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City of
LEMOORE
CALIFORNIA

Office of the City Manager

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Administrative Policy 2011-01

I. PURPOSE

To set forth the policy of the City Council regarding its board and commission procedures. This policy supersedes any conflicting bylaws, rules and procedures. All references in this policy to boards and commissions refer to all advisory bodies.

II. ELIGIBILITY

A. Planning Commission applicants shall be a resident of the City. Preference on all other Boards/Commissions will be given to residents.

III. RECRUITMENT

A. Recruitment shall be conducted 45 days prior to expiration of terms.

B. Procedure

1. Advertisements – Public Notice will be placed by the City Clerk, at least 45 days prior to the expiration of the terms, seeking applications from City residents interested in serving on a board or commission.

2. Application Form – The City Clerk will provide interested applicants with an application form, instructions for completing and a copy of this Administrative Policy. Once filed, applications become a public record and will be made available to the public. In the event of a vacancy, the City Clerk will conduct a recruitment and all interested parties must re-apply.

3. Application Deadlines – When advertising for applications, the City Clerk will establish a deadline for filing not less than 5 days prior to the meeting at which the Council will receive applications. Applications received after the filling deadline will not be submitted to the City Council.

IV. APPOINTMENT

1. Appointments to serve on a board and commissions are for the length of term specified and appointees serve at the pleasure of the City Council.

2. Appointments to serve on advisory committees or task forces where appointments do not conflict with Municipal Code Provisions, or the Brown Act will be determined by Council at the time of creation. The Council will establish its policy for soliciting applications and making appointments for advisory committees or task forces at the time it determines the need for and purpose of any advisory committee or task force.

3. Appointment Process – As required by State law, appointments will be considered by the Council in an open public meeting. The Mayor makes the appointment with the consensus of at least two Council Members.

The City Clerk will notify appropriate City staff members of appointments in order that appointees can be provided with appropriate information to carry out the duties and

responsibilities of the board or commission to which they were appointed. Appointees are required to execute an Oath of Office prior to serving in their official capacity.

4. Financial Disclosure/Conflict of Interest – As required by State law and the City's Conflict of Interest Code, an appointee may be required to disclose certain financial information on a Statement of Economic Interests form and/or advise the Council of any potential conflict of interest which may arise if he/she is appointed. The City Clerk will provide appointees with forms and instructions following their appointment. Those appointees that are required to file, must file these forms within 30 days of appointment.

V. ORIENTATION AND TRAINING – All appointed board and commission members will attend an orientation training provided by the City Clerk's Office and any additional training as may be required pursuant to State Law, City Council direction or as needed.

VI. RESPONSIBILITIES – The primary role of the advisory body is to provide judicious advice to the City Council, the elected policy-making body of the City. The advisory body's role can include:

A. Hearing public testimony on the Council's behalf;
B. Building community consensus for proposals or projects;
C. Reviewing written material, facilitating study of issues;
D. Guiding implementation of new or regulating established programs;
E. Assessing the alternatives regarding issues of community concern; and
F. Ultimately forwarding recommendations to the Council for its consideration.

There may be times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important for the advisory body members to recognize that this is not a rejection of the integrity of the recommendation but as an inevitable part of the process of community decision-making.

VII. CODE OF CONDUCT – The Code of Conduct governs the actions and deliberations of City commissions, committees and boards so that public deliberations and actions can be conducted in an atmosphere free from personal animosity and hostility and that all actions serve to increase public confidence in the City of Lemoore's government.

Each member of all City's commissions, committees and boards has the duty to:

A. Adhere to a high level of ethical conduct in the performance of public duties, including adherence with the City of Lemoore's Code of Ethics;
B. Represent and work for the common good of the City;
C. Pursuant to state law, refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action;
D. Provide fair and equal treatment for all persons and matters coming before the commission, committee or board whether in person, in writing, or in an electronic communication;
E. Faithfully perform all duties of office;
F. Learn and study the background and purpose of important items of business before voting and in order to facilitate a timely meeting, board or commission members are asked to work with staff prior to the meeting on questions of clarifications;
G. Members are to be tolerant of all views expressed at public meetings;
H. Refrain from abusive conduct, personal charges or verbal attacks made upon others; and
I. Most importantly, advisory bodies are not to be involved in administration or operation of City departments. Advisory body members may not direct administrative staff to initiate programs and may not conduct major studies or policy without the approval of the City Council. City staff members are available to provide general staff assistance to the advisory body.

Any violation or disregard for the Code of Conduct may result in one or more of the following actions being taken:

A. Verbal Admonishment – Least severe form of action taken by Council in open session directs the Mayor to verbally admonish one or all members of the board, commission, or committee.

B. Written Sanction/Censure – Severe form of action taken by Council in open session directing the Mayor to send a letter of sanction or censure to the board, commission, or committee member expressing the Council's strong displeasure and/or disappointment of the action(s) taken.

C. Removal from Office – Any appointee to a City of Lemoore board, commission or committee serves at the pleasure of the City Council and may be removed at any time by a majority vote of the City Council.

VIII. SELECTION AND RESPONSIBILITIES OF CHAIR AND VICE-CHAIR – The chair and vice-chair are selected annually by the members of the board or commission and serve a maximum two one-year terms. The chair serves as the presiding officer of all commission meetings. In the chairs' absence, the vice- chair serves as the presiding officer. In the event of both being absent, the staff liaison will call the meeting to order and the commissioners select a temporary chair to serve until adjournment or the arrival of the chair or vice-chair.

Role and Responsibilities – The Chair or Presiding Officer shall preserve order and decorum at all meeting of the advisory body. The Chair is responsible for ensuring the effectiveness of the group process and to guide the advisory body by adhering to the rules of conduct contained in this policy and in the Brown Act.

A. The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all commission members, and he/she shall not be deprived of any of the rights and privileges of a Commission Member by reason of his or her acting as Presiding Officer

B. The Presiding Officer shall preserve order and decorum and confine members in debate to the question under discussion.

C. The Presiding Officer shall state all questions submitted for a vote and announce the results of that roll call vote.

D. The Presiding Officer shall determine, based on the meeting agenda, a schedule for consistent breaks for the board/commissions.

E. The Presiding Officer shall ensure that he/she, as well as the balance of the Commission, refrains from commenting or entering into conversation with speakers during public comments or during public hearing, until all speakers have been heard.

F. The Presiding Officer shall determine points of order, subject to the right of any member to appeal to the Council.

G. The Presiding Officer shall ensure that members of the public who address the board/commission from Public Comment address matters "not appearing" on the agenda which is of interest to such person and which is within the jurisdiction of the Board, Commission or Committee. Speakers shall not use Public Comment for additional comments regarding an item that has already been heard earlier in the meeting or is still to be heard.

IX. ATTENDANCE REQUIREMENTS – When appointed, it is expected that members will attend all regular and adjourned meetings of their respective board or commission.

In order that the Council is kept advised of attendance of board and commission members, minutes from every board/commission meeting shall be filled with the City Clerk, the City Clerk shall issue a report to the City Council at the end of each calendar year. The Council is also advised if a board or commission member misses three consecutive regular or adjourned regular meetings, the removal of a member may occur at Council's discretion.

Missed meetings – If an appointed member of a board or commission misses three consecutive regular or adjourned regular meetings of such board or commission, the chair of such board or

commission, or in the absence of the chair, the vice-chair, shall report to the City Clerk the name of the member having missed such meetings, together with the dates of the meetings at which such member was absent and the reason for such absences, if known. The City Clerk shall forward the information to the City Council and removal of the member may occur at Council's discretion.

X. VACANCIES – If an appointed member of a board or commission is convicted of a crime involving moral turpitude or resigns from office, his/her office shall become vacant and shall be so declared by the Council. If an unscheduled vacancy occurs whether due to resignation, death, termination, or other cause, a special vacancy notice shall be posted pursuant to Government Code Section 54974 within twenty days after the vacancy occurs. Final appointment to the board or commission shall not be made for at least 10 working days after the posting of the notice.

XI. REMOVAL FROM POSITION – All appointees to the board and commission, advisory committees and task forces, including ad hoc committees serve at the pleasure of the City Council and may be removed at any time by a majority vote of the Council. (Also referenced under Code of Conduct, Section VII.)

XII. MEETINGS

It is the Council's preference that all board/commission meetings occur in the Council Chambers. Exceptions may occur when holding a meeting at another location would encourage more public participation.

A. Scheduling

1. Regular Meetings – Held for each board or commission as currently scheduled, or as determined by Board/Commission action.

2. Adjourned Regular Meetings – When workload requires, additional meetings may be scheduled as necessary.

3. Meeting Times- It is the intent of the City Council that all meetings of the advisory bodies be conducted in a timely and efficient manner. Evening meetings are to end no later than 10:00 p.m. By majority vote of the Commission, the meeting can be extended to 11:00 p.m. with no new items considered by the body following the 10:00 p.m. deadline. Items may need to be deferred to a future meeting. Commission or board members are encouraged to call or meet with staff prior to the meeting in order to get clarification on questions. By doing so, more time will be available for public input and for discussion by the advisory body.

   Change in meeting time – Whenever a majority of the members of a board or commission wishes to change the date and/or time of its regular meetings, it shall submit its request in writing to the City Manager, giving the current date and time of its regular meetings and its requested date and time for regular meetings. After review, the City Manager will either approve or deny the request, in writing, based on the: (1) availability of a meeting room and any conflicts with other City meetings; (2) ability to record audio, if appropriate; (3) impact on City staff that normally prepare for and/or attend the meetings; and (4) any other issues that the City Manager deems pertinent.

   In order to adequately notify the public of an approved change to a regular meeting schedule, that Board or Commission shall include the City Manager's approval letter on the next agenda acknowledging the change in meeting times.

4. Audio Recording – Whenever possible all board/commission meetings will utilize the digital audio recording in Council Chambers. All meeting audio recordings are permanent records.

B. Agendas & Staff Reports – Board or commission agendas will be prepared by staff liaisons as follows:

1. Posting of the Agenda

The staff liaison shall cause three copies of the agenda to be posted, at least 72 hours in advance of any regular meeting and 24 hours in advance for a special meeting, at the City's three posting locations in accordance with all Brown Act requirements.

2. Agenda Management

The City Manager, in conjunction with the staff liaison, will review all agenda items prior to the preparation of the final agenda in an attempt to keep the agenda within the time frame established by the policy.

The standardized format of staff reports will be determined by the City Manager and City Clerk and will be based on the needs of the Council.

3. Copies of Documents

Board/Commission members will be provided with copies of all documents listed on the agenda.

In addition, copies of all documents will be available for public inspection at each meeting and in the City Clerk's Officer prior to a meeting in accordance with state law. Additional documents that are distributed by staff at a meeting will also be available for public inspection at that time. Documents provided by the public at a meeting will be available for public inspection after the meeting. Copies may be obtained from the City Clerk's Office after payment of applicable copy fees.

C. Minutes – Staff is to provide "action-only" minutes for all board and commission meetings.

D. Ex Parte Communications - An ex parte communication is a communication made outside the meeting location between a board or commission member and any person in the public concerning a quasi-judicial proceeding to be heard by the board or commission. When a board or commission member has an ex parte communication, the member shall state for the public record: (a) the nature of that communication, (b) with whom the ex parte communication was made, and (c) a brief statement as to the substance of the communication. (This applies to board/commissions that have been granted the ability to make decisions that are not forwarded to the Council for a final decision; such as the Planning Commission.)

LEMOORE

CALIFORNIA

CODE OF ETHICS

PREAMBLE

Ours is a government of the people. As neighbors and professional colleagues, we offer our talents and have been chosen to work together to advance our community. We promise to be vigilant in serving the public's interest, to be at our best in advancing the community's good, and to be accountable to the people and the institutions we serve. The City of Lemoore has adopted this Code of Ethics to foster public trust and public confidence by promoting and maintaining the highest standards of conduct. The people of Lemoore expect all elected and appointed officials, candidates for public office, and City Management Staff, to follow this Code and to practice its six core values. To gain and keep the people's confidence and trust, we who serve this community or are candidates for public office must be credible role models, and must master the fundamental practices that include, but are not limited to, those described in this Code. We meet the most demanding ethical standard and demonstrate in word and action the deepest commitment to the City's values.

TRUSTWORTHINESS

As I serve Lemoore, I am honest. I keep my word and lead by example. I base my actions on behalf of the City on the best available information. I go out of my way to build trust, and consider carefully the impact of my actions on public confidence. I maintain integrity at all times and consistently so what I believe is in the best interests of this community.

As I serve Lemoore, I treat everyone with respect and dignity, the way I would want to be treated. I practice patience, courtesy, and civility even when we disagree. I maintain confidentiality, am sensitive about other people's time, and am careful with the public's property. I listen actively, engage in effective two-way communication, and demonstrate responsive public service.

FAIRNESS

As I serve Lemoore, I am fair. I treat everyone equitably. I value people's right to know, encourage public input and listen to all sides. I honor due process. I make impartial decisions, using relevant and consistent criteria, caring for special needs, and giving priority to merit.

CARING

As I serve Lemoore, I emphasize teamwork. I reach out to all individuals and groups, involving them in the process, and partnering with them. I value diversity, seek differing and divergent viewpoints, and ask for and consider all opinions. I recognize that good ideas and better solution can come from anyone.

CITIZENSHIP

As I serve Lemoore, I foster, protect, and conserve the community's resources. I practice fiscal responsibility and preserve resources. I respect individual rights and uphold the public trust. I am committed to the long-term stability and growth of the community.

RESPONSIBILITY

Lemoore…where CHARACTER COUNTS!™

Adopted June 7, 2005

CHARACTER COUNTS! and the Six Pillars of Character are services marks of the CHARACTER COUNTS! Coalition, a project of the Josephson Institute of Ethics. www.charactercounts.org

As I serve Lemoore, I hold myself to high standards and am accountable to the public, stakeholders, and other institutions. I am willing to explain my actions and decisions, give and receive criticism, accept consequences, and engage in continuous improvement.

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