestates.org/home/showpublisheddocument/16316/637786076407370000>

The FPPC also regulates:

- \*campaign financing and spending;
- \*financial conflicts of interest;
- \*lobbyist registration and reporting;
- \*post-governmental employment;
- \*mass mailings at public expense; and
- \*gifts and honoraria given to public officials and candidates.

Advice from the FPPC: The FPPC staff is available by telephone Monday through Friday to provide assistance to anyone who has reporting or other requirements under the Political Reform Act (the "Act").

During the hours of 9:00 a.m. to 11:30 a.m., and from 1:30 p.m. to 4:00 p.m., call 1-866-ASK-FPPC (this is a toll-free number) or 1-916-322-5660 and press 2 to speak to a political reform consultant in the Technical Assistance Division. Political reform consultants field questions in all areas covered by the Act. In addition, voicemail is special prompt that allows you to order forms, manuals and other materials at any time.

Written Advice: The FPPC also provides written advice to persons and organizations regulated by the Act. Requests for written advice can be sent to the address listed above or faxed to 1-916-327-2026. Requests for written advice must state the name, title or position, and mailing address of the person whose duties are in question and must provide all of the material facts in a clear and concise manner. The Act requires the FPPC to respond to requests for written advice within 21 business days. The period may be extended if the request poses a particularly complex legal question.

Important Notes Regarding Telephone and Written Advice: The FPPC provides telephone and written advice only to persons and organizations that have duties under or are regulated by the Act (or their authorized representatives), and does not provide "third party" advice. If you believe someone has violated the Act and wish to report it, contact the Enforcement Division.

The FPPC does not provide written confirmation of telephone advice. Requests for written advice may be made, but must follow the format outlined above.

The FPPC cannot provide assistance concerning laws other than the Political Reform Act (e.g., the Elections Code, the Brown Act, Federal or local laws).

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### **AB 1234 Ethics Training for Local Officials**

On October 7, 2005, the Governor signed Assembly Bill No. 1234. This law requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or

reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials upon election or appointment, and then every two years thereafter. Elected and appointed officials must take the training within one year of being elected or appointed and then every two years thereafter for the length of time you hold office. The Ethics Training is available on the FPPC's website at:

<https://www.ca-ilg.org/sites/main/files/file-attachments/keyethicslawprinc.pdf>

In addition, occasional training options, including training conducted by commercial organizations, nonprofits, or even the City's own legal counsel. The City Clerk's Office will provide information to each Commissioner upon appointment (or at the biennial anniversary) of training options. Below is the link to the FPPC website to take the ethics training:

<https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

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For more information, refer to the FPPC official website, [www.fppc.ca.gov](http://www.fppc.ca.gov).  
Fair Political Practices Commission 428 J Street, Suite 800 Sacramento, CA 95814

# Ethics Law Principles for Public Servants:

## KEY THINGS TO KNOW



*Note that the following are not statements of law, but rather principles the law is designed to achieve. The goal in providing this list is to identify the kinds of issues addressed by public service ethics laws. If an issue arises for you under these principles, public officials should consult agency counsel.*

### Personal Financial Gain

Generally speaking, public officials:

- Cannot request, receive or agree to receive anything of value or other advantages in exchange for a decision.
- Must disclose their financial interests to the public.
- Must disqualify themselves from participating in decisions that may affect (positively or negatively) their financial interests.
- Cannot have an interest in a contract made by their agency.
- Cannot be involved in agency decisions affecting a potential future employer once the official and employer each have expressed an interest in a professional relationship.
- Cannot lobby their agency for pay for a year following their departure from the agency.

### Perk Issues: Including Compensation, Use of Public Resources and Gifts

Generally speaking, public officials:

- Receive limited compensation for their service to the public.
- Cannot receive compensation for speaking, writing an article or attending a conference.
- Are reimbursed for only those expenses allowed in agency expense reimbursement policies because those expenses have a demonstrable public purpose and necessity.
- Cannot use public agency resources (money, travel expenses, staff time and agency equipment) for personal or political purposes.
- Cannot send or be featured in mass mailings at public expense.
- Cannot make gifts of public resources or funds.
- Must disclose gifts they receive from each single source that has given gifts worth \$50 or more in a single calendar year.
- May not receive gifts worth a total of \$460 (2015-16 amount) from a single source in a single calendar year.



- May only accept free trips and travel expenses under limited circumstances.
- May not accept free or discounted transportation from transportation companies.
- May not use campaign funds for personal benefits not directly related to a political, legislative, or governmental purpose.

## Transparency

### Generally speaking, public officials must:

- Disclose their economic interests when they take office, annually while they are in office and when they leave office. These economic interests include such kinds of interests as: sources of income, property ownership, investments, certain family members' interests, business interests, loans, contracts and gifts received.
- Disclose information about who has agreed to commit significant resources (\$5,000 or more) to legislative, governmental or charitable purposes at an elected official's request.
- Disclose campaign contributions.
- Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- Allow the public to participate in meetings, and listen to the public's views before making decisions.
- Allow public inspection of documents and records generated, owned, used, or retained by public agencies, except when non-disclosure is specifically authorized by law.
- Disclose gifts given to the public agency and how they are ultimately used.

## Fair Process and Merit-Based Decision-Making

### Generally speaking, public officials:

- Cannot receive loans from other staff, officials or contractors, and must comply with certain requirements for loans from others.
- Cannot engage in vote-trading.
- Have a responsibility to assure fair and competitive agency contracting processes.
- Cannot participate in quasi-judicial proceedings in which they have a strong bias with respect to the parties or facts.
- Must conduct public hearings in accordance with fair process principles.
- Cannot participate in decisions that will benefit their immediate family (spouse/domestic partner and dependent children).
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Cannot participate in entitlement proceedings—such as land use permits—involving campaign contributors (does not apply to elected bodies).
- Cannot solicit campaign contributions of more than \$250 from permit applicants while an application is pending and for three months after a decision (if sitting on an appointed body).
- Cannot solicit agency employee support for their political causes.
- Cannot retaliate against those who whistle-blow.





## KEY CONCEPTS

- A public agency's decision should be based solely on what best serves the public's interests.
- The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- Having a conflict of interest does not imply that a public official has done anything wrong; it just means that the official has financial or other disqualifying interests.
- Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. Don't take that risk.

## BASIC RULE

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

## WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

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

- Income. Any source of income of \$500 or more (including promised income) during the prior 12 months for the official or official's spouse/domestic partner.
- Immediate Family. The official's spouse/domestic partner and dependent children.
- Business Management or Employment. An entity for which the official serves as a director, officer, partner, trustee, employee or manager.
- Real Property. A direct or indirect interest in real property of \$2,000 or more that the official or official's immediate family have, including such interests as ownership, leaseholds (but not month-to-month tenancies) and options to purchase.
- Gift Giver. A giver of one or more gifts worth a total of \$460 (2015-16) or more to the official in the prior 12 months, including promised gifts.
- Lender/Guarantor. A source or guarantor of a loan to the official.

- Personal Finances. The official or official's immediate family's personal expenses, income, assets or liabilities.
- Contract. A contract that the agency is considering entering into, in which the official or a member of the official's immediate family may have an interest (direct or indirect).
- Business Investment. An interest in a business that the official or the official's immediate family have a direct or indirect investment worth \$2,000 or more.
- Related Business Entity. An interest in a business that is the parent, subsidiary, or is otherwise related to a business in which the official:
  - Has a direct or indirect investment worth \$2000 or more; or
  - Is a director, officer, partner, trustee, employee or manager.
- Business Entity Owning Property. Real property owned by a business entity or trust of the official.
- Campaign Contributor. A campaign contributor of the official (applies to appointed decision-making bodies only).
- Other Personal Interests and Biases. The official has important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on the official's ability to make a fair decision.

## WHAT WILL HAPPEN NEXT?

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

## EVEN IF IT'S LEGAL, IS IT ETHICAL?

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



## Beyond the Law: Ethics and Values

- Ethics is what one ought to do in a given situation. It's the kind of conduct that would make the world a better place if everyone engaged in it.
- The law provides only minimum standards for ethical conduct. Just because a course of action is legal doesn't mean it is what one ought to do.
- What one ought to do is typically tied to a series of values:
  - Trustworthiness
  - Respect
  - Responsibility
  - Compassion
  - Loyalty
  - Fairness

ILG developed a Good Governance Checklist to help local officials identify ways they can go above and beyond legal requirements to promote public trust and confidence. To access the checklist visit: [www.ca-ilg.org/goodgovernance](http://www.ca-ilg.org/goodgovernance).

## AB 1234 Trainings

California law requires local officials to periodically receive training on public service ethics laws and principles (AB 1234). ILG offers trainings and self-test options to help local officials comply with this law. ILG offers two, one-hour self-study exercises as an option for local officials to satisfy AB 1234 requirements. The self-study materials can also be used to make up for time missed at in-person sessions if the official either arrived late or left early. Find out more at: [www.ca-ilg.org/ab1234selfstudy](http://www.ca-ilg.org/ab1234selfstudy).

ILG can also come to your community to train your local officials and staff. Contact ILG at [ethicsmailbox@ca-ilg.org](mailto:ethicsmailbox@ca-ilg.org) for more information on how to schedule an ethics workshop.

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- Richards, Watson & Gershon



The Institute for Local Government is the nonprofit research affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association.

Its mission is to promote good government at the local level.

The Institute's current program areas include:

- Local Government Basics
- Ethics and Transparency
- Public Engagement
- Sustainable Communities
- Collaboration and Partnerships

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1400 K Street, Suite 205  
Sacramento, CA 95814  
(916) 658-8208 • FAX (916) 444-7535 • [www.ca-ilg.org](http://www.ca-ilg.org)  
Hard copies available for purchase.