

City of Santa Paula

City Council

MAYOR PEDRO A. CHAVEZ
VICE MAYOR CARLOS JUAREZ
COUNCILMEMBER JENNY CROSSWHITE
COUNCILMEMBER LESLIE CORNEJO
COUNCILMEMBER GABRIELA ORNELAS



CITY COUNCIL SPECIAL MEETING OF THE SANTA PAULA CITY COUNCIL

WEDNESDAY, SEPTEMBER 17, 2025

4:30 PM - City Council Special Meeting

SANTA PAULA CITY HALL
970 VENTURA STREET
SANTA PAULA, CA 93060

JULIE LATSHAW, CITY CLERK
DAN SINGER, CITY MANAGER
MONICA CASTILLO, CITY ATTORNEY

BRINGING ITEMS BEFORE THE CITY COUNCIL

You are invited to participate in all Regular City Council meetings. Agendas are posted in the front of Santa Paula City Hall, 970 Ventura Street, Santa Paula, 72 hours in advance of the scheduled meetings. The City Council's regular meetings start at 6:30 p.m. the first and third Wednesday of each month in the City Hall Council Chambers located at 970 Ventura Street in Santa Paula. Special and Closed Sessions vary by date and time.

HOW TO PARTICIPATE IN PERSON DURING THE MEETING: If you wish to speak at a City Council meeting, please fill out a **Public Comment Form** noting your name and address and submit the form to the City Clerk. Include the Agenda item number you wish to speak on. Members of the public may address the Council on items on this agenda only. **Public Comments are limited to 3 minutes.**

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence on any agenda item by sending an email to cityclerk@spcity.org. All public correspondence received by three hours before the meeting date will be provided to the legislative body before the meeting. Public Comments received after, will be provided to the legislative body the next day.

Your Participation in this meeting is in the public domain; meetings are cablecast; minutes of this meeting will reflect your participation in this meeting and are posted on the city's website.

PLEASE NOTE: Be advised that if you bring a legal challenge to an action, you may be limited to raising only those issues you or someone else raised at the meeting described in this Agenda, or in written correspondence delivered to the City Council at or before the meeting. Any action is subject to the ninety-day time period set forth in Code of Civil Procedure § 1094.6.

In compliance with the **Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 933-4208. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35, 102-35.104 ADA Title II). Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office.

SPECIAL MEETING - COUNCIL CHAMBERS

1. CALL TO ORDER

REMINDER: in order to minimize distractions during public meetings, all personal communication devices should be turned off or put in a non-audible mode.

2. ROLL CALL

3. PUBLIC COMMENT

At this time, members of the public may comment on any item appearing on the agenda only. Individual Councilmembers may briefly respond to Public Comments or ask questions for clarification. **Public Comments are limited to three minutes.**

4. ORDER OF BUSINESS

4.A COUNCIL PROCEDURAL GUIDELINES UPDATE STUDY SESSION

RECOMMENDATION:

It is recommended that the City Council:

Discuss updating the 2023 Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Santa Paula.

5. CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section 54956, et seq.) for the following purpose:

5.A CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –

Pursuant to Government Code § 54956.9(d)(4) – Initiation of litigation: Cases
1

- 5.B CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO
GOVERNMENT CODE § 54956.8 - Property: 160 S. Palm, Santa Paula,
California, 93060; Ventura County APN: 105008017, Lot area: 1.94 acres ;
Agency Negotiator: James Mason, Community and Economic Development
Director; Negotiating Parties: City of Santa Paula and Farmers Irrigation
Company, Inc; Under Negotiation: Price and Terms of Payment

6. **CLOSED SESSION REPORT**

7. **ADJOURNMENT**

State of California)-

County of Ventura)- ss

City of Santa Paula)-

I declare under penalty of perjury that I posted this City Council Agenda on the bulletin board near the front
door of City Hall, 970 Ventura Street, Santa Paula, California.

On _____ at _____ Signed: _____

Julie Latshaw

City Clerk

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Monica Castillo, City Attorney

Subject: COUNCIL PROCEDURAL GUIDELINES UPDATE STUDY SESSION

Date: September 17, 2025

Agenda Item: 4.A

RECOMMENDATION:

It is recommended that the City Council:

Discuss updating the 2023 Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Santa Paula.

BACKGROUND:

Adopted October 8, 2023, the 2023 Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Santa Paula ("Manual") governs the conduct of Council (and subordinate body) meetings consistent with State and Federal law. The current Manual is based on several prior amendments and was most recently updated over the course of four study sessions held in 2023.

Earlier this year, on May 7, Council held a study session to discuss updates to the current Manual. Following recommendations from staff and discussion, the Council directed the following revisions be made (NOTE: Items with asterisks were given general direction and specific edits have been made since for City Council's approval).

1. Section 1.2(h) - Revise definition of "Sub-Legislative Bodies" to clarify these bodies are not decision-making bodies.
2. Sections 3.1, 3.2, & 5.2 - Extend agenda posting requirements to Sub-Legislative Bodies.
3. Section 4.2 - Add language providing that at least the City Attorney, City Manager, City Clerk, or a designee familiar with the Brown Act "should" attend a closed session meeting.
4. Section 5.1. - Add a process for certain standing committees to place an item on the City Council agenda.*
5. Section 5.10 - Require Sub-Legislative Bodies to keep minutes.*
6. Section 6.1 - Add "Public Hearings" before "Action Items" to agenda order.
7. Section 6.4 - Add a process for City Council to give direction to a committee.*
8. Section 6.6(c) - Add that during the City Manager Report, City Council may engage in discussion to form a consensus to schedule future special meetings or activities.

9. Section 8.5 - Update the Levine Act campaign contribution disqualifications and recusal rules, including rules around "agents".*
10. Section 9.7(a) - Add that requests to the City Manager or staff that involve substantial cost or staff resources first be approved by the City or majority of the Legislative Body, and notice of a approved requests and their responses be shared with all members of the City Council.*
11. Section 9.9(b) - Add that requests for City Attorney opinions requiring over 2 hours of billable time first be approved by the City Manager or majority of the Legislative Body.*

Today's study session is held to continue Council's review and discussion. Text highlighted in yellow in the attached redline are changes approved by Council consensus at the prior study session, with underlined or stricken text indicating further edits to those changes. The purpose of this item is to provide an opportunity for the City Council to refine the Manual to continually improve City governance for the long-term benefit of Santa Paula residents.

ANALYSIS:

Staff proposes the following revisions for the City Council's consideration with proposed edits shown in the attached redline:

1. Section 6.1(f) - replace "Public Comment" with "Invite Public Comment, if any."
2. Sections 9.2 & 9.3 - Restructure sections so that Section 9.2 discusses the general duties of the Mayor and Section 9.3 discusses the Mayor and Vice Mayor appointment process, including eligibility for appointment.

The following are areas suggested for discussion:

1. Sec. 9.1 - Consistent with customary procedure, add language that the Chairperson and Vice Chairperson (when filling in for the Chairperson) allow the body to first speak and make motions and only in the absence of such comments or inactions then consider the making of such motions.
2. Update the Mayor and Vice Mayor appointment process with a rotation system based on seniority and history of leadership roles. Attached to this report is the suggested process circulated by Councilmember Crosswhite at the last study session.
3. Add language that no councilmember may use a cell phone while at the dais when a meeting is in progress. This ensures no accusations of Brown Act violations, limits communications required for disclosure under the Public Records Act, and reassures the public that its elected officials are attentive to and care about pending business. In the event that emergency communication is necessary, a councilmember may excuse themselves from the dais.

STRATEGIC PLAN:

FISCAL IMPACTS:

OPTIONS:

ATTACHMENTS:

[Council Legislative Body Manual of Procedural Guidelines Redline
Proposed Process](#)

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MANUAL OF PROCEDURAL GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CONSTITUENT BODY/COMMISSION MEETINGS

(Last amended: October 18, 2023)

ARTICLE I -SCOPE

1.1 Application of Rules

This Manual (the "Manual") shall establish the procedures for the conduct of all meetings of the City of Santa Paula City Council and other constituent, governing bodies and commissions as authorized by Government Code § 36813.

This Manual rescinds and supersedes all prior City resolutions setting forth rules of procedure for the conduct of meetings by City Legislative Bodies (defined below). Wherever there is a conflict between this Manual and any prior City resolution, the terms and rules in this Manual shall govern. Resolutions more specifically superseded by this Manual include, without limitation, the following:

City of Santa Paula Resolution No. 6023;
City of Santa Paula Resolution No. 6161;
City of Santa Paula Resolution No. 7264;
City of Santa Paula Resolution No. 7294; and
City of Santa Paula Resolution No. 7376.

1.2 Definitions

The following definitions shall apply to these rules and procedures:

a) "Legislative Body" means any quorum of any council, board, commission or standing committee (as defined in Government Code § 54952), or other governing body of the City of Santa Paula that is subject to the Brown Act (Government Code § 54950 et seq.). This includes the Santa Paula City Council, Planning Commission, Recreation Commission, and any standing committee subject to the Brown Act. The term "Legislative Body" does not include Non-Governing Bodies, as defined below.

b) "Presiding Officer" means the chairperson of the Legislative Body. For example, this refers to the Mayor when read in the context of the City Council and the Chair of any Commission.

c) "Vice Chair" means the vice chairperson to the Presiding Officer. For example, the Vice Chair means the Vice Mayor in the case of the City Council and the Vice Chairperson of any Commission.

d) "Clerk/Secretary" means the person responsible for taking and maintaining the record of proceedings for all meetings, preparation of agendas, calendar clerk and custodian of rules, resolutions, ordinances and Legislative Body records. For example, the Clerk/Secretary refers to the City Clerk in the case of the City.

e) “City Attorney” means the legal advisor to the Legislative Body.

f) “City Manager” means the Chief Executive Officer of the City. The City Manager, or his/her designee, may also serve as the Personnel Officer pursuant to the City’s Personnel Rules and Regulations, adopted May 16, 2005, as may be amended. The City Manager can designate appropriate staff to serve as the clerk/secretary to any Commission of the City.

g) “Non-Governing Bodies” means wholly advisory committees and bodies that are not subject to the provisions of the Brown Act. An “ad hoc” committee is an advisory committee not subject to the Brown Act if it (1) consists solely of less than a quorum of its parent Legislative Body, (2) is composed solely of members of its parent Legislative Body, (3) has no continuing subject matter jurisdiction, and (4) does not have a meeting fixed by formal action of its parent Legislative Body.

h) “Sub-Legislative Bodies” means wholly advisory committees which are subject to the Brown Act. An advisory committee is subject to the Brown Act if it (i) is established by ordinance, resolution, or other formal action; or (ii) has a fixed regular meeting schedule; or (iii) has continuing subject matter jurisdiction over a non-temporary issue; or (iv) continues to conduct business in excess of 180 days; or (v) has a majority membership of officials from other Legislative Bodies. Sub-legislative bodies are not decision-making bodies though given continuing subject matter jurisdiction over a non-temporary issue.

These rules and procedures are enacted pursuant to authority granted by Government Code §§ 36813 and 54954 et seq. The purpose of this Manual is to provide that the Legislative Bodies’ procedures will be consistent with the Brown Act and also to establish procedures which will be convenient for the public and contribute to the orderly conduct of any Legislative Bodies’ business. The procedures herein are in addition to, and not in place of, applicable ordinances and statutes and in the event of conflict between this Manual and applicable ordinances or statutes, the latter shall govern. In the event that any state statute referenced herein is renumbered, the reference herein shall be deemed to refer to the successor statute dealing with the same subject matter.

ARTICLE II -MEETINGS

2.1 Regular Meetings

Unless otherwise specified by a resolution or ordinance applicable to a specific Legislative Body, the regular meeting of the City Council will be held on the first and third Wednesday of each month at 6:30 p.m. in the Council Chambers at City Hall, or at such other times or locations as the Legislative Body may from time to time designate, in the order of adjournment, or in the notice of call of any special meeting. In the event a day of meeting shall be a legal holiday, said meeting shall be held on the next business day, unless otherwise specified by the Legislative Body.

2.2 Special Meetings

The Presiding Officer may, when he or she deems it expedient, or upon the written request of a majority of the Legislative Body, call a special meeting of the Legislative Body for the purpose of transacting the business designated in the call. The means and method for calling such special meeting shall be as set forth in the Brown Act as it now exists in Government Code § 54956 or may hereafter be amended. The City Manager, when necessary for the purpose of conducting city business and the continuity of governance, may request the Presiding Officer to call a special meeting. At such special meeting, no business shall be considered other than as designated in the call.

2.3 Emergency Meetings

An emergency meeting may be called by the Presiding Officer or by a majority of the Legislative Body where an emergency exists. An “emergency” means:

a) A work stoppage, terrorist act or threat, crippling disaster or other activity which severely impairs public health or safety as determined by the majority of the Legislative Body; or

b) Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any emergency meeting shall be called, noticed, and conducted only in accordance with the procedures set forth in State law at Government Code § 54956.5, as may be amended.

2.4 Attendance

A majority of members of the Legislative Body shall constitute a quorum. For example, three members of the City Council constitute a quorum. Less than a majority may meet at noticed public meetings to adjourn from time to time, or to compel the attendance of absent members. Any member who fails to attend all of the regular meetings of the Legislative Body for 60 days, unless such absences are excused, shall surrender the office and be deemed to have surrendered the office.¹

2.5 Study Sessions

The Legislative Body may meet informally in conference or “study” sessions regarding concerns of the Legislative Body to interchange information, provided that all discussions and conclusions shall be informal. Such meeting shall be called in the same manner as for special meetings or adjourned meetings, as applicable, and be subject to the Brown Act. Each notice shall indicate that an opportunity for public comment shall be provided before any matter shall be determined. When a meeting has been designated a Study Session, the Legislative Body shall not take any action with respect to the matter under study except with prior public notice, appearing on a properly posted agenda, of such intent to take action.

2.6 Adjournment

¹ This 60-day rule is based on Government Code § 36513(a).

At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote the City Council agrees to begin new business. Items under consideration at 10:30 p.m. may be concluded. If a majority does not agree to begin new business, the remaining items will be postponed to the next City Council meeting.

ARTICLE III -NOTICE AND AGENDA

3.1 Notice and Agenda for Regular Meetings

For every regular Legislative Body or Sub-Legislative Body meeting, the Clerk/Secretary or his or her designee shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all the items of business to be discussed at the meeting as set forth in Article V. The notice and agenda may be combined in a single document.

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The notice and agenda must be posted at least seventy-two (72) hours before the regular meeting in a location freely accessible to public twenty-four (24) hours a day during the seventy-two (72) hour period and where the notice and agenda is not likely to be removed or obscured by other postal material. Specifically, the notice and agenda shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

3.2 Notice and Agenda for Special Meetings

For every special meeting, the Clerk/Secretary or his or her designee shall post a written notice specifying the time and place of the special meeting and the business to be transacted and send such notice to each member of the Legislative Body or Sub-Legislative Body (unless the member has filed a written waiver of notice with the Clerk/Secretary) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. The notice shall serve as the agenda for the special meeting and shall contain a brief description of all the items of business to be discussed at the meeting as set forth in Article V.

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The notice for a special meeting shall be conspicuously posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to the public twenty-four (24) hours a day and where the notice is not likely to be removed or obscured by other posted material. Specifically, the notice shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

3.3 Notice and Agenda for Adjourned Meetings

The Legislative Body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. Should less than a quorum be in attendance, the Clerk/Secretary will list the attendees in the minutes. If all members are absent from any regular or adjourned regular meeting, the Clerk/Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each member of the Legislative Body at least twenty-four (24) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held, within twenty-four (24) hours after the time of adjournment. (Government Code § 54955.) When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. If the subsequent meeting is more than five (5) days from the original meeting, a new agenda must be prepared and posted pursuant to Government Code § 54954.2.

3.4 Affidavit of Posting

Immediately following the posting of the notice and agenda, the Clerk/Secretary or his or her designee shall complete an Affidavit of Posting, in a form to be developed by the Clerk/Secretary. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting, and shall be signed under penalty of perjury. The Clerk/Secretary shall retain all such affidavits, together with a copy of each notice and agenda so posted. The affidavit, notice, and agenda shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government Code § 34090, shall not be destroyed by the Clerk/Secretary thereafter except in accordance with the City's record retention policies.

ARTICLE IV -CLOSED SESSIONS

4.1 Generally

The Legislative Body may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. Public comment shall be permitted on closed session matters prior to the closed session. If a closed session is included on the agenda, the description of the item shall meet the requirements of and shall identify the statutory basis for the closed session. During closed session, the Legislative Body shall exclude all persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the Legislative Body during a closed session are required. There shall be no closed session during any emergency

meeting. Closed session may not be held regarding a matter not listed on a properly posted agenda for closed session except upon the Legislative Body first taking action to place the item on the agenda as a closed session item as permitted by law.

4.2 Persons Authorized

Persons present in the closed session shall be only those persons necessary to the discussion of the matter under consideration. All other persons shall be excused. The Clerk/Secretary may attend each closed session of the Legislative Body and keep and enter into a minute book a record of any reportable decisions made at the meeting. At least the City Attorney, City Manager, City Clerk, or a designee familiar with the Brown Act shall be in the meeting.

4.3 Confidentiality

The minute book for any closed session is not a public record and shall be kept confidential and shall be available only to members of the Legislative Body or as otherwise provided by law. (Government Code § 54957.2(a).) No person attending a closed session shall publicly discuss or otherwise reveal the proceedings in the closed session unless such publication has been approved by the vote of the Legislative Body taken during the closed session or as otherwise required by law. Violation of this rule shall subject the violator to censure by the Legislative Body as provided in Section 7 herein.

4.4 Public Reports

Before recessing into closed session, the Presiding Officer or City Attorney shall announce that the Body is recessing into closed session and shall name each closed session topic that will be discussed in closed session in at least as much detail as shown on the agenda.

Following closed session, the Presiding Officer or City Attorney shall report publicly any reportable actions taken on a closed session matter and, if any vote was taken, shall announce that the matter was put to a vote, the results of the vote, and the vote or abstention of every member present.

Votes will be taken in closed session for those reportable actions identified in Government Code § 54957.1 including (1) approval of an agreement concluding real estate negotiations if Council's own approval renders the agreement final; (2) approval given to legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter into an amicus curiae; (3) approval given to legal counsel of a settlement of pending litigation, as defined in the Government Code § 54956.9, if Council accepts a settlement offer signed by the opposing party; (4) a disposition reached as to claims if Council's action approves a monetary payment agreed upon by the claimant; (5) an action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee (provided such action is within the scope of Council authority); and (6) approval of an agreement concluding labor negotiations if Council's own approval renders the agreement final.

ARTICLE V -AGENDA CONTENTS

5.1 Preparation of Agendas

a) **Agenda Posting.** Barring insurmountable difficulties, the agenda should ordinarily be delivered to the members of the City Council by 6:00 p.m. on Thursday preceding the City Council's regular Wednesday meeting. In the event of a Special Meeting, agendas should be delivered no less than 24 hours before the time set for the Special Meeting or as promptly as practicable, whichever is earlier. The agenda shall also be available to the general public at the time it is delivered to the members of the Legislative Body, or in any case as required by the Brown Act.

b) **Future Agenda Items – Not Time-Sensitive.** Any Legislative Body member may have placed on the agenda any business that should be deliberated upon in the future by the Legislative Body. Any Legislative Body member desiring to present a subject for the Legislative Body's consideration shall submit to the City Manager a request to place the matter on a future agenda by completing a City-provided form. The form must be submitted no later than the Monday before the agenda is delivered to members of City Council. Such Monday is referred to in this Section as the "Submittal Deadline." The form will at minimum require a description of the proposed matter for discussion and a requested future meeting date. The matter shall then be listed on the next agenda under "Items for Future Agendas" for discussion of whether it should be a future agenda item. The listing of the matter allows a discussion of whether a staff report should be prepared and the item brought back for consideration. Action to place the item on a future agenda for consideration requires a consensus and the absence of an objection. If there is an objection, the Mayor must call for a majority vote. The City Manager has discretion as to when the item will be placed on the agenda, unless otherwise directed by the City Council.

c) **Future Agenda Items – Time-Sensitive.** If a Legislative Body member does not become aware of a time-sensitive matter before the Submittal Deadline, the member may request by motion that the matter be placed on a future agenda during a meeting. The motion must be made during the portion of the meeting designated for "Items for Future Agendas." At least one other councilmember must second the motion, and if there is none, the item may be submitted using the procedure described in paragraph b), above. A matter is "time-sensitive" if direction or action from the City Council is needed within 45 days. When making the motion, the moving member must state the reason why the matter qualifies as time-sensitive.

d) **Standing Committee Placement of Agenda Items.** On occasion, the following standing committees may need the City Council to discuss or take action within a short period of time due to the City's potential legal exposure or because of its importance to residents:

- Cannabis Standing Committee
- Economic Development Standing Committee

- Finance Committee
- Homelessness and Housing Standing Committee

If an item considered by these standing committees requires direction or action of the City Council within 45 days of a committee meeting, the committee may request that the City Manager place the item on a future agenda. To do so, both councilmembers appointed on the committee must agree the item ~~is time-sensitive~~ requires Council action or direction within 45 days.

e) Notwithstanding the foregoing, the City Manager generally has responsibility for setting the agenda for the Legislative Body in consultation with the Mayor (except for any Commission where the responsibility may be assigned to the City Manager's designee), and may place matters on the agenda in accordance with the City Manager's evaluation of administrative priorities and resource capacities of City.

5.2 Description of Matters

All items of business to be transacted or discussed at a meeting of a Legislative Body, or Sub-Legislative Body, shall be briefly described on the agenda. The description may, but need not, set out the specific action or alternatives which will be considered by the bodies, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda. The description of closed session matters shall meet the requirements of Government Code §54954.2 and, where applicable, §54954.5. Matters may be designated as "pending" and listed for the sole purpose of determining if they will be on a future agenda.

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5.3 Action Items

a) Matters may formally be adopted by an ordinance, a resolution, minute order, or other motion (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding but vary in the formality of respective memorialization. While most actions will be presented to the Legislative Body in a written form prior to, or at, the meeting, the Legislative Body may amend any proposed action as written by carried motion of the Legislative Body at the time of its presentation for adoption. If an action as written is so amended by the Legislative Body, it shall be revised to reflect the Body's amendments for later execution by the Presiding Officer.

b) Besides ordinances and resolutions, action can be taken by motion and recorded as a minute order. A "minute order" denotes a Legislative Body action which is recorded simply by an item entered in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

c) As a general rule, a recorded majority of the quorum for a Legislative Body may take an action. However, for the City Council, resolutions, orders or the payment of money, and all ordinances require a recorded majority vote of the total membership of the City Council. Some actions, such as the passage of an urgency ordinance or adoption of a resolution of necessity to condemn property, require a super-

majority vote. Under the Political Reform Act of 1974, a member with a financial conflict of interest regarding a matter before the member's board must leave the room while that matter is being discussed, heard, or acted on, so that member cannot be counted towards the quorum for that matter.

5.4 Resolutions

a) A "resolution" is a formal action with findings taken by the Legislative Body, generally pre-prepared in writing, designated by sequential number, and reference to which shall be inscribed in the minutes and an approved copy of each resolution filed in the official book of resolutions of the Legislative Body. Resolutions are used when specifically required by law, when needed as a separate evidentiary document to demonstrate findings or to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional explanatory material it often recites) to facilitate such future reference and research.

b) A resolution may be adopted at the same meeting it is presented. Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Article XI, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it.

c) Where a resolution cannot reasonably be prepared in advance of a meeting, the Legislative Body may instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Legislative Body meeting. Where urgent, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Article XI, shall be followed. All resolutions must be approved by the City Attorney or Deputy City Attorney.

5.5 Ordinances (City Council Only)

a) The City Council is the only Legislative Body empowered to legislate the Santa Paula Municipal Code by adoption of ordinances.

b) Ordinances, other than urgency ordinances, require at least two readings at different meetings held at least five days apart with the first reading considered to be introduction and the second adoption. Unless a Councilmember requests a full reading, a proposed ordinance may be read in title only.

c) When read by title only, further reading of an ordinance may be waived by a majority vote of the Council members present and voting. The waiver of further reading may be accomplished by one vote for all ordinances presented on the agenda of the present meeting. (Government Code § 36934.)

d) The Clerk/Secretary shall prepare copies of all proposed ordinances for distribution to all members of the City Council with the agenda packet for

the meeting at which the ordinance is to be introduced, or at such earlier time as is expedient. Ordinances shall be numbered and kept by the Clerk/Secretary with the same formality as resolutions as described above in Section 5.4.

e) An urgency ordinance is an ordinance adopted for the immediate preservation of the public peace, health and safety, containing a declaration of facts constituting the urgency. An urgency ordinance takes effect immediately and requires four-fifths vote of the City Council for passage pursuant to Government Code § 36937. If one member is absent in a five-member Council, an urgency ordinance must pass by a unanimous vote. Urgency ordinances may be adopted either at a regular or special meeting. (Government Code § 36934.)

f) All ordinances must be approved by the City Attorney or Deputy City Attorney. No ordinance may be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, the City Manager, or prepared by the City Attorney on his/her own initiative.

5.6 Contracts and Agreements

When any contract or agreement is to be considered by the Legislative Body, the complete contract and agreement, if complete in form for execution, shall be made a part of the agenda package presented to the Legislative Body and shall be made available for viewing by the public within the time frames required under the Brown Act and/or the California Public Records Act. (Government Code §§ 6250 through 6276.48.) All contracts and agreements must, before being placed on the Agenda, be approved as to form and legality by the City Attorney or Deputy City Attorney. Such approval must be indicated in the staff report.

5.7 Limitation of Actions by Agenda

No action or discussion shall be taken by the Legislative Body, on any item not appearing on a posted agenda, subject only to the exceptions listed in Section 5.9 below. "Action taken" as used herein shall mean a collective decision made by a majority of the Legislative Body, a collective commitment or promise by a majority of the Legislative Body to make a positive or a negative decision, or an actual vote by a majority of the Legislative Body upon a motion, proposal, resolution, order, or ordinance.

5.8 Public Comment Period

a) Pursuant to Government Code § 54954.3, every agenda posted for any meeting shall contain an item entitled "Public Comment" in order to provide for an opportunity for the public to address the Legislative Body on items of interest to the public within the Legislative Body's subject matter jurisdiction. The public comment period should be conducted in accordance with Article VII.

b) Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the

agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.

5.9 Exceptions to Agenda Requirement for Action Taken

The Legislative Body may take action at a meeting on an item not appearing on the agenda for that meeting only under one of the following circumstances:

a) Upon a majority determination that an “emergency situation,” which is either (i) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, or (ii) a dire crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a Legislative Body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both. All discussion of such emergencies must be in open session.

b) Upon a determination by a two-thirds (2/3) vote of the Legislative Body, or if less than two-thirds of the Legislative Body are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting.

For the purposes of this Subsection, the term “need to take action” shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the Legislative Body. The mere failure of any person to notify the Legislative Body or staff of a pre-existing situation requiring Legislative Body attention until after the time for the posting of the agenda shall not be deemed to constitute a “need to take action” hereunder. If the Legislative Body makes a determination pursuant to this Subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the “need to take action” and why the item could not be placed on the agenda.

5.10 Minutes and Recordings

a) An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

b) Sub-Legislative Bodies shall comply with the same rules for keeping Minutes as Legislative Bodies, except that the responsible staff member will prepare the Minutes.

b)c) Any recording of a meeting made by or at the direction of the Legislative Body or Sub-Legislative Body is a public record that must be retained and made available to the public for at least 2 years. (Government Code § 34090(d)). A recording may be deleted without the approval of the Legislative Body and City Attorney if reproduced in an electronic medium that does not allow alteration to the original and the reproduction is a true copy of archival quality kept in a safe and separate place for security purposes. (Government Code § 34090.5.) The Clerk/Secretary or responsible staff member must provide to the public, without charge, equipment to review the record.

ARTICLE VI -ORDER OF BUSINESS

6.1 Order of Business

The order of business of each meeting shall be contained in the agenda prepared by the Clerk/Secretary unless the majority of the Legislative Body members consent to take items out of order. The order of business at meetings of the Legislative Body may be as follows in accordance with the procedures specified in this Article VI:

- a) Call to Order
- b) Invocation
- c) Flag Salute
- d) Roll Call
- e) Closed Session Report, if applicable.
- f) Invite Public Comment, if any
- g) Presentations
- h) City Council Reports
- i) City Manager Reports
- j) Consent Calendar (See Section 6.3 below.)
- k) **Public Hearings**
- l) Action Items
- m) Items for Future Agendas
- n) Adjournment

6.2 Call to Order

The meeting of the Legislative Body shall be called to order by the Presiding Officer, or the Vice-Chair in the Presiding Officer's absence. In the absence of both the Presiding Officer and Vice Chair, the meeting shall be called to order by the Clerk/Secretary and the three Legislative Body members present shall elect by majority vote a Presiding Officer for that meeting.

6.3 Consent Items

Matters of a routine or generally uncontested nature and non-controversial, shall be placed on the agenda as Consent Items and may be approved by the Legislative Body in a single motion by adoption of the Consent Calendar. For example, items the City Manager believes will not require City Council discussion and are routine in nature as well

as resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action may be added as Consent Items. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. All matters on the Consent Calendar shall be subject to public comment procedures in Article VII(Public Comment and Presentations). Upon the request of any member of the Legislative Body or upon the request of a member of the public made through the Presiding Officer, a matter may be removed from the Consent Calendar for separate discussion and/or action.

Each matter proposed for consideration as part of the Consent Items, including any recommended action, shall be described on the notice and agenda posted for the meeting. During the meeting, the Clerk/Secretary may be asked to read Consent Items into the record for the purpose of informing the public on the subjects being considered. The following matters are not appropriate for the Consent Calendar:

- a) Ordinances shall not be placed on the Consent Calendar for approval unless the ordinance has first been read or the reading of the ordinance has been waived as required by law.
- b) Any matter where the City Manager believes (i) it unlikely that there would be unanimous approval by the Legislative Body, or (ii) there is likely to be public comment on the matter, or (iii) a public presentation of the matter would be beneficial to the community.

6.4 City Representatives and Advisory Bodies (City Council Only)

a) From time to time the Council may be required to assign a representative of the City to non-City boards, commissions or organizations (e.g., boards or commissions of another agency or joint powers authority). Except as otherwise required by law or by the policies of the non-City organization, the Mayor shall make all such appointments of City representatives on non-City organizations after consultation with the City Council. Council appointments to non-City organizations shall be considered and made with the goal of keeping the appointee in the organization for a long enough period of time that the appointee may gain seniority and/or a position of leadership within the organization. This goal shall be construed to mean that the same appointee should remain within a non-City organization for at least two years where reasonably possible and convenient for said appointee. Appointees serve at the pleasure of the Council.

b) The City Council shall have the power to establish advisory committees, commissions, other Legislative Bodies, and Non-Governing Bodies. Any committee which is (i) established by ordinance, resolution or other formal action, or (ii) has a fixed regular meeting schedule, or (iii) has continuing subject matter jurisdiction over a non-temporary issue, or (iv) which continues to conduct business in excess of 180 days, or (v) has a majority membership of officials from other Legislative Bodies, shall be subject to the provisions of the Brown Act. Such committees are referred to

herein as “**Sub-Legislative Bodies**” and are made subject to the Brown Act pursuant to this Manual.

Advisory bodies and committees may take the following form:

(i) Ad Hoc Committees

The Council may, as the need arises, authorize the appointment of “ad hoc” Council committees composed of two members. Except where otherwise specifically provided by law, the Presiding Officer shall appoint the members of the Council committees, subject to the approval of the Council. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Council.

(ii) Standing Committees

The Council may, subject to the Brown Act, create other committees, boards, and commissions, whether Legislative Bodies or Non-Governing Bodies, to assist in the conduct and operation of the City government with such jurisdiction and duties as the Council may specify. Except as otherwise required by law, the Mayor shall make appointments of members to such committees, boards or commissions subject to the approval of the Council. The procedure of filling vacancies and provision of notice thereof shall be subject to the provisions of the Maddy Act (Government Code §§ 54970-54974).

(iii) Sub-Legislative Bodies and Non-Governing Bodies shall be responsible for reporting the Body’s activities to the City Council. The members of a Sub-Legislative Body or Non-Governing Body shall operate within the jurisdiction established by the Council and shall not have authority to make subcommittees unless specifically granted such authority by action of the full City Council. Staff members may be assigned to assist any Council-created committee by the City Manager; staff members so assigned shall not be members of the committee unless specifically appointed as such by action of a majority of the Council.

(iv) Absent any other provision to the contrary, members of any non-City organization, or City committees, boards or commissions may be removed by the Council without cause by a majority vote of the whole Council body. Any member of the City Council may place the question of such removal on the agenda. Any committees, boards, or commissions so created may be abolished by a majority vote of the whole

Council body by repeal of the enacting ordinance or resolution.

c) Santa Paula Municipal Code §12.06, as may be amended, governs the appointment of members to City bodies, committees, boards, and commissions that assist City Council in conducting City business (e.g. the Recreation, Housing and Planning Commissions).

e)d) City Council Direction to other Bodies. At the time an agenda item is discussed during a noticed public meeting of City Council, any Member may move to refer an issue raised by that item to a City committee, board, or commission with subject matter jurisdiction. Passage of the motion requires a majority vote of Members present.

6.5 Budgets

The City Council shall have the power to approve the City budget. Approval of the budget constitutes approval of a proposed plan of expenditures and revenues. It does not constitute an authorization for expenditures. With respect to any given expenditure, the applicable procedure shall be followed. Further, adoption of the budget does not, unless otherwise specified by resolution, constitute authorization for any specific employment class or position.

6.6 Items from Members

a) There is a specific item on the agenda referred to as "City Council Reports" for receiving general comments, announcements, and/or suggestions from members of the Legislative Body. This can be used to inform the public concerning upcoming events, report on members' attendance at conferences and seminars, or request that staff look into specific matters or similar matters. (See Section 5.1 regarding future agenda items if item requires Council action.) These matters may not be discussed, opined upon or deliberated, and if they do not concern a matter on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Public Comment in Section 7.2. No action may be taken on such matters without being placed on a subsequent agenda.

b) There is an agenda item referred to as "Items for Future Agendas." Matters are listed under this item pursuant to Section 5.1(b) or (c) where a member has asked that the matter be scheduled for discussion of whether a future staff report should be prepared.

c) There is an agenda item referred to as "City Manager Reports." This may be used by the City Manager similarly to the item for members of the Legislative Body in Subsection (a) above to make announcements without separately listing the matter on the agenda, and subject to the same restriction that there may be no discussion or action on such matter **except for the purpose of forming consensus on the setting of any future special meetings or activities of the Legislative Body.**

ARTICLE VII -PUBLIC COMMENT AND PRESENTATIONS

7.1 City Council Meeting Presentations

City Council presentations are for providing information to the Mayor and Council, City management, and the community about activities of interest and value to include activities, events and infrastructure projects relating to the City, honors and celebrations for organizations, corporations and residents which reflect their service to the Santa Paula community, honors and recognitions for City staff for outstanding service or commitment to the City's mission and goals. Please Note: This is not the appropriate time to seek funds from the City and/or endorsements from City Council or discuss politics. Subject to the discretion of the Mayor, all presentations are to be no more than five minutes in length; this is to include all speakers for the group being recognized.

7.2 Public Comment

At the beginning of any Legislative Body meeting the public shall be afforded the right to comment on any and all issues (not on the agenda) within the subject matter jurisdiction of the Legislative Body. Such general public comment on non-agendized issues shall be taken at the beginning of the meeting under a "Public Comment" heading. With regard to matters not on the agenda, the Legislative Body may ask questions of persons who raise new matters during the Public Comment period or otherwise, and the Presiding Officer should handle such matters as provided in Section 7.3, below. However, all Legislative Body questions must be limited to facts-only informational inquiries, and the Legislative Body may not discuss the merits, express any opinions or ask questions that convey opinions or thought processes with respect to any non-agendized issue. The public shall also be afforded the right to comment on every item appearing on the agenda prior to the Legislative Body's consideration of that item, as provided in Section 7.4 below.

7.3 Time Limitations

The time limit to speak for public comments is three minutes during a noticed public meeting, provided that these limits do not apply to a project applicant speaking at a public hearing pursuant to Article VIII. Notwithstanding these time limits, the Presiding Officer has the full prerogative to maintain meeting order and decorum as provided in Section 9.1 and Article X generally. For example, the Mayor may shorten the time limit to accommodate a lengthy agenda. Likewise, the Mayor may extend time if he or she finds such extension is reasonably necessary to allow the speaker to complete his/her message without repetition or unnecessary tangents.

The Legislative Body may also adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The Legislative Body has discretion to modify its regulations regarding time limits on public comment if necessary.

7.4 Additional Procedures for Public Comment on Agenda Items

a) Members of the public shall have the opportunity to address the Legislative Body on each and every item listed on the agenda. Public comment on agenda items must be heard prior to the Legislative Body's consideration/discussion of

the item. Public comments on an agenda item may be heard either in combination with the Public Comment period at the start of the meeting, or at the time the Legislative Body opens the item, or both, as determined by the Legislative Body and set forth in the agenda. No speaker may comment on the same item during both the Public Comment period and at the time the item is heard later in the agenda.

b) Each member of the public addressing the Council must submit such written information as the Clerk/Secretary may request for the record, step to the podium, and give their name and address for the record. However, members of the public cannot be required to provide their name or other information as a condition of providing public comment.

c) When any identifiable group of persons, as distinguished from the general public, seeks to address the Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the Council to avoid unnecessary repetition of information presented to the Council.

d) The purpose of the public comment period is to receive input from the public, not to create a debate between the Members and the public. Members should generally refrain from debating members of the public during the period for public comment, but if Members desire to clarify comments by members of the public, they may ask factual questions, and if necessary, should do so during the public comment period.

e) The Presiding Officer should clearly open and close the public comment period. After the close of the public comment period, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

f) A member of the public addressing the Council may not speak on behalf of another member of the public (i.e. "comment by proxy") unless the person whom a speaker is representing attends the meeting and submits his or her own comment card (or equivalent in the case of virtual meetings). Such represented person is not required to stay for the entire meeting.

7.5 Procedural Order for Individual Agenda Items

The procedural order for items of business appearing on the agenda at meetings of the Legislative Body may be as follows:

- a) Introduction of item
- b) Invite staff presentation.
- c) Council invited to ask staff any questions or clarifications

- d) Public comment
- e) Mayor to ask staff if they have any closing comments and/or responses to public comments.
- f) Council deliberation and discussion
- g) Introduction of motion, second, further discussion if needed, vote.

After a motion has been made, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

ARTICLE VIII -NOTICED PUBLIC HEARINGS

8.1 Public Hearings; Notice; Fairness

- a) Matters noticed to be heard by the Legislative Body shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.
- b) Legislative Body members shall not overtly or implicitly promise a particular action by City staff or by any Legislative Body. Where a Legislative Body member is contacted about an issue that will be presented to any Legislative Body of the City, it is appropriate to give a brief overview of the aforesaid City policy, to refer to City staff for further information, or to suggest that the concern be brought to the whole Council at the hearing or Council meeting, as appropriate.
- c) All public hearing notices shall be issued and published in compliance with any statutory notice requirements applicable to the particular hearing at issue and such notice shall inform interested persons of the statute of limitations to challenge the validity of any action taken by the Legislative Body on such matter.
- d) In all matters before a Legislative Body, whether a public hearing or otherwise, the Body must judge the matter fairly and without personal bias. Although every Legislative Body member has a right to their own personal opinions, Legislative Body members should by their demeanor show an ability to listen to a variety of viewpoints and demonstrate a reasonable willingness to consider all sides of an issue before them. For quasi-adjudicative and adjudicative proceedings involving public hearings, the members of the Legislative Body shall not prejudice the matter prior to the public hearing, shall be fair and impartial, and shall decide the matter based upon the evidence and the statutorily required findings.
- e) For such matters, Legislative Body members should avoid expressing an opinion or divulging their thought process until after the public hearing has been completed.

f) When there is a potential for conflict of interest or a due process concern that may impact a public hearing, Legislative Body members may contact the City Attorney. See Section 9.7 for provisions pertaining to City Attorney advice.

8.2 Continuance of Hearings

a) Any hearing being held or noticed or ordered to be held by the Legislative Body may, by order or, notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for adjourned meetings.

b) When it is the decision of the Legislative Body to continue an item which appears on the agenda, prior to hearing any report, testimony or taking evidence on the item, the Legislative Body may make such intent known at the beginning of the meeting. At that time the public shall be offered the opportunity to speak regarding the intent to continue the item. At the time regularly scheduled for the hearing of the item, the Legislative Body shall then take action to continue the item after again informing the public of the intent to continue the matter. No testimony or evidence shall be taken at that time unless the speaker will not be available at the continued hearing date.

c) When the Legislative Body has continued the public hearing on an item after its commencement, persons testifying at the first public hearing shall be permitted to again address the Legislative Body on the item at the continued hearing subject to the finding of the Presiding Officer that the testimony is redundant. If found to be redundant, the time allotted for testimony by the individual may be summarily reduced.

d) Continuances of a public hearing to a date certain need not be re-noticed unless (i) the hearing has not been continued to a date certain, or (ii) has been continued three or more times and the Presiding Officer believes confusion may be created as to the time of the hearing.

8.3 Conduct of Hearings

d) When a matter for public hearing comes before the Legislative Body, the Presiding Officer shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing. Written materials included and not included in the agenda packet are received and filed. The Presiding Officer shall permit members of the Legislative Body to ask questions of staff, but should prevent expressions of opinion by members of the Legislative Body before the conduct of the hearing.

e) The Presiding Officer shall thereafter open the public hearing and inquire if there are any persons present who desire to address the Legislative Body on the matter. Any person desiring to speak or present evidence upon being recognized, may speak or present evidence relevant to the matter being heard. Any testimony shall be truthful. The applicant/representative usually speaks first and is limited to twenty (20)

minutes, any portion of which can be used for rebuttal. The City Council may amend this time limit by consensus or majority vote depending on the complexity of the issues. Rebuttal occurs following the remainder of the public testimony.

f) Members of the Legislative Body who wish to ask questions of the speakers, during the public hearing portion, may do so but should be mindful that the purpose of the public hearing is to obtain testimony and evidence from the speakers, and not to debate the merits of the matter with speakers. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. Unlike public comment periods, generally there should be no response to speaker comments until after the close of the hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. All persons interested in the matter being heard by the Legislative Body shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the Clerk/Secretary as part of the record. Each speaker may only speak once during the public hearing unless the Legislative Body requests additional clarification later in the process.

g) Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the Legislative Body without reopening the public hearing. If, however, the Legislative Body receives relevant new evidence after the close of the public hearing and such new evidence may impact the Legislative Body motion or vote, the Legislative Body may re-open the public hearing to obtain public comments upon such new evidence.

h) The Presiding Officer has the prerogative to establish special rules, such as to require group spokesmen, to limit the number of speakers to limit the total time for testimony to allow speakers to give time to others, or otherwise control the hearing, provided that (i) speakers are treated fairly, and that (ii) any such special rules are announced in advance of their application. The Presiding Officer always retains the prerogative to cut off speakers who are unduly repetitious, and to permit the extension of time to speakers.

i) Members of the public are allowed to show videos, PowerPoint presentations or similar presentations provided such video or presentation is relevant to the subject matter of the Legislative Body, is within the established time limit, and is provided to City staff 24 hours in advance of the meeting.

8.4 Extra-Meeting Contacts on Matters Set for Public Hearing

a) Legislative Body members should minimize their contacts with developers, applicants, or other persons who will be the subject of a quasi-adjudicative or adjudicative public hearing matter to be heard before the Legislative Body. Legislative Body members should avoid extra-meeting contacts with persons who will be the subject of a public hearing before the Legislative Body or with advocacy groups or special interests.

b) If a Legislative Body member is contacted directly by such person outside the meeting setting, the member shall refrain from expressing any viewpoints or thought processes to the person until after the public hearing. The Legislative Body member may explain that they are unable to express any viewpoint on the matter until all evidence has been heard in the course of a public hearing and should encourage any such person to present their position in writing or orally at the public hearing.

c) At the commencement of the public hearing, the Legislative Body member must disclose publicly any extra-meeting contacts or discussions had which may be relevant to the decision.

d) The limitations set forth in this Section shall not be read as preventing a Legislative Body member from inspecting a site that will be relevant to a public hearing, although such sight inspection should be disclosed on the record at the beginning of the public hearing.

8.5 Contributions and Recusal (Levine Act)

The Levine Act (Gov. Code § 84308) imposes certain disclosure and disqualification requirements on officers with regard to campaign contributions. The Levine Act applies only to a proceeding involving a license, permit, or other entitlement for use.² Previously, the Levine Act applied only to officers on appointed boards. With the passage of Senate Bill 1439³ in 2022, amended by Senate Bill 1181 and Senate Bill 1243 in 2024⁴, the Levine Act now applies to officers serving on elected boards (such as the City Council) as well.⁵

a) Beginning January 1, 2023, elected and appointed members of Legislative Bodies may not participate in a proceeding involving a party's application for a license, permit, or other entitlement for use while the proceeding is pending and for 12 months after the final decision is made, if the officer-member has received a campaign contribution from that party or party's agent, or the party's agent, exceeding \$250,500 and the member knows or has reason to know that the party has a financial interest in the decision.

² This is defined as "all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises." (Gov. Code § 84308(a)(5).)

³ The Fair Political Practices Commission (FPPC), in response to several questions from the League of California Cities and other stakeholders, has adopted implementing regulations to clarify the ambiguous text of Senate Bill 1439 (SB 1439), as amended. (See Cal. Code Regs. tit. 2, §§ Amended and New Regulations 18438, 18438.1, 18438.2, 18438.3, 18438.4, 18438.5, 18438.6, 18438.7, 18438.8.) Further, a lawsuit challenging the constitutionality of SB 1439 (Family Business Association of California, et al. v. Fair Political Practices Commission, Case No. 34-2023-00335169-CU-MC-GDS), was brought and subsequently dismissed on June 16, 2023. It is not clear at this time whether the court's decision will be appealed.

⁴ SB 1181 and SB 1243 went into effect January 1, 2025.

⁵ SB 1439 does not apply to contributions to members of elected bodies (the City Council) made during 2022.

d) ~~_____~~ in the aggregate.

b) ~~_____~~ This disqualification is also triggered by the receipt of a ~~donation~~ campaign contribution exceeding ~~\$250~~\$500 from a “participant” ~~or participant’s agent~~ in the decision, ~~or a participant’s agent~~, if the member knows or “has reason to know” that the participant has a financial interest in the decision. A “participant” in general means someone who is not the party but who actively supports or opposes the party’s application for a license, permit, or other entitlement and who has a financial interest in the decision.

c) ~~_____~~ A member may not make, participate in making, or in any way attempt to use his/her official position to influence the decision if the member has willfully or knowingly received a contribution exceeding \$500 within the preceding 12 months from a party or a party’s agent, or from any participant or a participant’s agent if the member knows or “has reason to know” the participant has a financial interest in the decision. Before the decision is made, the member who received a disqualifying contribution within the preceding 12 months must disclose that fact on the record of the proceeding.

e)d) ~~_____~~ A member aware of any of the following facts “has reason to know” of a participant’s potential financial interest:

- (i) The participant has an interest in property within 500 feet of the real property at issue in the proceeding;
- (ii) The participant has an economic interest in a business entity that may see a significant increase or decrease in customers as a result of the proceeding; or
- (iii) The participant has a business relationship with the applicant that may result in additional services provided to the applicant as a result of the proceeding.

f)e) ~~_____~~ The member also may not accept, solicit, or direct a contribution from a party ~~or~~ participant, ~~or their agents~~ (if the member knows or has reason to know of the participant’s financial interest), exceeding ~~\$250~~\$500 while the proceeding is pending and during the 12 months after the date of the final decision. If such a contribution is received during the 12 months after the final decision, the officer may “cure” the violation by returning the contribution, ~~provided certain conditions are satisfied within 30 days of accepting, soliciting, or directing the contribution, whichever comes latest.~~ The member may “cure” the violation only if the member did not know or have reason to know of the participant’s financial interest.

f) ~~_____~~ “Agent”: An “agent” for purposes of this section shall mean a person who represents a party or participant for compensation and appears before or otherwise “communicates with the Legislative Body for purposes of influencing the pending proceeding” on behalf of a party or participant. An agent may not make any contribution to a member while a proceeding is pending and for 12 months after a final decision.⁶ To

⁶ Effective January 1, 2025 pursuant to SB 1181 and SB 1243.

"communicate with the Legislative Body for purposes of influencing the pending proceeding" does not include the following:

- (i) Preparing architectural or engineering drawings or similar submissions for a proceeding if (1) the work is performed pursuant to the person's profession and (2) the person makes no contact with the City other than contact with staff concerning the processing to evaluate the submissions.
- (ii) Providing technical data or analysis if the person does not engage in direct communication to influence the proceeding.

g) "Pending": For ~~officers~~members, a proceeding is "pending" when (1) the item is placed on the Legislative Body's agenda, or (2) the member knows a proceeding involving a license, permit or other entitlement for use is before the agency for its decision, and it is reasonably foreseeable that the decision will come before the member and the member knows or has reason to know the decision is within the jurisdiction of the Legislative Body in the member's decision-making capacity. For a party or party's agent, or a participant or participant's agent, the proceeding is "pending" when it is before the City for action (i.e., when the application is filed) filed with the City, or, if the proceeding does not require an application, when the proceeding is before the City for its decision or other action. This means that once the application is filed, the party or participant may not make a contribution over ~~\$250~~\$500, and their agents may not make any contribution. ~~A member~~ An officer who accepts the contribution, however, will not be at risk of violating the Levine Act if the ~~officer~~member does not know or have any reason to know about the proceeding.

h) Officers must take the following steps after learning that a disqualifying contribution was made:

- (i) For contributions over ~~\$250~~\$500 made before a final decision, a party, participant, and member who is disqualified pursuant to this section must disclose the contribution on the record of the proceeding. The member must then recuse him or herself from the proceeding unless the member takes the steps described in subparagraph ~~2~~(ii) below.
- (ii) The member may still participate in the proceeding if (i) he or she knew or should have known about the contribution and proceeding for fewer than 30 days; (ii) he or she discloses the disqualifying contribution on the record, and confirms the contribution in excess of ~~\$250~~\$500 will be returned within 30 days from the time the member knew or should have known about the contribution and proceeding; and (iii) the contribution is returned within that timeframe.

The Levine Act is a complex statute that requires a nuanced analysis of facts. Legislative Body members should consult the City Attorney if they suspect a potential violation.

ARTICLE IX -OFFICERS

9.1 Presiding Officer

a) The meeting shall be presided over and chaired by the Presiding Officer, or, in the Presiding Officer's absence, the Vice Chair. The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Legislative Body, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing. The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Legislative Body or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, to caution speakers as to disruptive behavior, and to order any persons willfully interrupting the meeting to be removed from the room, including as provided in Article X.

b) The Vice Chair shall generally take the place of the Presiding Officer in the absence of the Presiding Officer. In the absence of the Vice Chair, the Presiding Officer may call any other member to take his or her place as Presiding Officer; such substitution is not to continue beyond adjournment.

c) Any determination made by the Presiding Officer may be appealed by the making of a Motion to Appeal the Ruling by any other member of the Legislative Body. The Presiding Officer's determination will stand unless a majority of the Legislative Body members vote in favor of the Motion to Appeal the Ruling, in which case the ruling of the Presiding Officer will be overridden.

9.2 Mayor ~~and Vice Mayor~~

a) Although a ceremonial position, the Mayor occupies the highest office in the municipal government and is expected to provide the leadership necessary to keep the city moving in the proper direction. Effective mayors act not only as leaders staking out policy positions, but also facilitators of effective teamwork. The Mayor shepherds the City through public meetings and in doing so must ensure the Council's important policy issues and long-term future concerns are fairly debated by the entire Council for the benefit of the public.

b) The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to

the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.

9.3

~~The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.~~

~~Each Member elected to the Council is equally qualified and deserving to hold the offices of Mayor and Vice Mayor and each Councilmember should be given ample opportunity to serve in one or both of these offices.~~

~~d) — c) — It is the express intention of the Council that as many Members as possible serve as Mayor and Vice Mayor as long as they are in good standing.~~

9.49.3 Appointment of Mayor and Vice Mayor Representation of Legislative Body

a) ~~Each Member elected to the Council is equally qualified and deserving to hold the offices of Mayor and Vice Mayor and each Councilmember should be given ample opportunity to serve in one or both of these offices.~~

c) ~~It is the express intention of the Council that as many Members as possible serve as Mayor and Vice Mayor as long as they are in good standing.~~

Commented [MC1]: Moved from section 9.2

~~d)b) The Member appointed as Mayor must have been a member of the Council for approximately two years. In the absence of a Member with sufficient tenure on the Council and absent disqualifying circumstances, priority should be given first to any Member who has not previously served as Mayor or Vice Mayor, and thereafter to the Member with the longest continuous service since last serving as Mayor or Vice Mayor, any thereafter, to the Member who has not previously served as Mayor or Vice Mayor.~~

Commented [MC2]: Moved from 9.2(c)(x)

e)c) The Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Mayor must be a member of the City Council and retains all powers of a Councilmember.

f)d) The Vice Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Vice ~~Mayor~~ Mayor must be a member of the City Council and retains all powers of a Councilmember.

g)e) Procedure for Mayoral Election Election.:

- (i) The Clerk/Secretary will state the procedures for electing the Mayor and Vice Mayor.
- (ii) The election of the Mayor will be conducted by the Clerk/Secretary or a designee.
- (iii) The Clerk/Secretary will declare that the office of Mayor is vacant and that nominations are open.
- (iv) Any member of the City Council may nominate any member of the City Council as Mayor, including him or herself. A second to a nomination is not required.
- (v) Any member of the City Council may move to close the nominations at any time after all Councilmembers have had the opportunity to make a nomination. The motion requires a second and must receive a vote of a majority of the City Council to pass.
- (vi) After nominations have been closed, the Council can debate the nominations. After deliberations conclude, the Clerk/Secretary will call for the vote on the election of the Mayor.
- (vii) The nominees will be voted on in the order the nominations were made.
- (viii) The first Councilmember receiving the vote of a majority of the City Council is the Mayor and the election will be closed.
- (ix) If no member of the City Council receives a majority vote, the Clerk/Secretary will re-open the nominations and conduct a new election until a Mayor is elected.
- ~~(x) The Councilmember appointed as Mayor must have been a member of the Council for approximately two years. In the absence of a Councilmember with sufficient tenure on the Council and absent disqualifying circumstances, priority should be given first to any Member who has not previously served as Mayor or Vice Mayor, and thereafter to the Member with the longest continuous service since last serving as Mayor or Vice Mayor.~~

h)f) Procedure for Vice-Mayoral Election.

The election of the Vice Mayor will be conducted in the same manner as the election of the Mayor, except that it is generally expected, although not mandatory, that the Vice Mayor should succeed to the office of Mayor.

~~i)d) The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.~~

9.59.4 Use of Letterhead.

Members of the City Council may use official City letterhead to correspond with other public officials and with consultants on matters of City business but any such correspondence shall state that the views expressed therein are personal and not the position of the City unless the City Council has officially adopted such position. No other Legislative Body or Sub-Legislative Body may take a position officially representing the City unless authorized to do so by the City Council.

9.69.5 Email Policy

a) Members of the Legislative Body are provided with City email accounts which must be utilized for the conduct of City business, including communications with constituents. Members should be aware that all such communications may be subject to the Public Records Act (Government Code § 7920.0000 et seq). Use of private email accounts for City business may also make them subject to disclosure.

b) Members of the Legislative Body are subject to the Brown Act in the use of email. Email communications may not be used to develop a collective consensus or decision on any matter. Email communications to the entire Body should be avoided but may be permitted to provide factual information, for example such as arranging an event, where no discussion or exchange of opinions on a matter within the jurisdiction of the Legislative Body is initiated or occurs. When sending an email to provide such factual information, a member of the Legislative Body should advise all other members, "Please do not reply all to this email." Where a concern exists regarding whether an email complies with the Brown Act, the email can be forwarded to the City Manager or City Attorney for review.

c) In the event the entire Legislative Body is contacted about an issue on a weekday, for example, by letter or email, either the Presiding Officer or designee shall within 24 hours acknowledge receipt of the communication by replying: "We have received your [email/letter] dated _____. The City Council values your opinions. To avoid any risk of violating of the Brown Act, your [email/letter] has been forwarded to the [City Manager/City Attorney/appropriate staff]. If you have not heard from a City representative within _____ days, please contact the Mayor and/or City Manager."

9.79.6 Social Media Policy

a) The City Council, as the legislative body of the City of Santa Paula, hereby adopts the following policy regarding the private use of social media by its individual members. This policy is adopted, in part, in light of California Assembly Bill No. 992, effective January 1, 2021, which authorizes members of a legislative body to use social media to communicate with the public, subject to statutory exceptions.

b) The Council acknowledges that social media has become an integral channel of communication between individual members and the public. The Council appreciates that proper use of social media can serve many important functions, including: (1) building awareness and interest around the City (i.e., mission, services, projects, meetings, activities and events, etc.); (2) supplementing the rapid disbursement of emergency information; and (3) fostering civic pride and engagement within the community. The Council recognizes, however, that its members' use of social media must be balanced against legal obligations with respect to transparency in the conduct of the people's business.⁷ For these reasons, the following protocols will be followed.

c) **Definitions**

- (i) City: the City of Santa Paula, California.
- (ii) Councilmember and other public officials: any member of the City Council and any member of a City Council-appointed committee or other governing body of the City of Santa Paula
- (iii) City business: information relating to the conduct of the public's business or communications concerning matters within the subject matter of the City's jurisdiction, including, but not limited to, pending or potential City projects, past or prospective City agenda items, or City budgets or expenditures involving City funds.
- (iv) Open and accessible to the public: members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

- (v) Social media platforms: an online service that is open and accessible to the public. Examples include Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit.

d) Public Records Act: Councilmembers and other public officials should be aware that their posts, comments, and responses about City business on social media platforms, whether on public or private pages, may be subject to disclosure under the Public Records Act.

e) First Amendment: Councilmembers and other public officials should also be aware that their private social media accounts may be transformed into public forums where members of the public may have First Amendment rights. In determining whether a private social media page has become a public forum, courts have examined factors including:

- (i) How the public official is identified on the site (i.e., is she identified as “Mayor” or simply “Jane Doe?”);
- (ii) How the page is titled (i.e., is the account registered as a governmental account or a private account?);
- (iii) How the public official “invites” users to use the page (i.e., in cases in which the account was deemed a public one, the public official solicited the public’s opinion on City matters);
- (iv) Whether the public official is “transacting” City matters on the site (i.e., posting about matters before the City);
- (v) Whether City employees help maintain and operate the site; and
- (vi) Whether the public official uses the site to engage directly with the public (i.e., replying to constituent comments regarding City business).

f) Whether an account is private or public is fact-specific and depends on the totality of the circumstances. In some instances, courts have sided with plaintiffs in finding that public officials’ use of their social media accounts have turned those sites into public forums.⁸ For these reasons, Councilmembers shall comply with the following best practices:

- (i) No use of City staff: Councilmembers and other public officials will not use City staff to help maintain their personal accounts on social media platforms.

- (ii) Separate accounts; private page disclosure: Councilmembers and other public officials will keep all personal social media accounts separate from those of the City and other Councilmembers. To that end, Councilmembers and other public officials should include language that is substantially similar to the following on all personal pages: "This is my personal social media and is not intended as a forum to discuss City business."
- (iii) Content moderation if potential public forum: If there are reasons to believe that a Councilmember or other public official's private social media page has turned into a public forum, the Councilmember or public official should not block members of the public from the page or delete comments with which they disagree.

g) Brown Act: Councilmembers and other public officials may engage in separate conversations or communicate on social media platforms to answer questions, provide information to the public, or solicit information from the public regarding City business. In accordance with AB 992, Councilmembers and other public officials will not do either of the following on a social media platform:

- (i) Discussion by a majority: Discuss City business with a majority of Councilmembers or, as applicable, with a majority of the relevant City Council-appointed committee or commission. That includes communicating, posting, sharing, commenting, or using digital icons (i.e., a thumbs up or an emoji); or
- (ii) Direct responses: Respond directly to another Councilmember or other public official's communication, comment or post if the topic concerns City business.

h) Consequences: Failure of a Councilmember to abide by this policy, following its adoption, may result in censure by the Council.

9.89.7 Clerk/Secretary

The Clerk/Secretary or his/her deputy shall attend all meetings of the Legislative Body unless excused, and shall keep the official minutes and perform such other duties as may be requested by the Legislative Body.

9.99.8 City Manager

a) The City Manager, or designee, shall attend all meetings of the Legislative Body unless excused. The City Manager may make recommendations to the Legislative Body and shall have the right to take part in all discussions of the Legislative Body, but shall have no vote. The City Manager, shall provide the Legislative Body with

a staff report providing sufficient information to be the basis for any action by the Legislative Body at its meeting. Any officer or employee of the City, when directed by the City Manager, shall attend any meeting of the Legislative Body and may present information relating to matters before the Legislative Body.

b) Consistent with Title 3, Section 31.08, Powers and Duties of the City Manager, of the Santa Paula Municipal Code, it shall be the duty of the City Manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits, and privileges granted by the Council are faithfully observed. Further, it shall be the duty of the City Manager to recommend to the Council for adoption such measures and ordinances he/she deems necessary and to prepare, submit and administer, after adoption by the City Council, the annual budget and salary plan. It shall be the duty of the City Manager to keep the Council at all times fully informed as to the financial condition and needs of the city.

a) Any member of the Legislative Body may request that the City Manager or members of the staff to investigate a matter related to the interests of the City. Where fulfillment of the request involves substantial cost or staff resources, the request must first be approved by the City Manager or by a majority of the Legislative Body during the part of a meeting for "Future Agenda Items". The decision to approve the request and responses to requests, whether requiring approval or not, will be communicated to the entire Legislative Body.

9.109.9 City Attorney

a) The City Attorney, or deputy, shall attend all meetings of the City Council unless excused and shall upon request of any member give an opinion, either written or oral, on questions of law. The City Attorney, or deputy, shall attend all meetings of such other Legislative Bodies as directed by the City Council or City Manager. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body pursuant to Section 3 of Article XI, below. All ordinances and resolutions, all contracts, deeds, and easements or other legal instruments shall be approved as to form and legality by the City Attorney. Contracts may be approved as to form and/or legality by the City Attorney when exceeding purchasing ordinance and policy guidelines. In any case of ambiguity or uncertainty in the interpretation or application of this Manual to any procedure, the Presiding Officer may direct such question to the City Attorney for a ruling.

b) Any member of the Legislative Body may request from the City Attorney a legal opinion regarding any matter related to the interests of the City. Where a legal opinion involves over two (2) hours of attorney time substantial cost, the request for the opinion must first be approved by the City Manager or by a majority of the Legislative Body during the part of a meeting for "Future Agenda Items". The City Attorney is the legal representative of the City acting through its Legislative Body. There is a continuing legal question as to whether the City Attorney may have an attorney-

Commented [3]:

Commented [MC4]: Define substantial cost.

client relationship with any individual member of the Legislative Body or the City staff. As a consequence any discussion with the City Attorney which leads to the conclusion that the interests of the City are at risk must be revealed to all relevant members of the Legislative Body and the City staff by the City Attorney. The City Attorney shall not have an attorney-client relationship with individual councilmembers. The City Attorney is required to maintain the confidentiality of such communications from persons outside the City to the extent required or permitted by law, including the Rules of Professional Responsibility promulgated by the State Bar.

c) The City Attorney has no statutory duty or authority under the Political Reform Act to provide Political Reform Act advice to any Legislative Body member but should provide advice to members when requested. However, a Legislative Body member may not rely on advice from the City Attorney to provide him or her with immunity from FPPC enforcement or prosecution. Such immunity may be obtained only through a written advice letter obtained from the FPPC, on the question at issue, by the Legislative Body member. A Legislative Body member enjoys no privilege of attorney/client confidentiality in reviewing these matters with the City Attorney. Any advice given to an individual member of a Legislative Body cannot be withheld from the rest of the City or Legislative Body. If, after receipt of an opinion of the City Attorney the Legislative Body member wishes to participate in the decision making process with immunity from prosecution or enforcement, the City Attorney shall assist the Legislative Body member in making direct contact with the FPPC for informal or formal advice upon which the Legislative Body member can rely.

d) [City Council Only]. It often happens that other jurisdictions or the League of California Cities or other regional or statewide association will ask the City to participate in the filing of a letter or brief before a court in a matter deemed to be of concern to all or a great many cities. These "friend of the court" or "amicus" briefs have the effect of informing the court how widespread its opinion will be and how that opinion will affect cities. Such participation is normally without direct cost to the City. In considering whether to direct City Attorney to file or join an amicus brief, the City Council shall consider whether such brief would represent or propose a position that conflicts with, or causes strife amongst, other City-related interests such as, without limitation, the interests of employee organizations, law enforcement, or public safety.

- (i) Upon receipt of the request, the City Attorney shall make the request available through the City Manager to the Council. Upon a determination by any Council member that there is an interest in participating in the action in the manner proposed, the Council member shall inform the City Manager or City Attorney who shall place the matter as an item for discussion in closed session on the agenda of the next Legislative Body meeting. The City Attorney may otherwise place an amicus request on the agenda on his or her initiative.

- (ii) In lieu of the foregoing process, where there is urgency to the matter, the City Attorney is authorized to undertake the filing of the letter or brief where (i) in the opinion of City Attorney the legal matter significantly affects the interests of the City, (ii) the City Attorney has consulted with and received the approval of the City Manager, (iii) the cost to the City will not exceed \$5000, and (iv) the City Attorney makes a written report of the action to the Legislative Body.
- (iii) Approval given to City Attorney to defend, or seek or refrain from seeking, appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a closed session consultation shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

9.119.10 Conflicts of Interest

All Legislative Body members are subject to the provisions of California Law, such as Chapter 1, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Legislative Body. Any Legislative Body member prevented from voting because of a conflict of interest shall refrain from in any way participating in the matter giving rise to the conflict. Where recusal from a matter is made on the basis of a conflict of interest arising from a financial interest in the decision, the Legislative Body member shall announce their recusal from the matter when it is first opened, and then shall set forth the reason for the recusal with the degree of specificity at least equal to the disclosure of the Legislative Body member's financial interests on the Legislative Body member's annual statement of financial interests; immediately after such announcements, the Legislative Body member shall leave the room. The Legislative Body member shall not overhear the staff report, participate in the discussion or deliberations and shall not otherwise make or participate in making the decision or in any way attempt to use his or her official position to influence the decision, including inquiries and discussion with City staff. This shall not prevent the conflicted Legislative Body member from coming before the Legislative Body solely during the public comment period as an affected resident to state his/her opinion on how the matter impacts their disqualifying interests.

9.129.11 No Financial Interest in Contracts

A member of a Legislative Body shall not have a financial interest in a contract within the meaning of Government Code §1090 et seq. made in their official capacity and such contract shall be null and void whether the member participates in the making of the contract or not.

9.139.12 Ethical Standards

A member of a Legislative Body shall maintain the highest ethical standards and shall adhere to all laws and the ordinances and regulations of the City in carrying out their duties.

ARTICLE X -DECORUM AND ORDER

10.1 Decorum and Order

a) The rules governing decorum and order in the governance of the City is attached hereto as Exhibit A (the “Code of Conduct”). The Code of Conduct describes the manner in which City Officials should treat one another, City staff, constituents, and others they come into contact with in representing the City of Santa Paula. The Code of Conduct is intended to advance the City’s goals by providing efficient and high quality services to City residents and a safe and productive work environment for the City’s employees.

10.2 Persons Authorized To Be Within Platform/Dais

No person except Legislative Body officials or authorized Legislative Body staff shall be permitted behind the Legislative Body dais without permission or consent of the Presiding Officer or the City Manager.

10.3 Personal Privilege

If a Legislative Body member is personally offended by the remarks of another member, the offended Legislative Body member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other member to justify or apologize for the language used. The Presiding Officer will maintain control of this discussion. The right of a member to address the Legislative Body on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned or impugned.

10.4 Disruptive Members of the Public

Members of the public have the right to criticize the Legislative Body and public officials, which may involve the use of profanity and other forms of expression. The public does not have the right to impede the orderly conduct of a public meeting. When a member of the public is disruptive, the Presiding Officer must warn the individual that their behavior is disrupting the meeting and their failure to stop their behavior may result in

their removal. If the individual does not promptly cease the disruptive behavior, the Presiding Officer or their designee may order removal of the individual. "Disruptive behavior" means behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to: (1) behavior that violates one of the Legislative Body's regulations addressing the conduct of open meetings or any other law, or (2) behavior a reasonable observer would perceive as an actual threat to use force by that member of the public. (Government Code § 54957.95.) Removal of the disruptive person should only be used as a last resort.

ARTICLE XI -PARLIAMENTARY PROCEDURES

11.1 Procedures In Absence Of Rules

a) City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, the Santa Paula Municipal Code, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in this Article XI may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may, upon majority vote, alter or modify any provision of this Article (hereinafter, "Rules") when appropriate or desirable.

b) These Rules are adopted to expedite the City Council's business transactions in an orderly fashion and are procedural only. **Failure to strictly observe these Rules will not affect the Council's jurisdiction or invalidate any Council action conforming with applicable law.**

c) Any provision of these Rules not governed by the Government Code or other applicable law may be temporarily suspended by a two-thirds vote of all members of the Legislative Body. Such suspension may be removed at any time by the same vote of members. The vote on any such suspension shall be taken by yeas or nays and entered upon the record.

11.2 Precedence of Motions

a) A motion may be debated by the Legislative Body after it is made. During debate, any member of the Legislative Body may "call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

b) When a motion is before the Legislative Body, no other motion may be considered except:

- (i) Motion to Amend — (debatable only as it relates to the amendment)

An amendment which modifies the motion is in order. However, a substitute motion is in order if the intent is changed. Amendments are voted on first, and the main motion vote is last. A motion may

be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

- (ii) Motion to Postpone — (a motion to postpone indefinitely is debatable)

If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.

- (iii) Motion to Table — (Undebatable and not subject to amendment)

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

- (iv) Motion for Previous Question (Undebatable)

A motion for previous question closes debate on the main motion and is non-debatable. If motion fails, debate is reopened; if motion passes, then vote must be taken on the main motion.

11.3 Voting

a) After a full opportunity for debate if it appears that there is a consensus of opinion among the members of the Legislative Body on the matter to be voted upon, the Presiding Officer may state the consensus of the Legislative Body and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the Legislative Body. The Presiding Officer may also determine that a consensus exists following a call for a vote by any member of the Legislative Body by a Motion to Call the Question.

b) The order voting shall be random with the Mayor voting last. The Clerk/Secretary shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond 'aye', 'no' or 'abstain.' After every vote the Legislative Body shall declare the result and, on all but consensus votes, shall note for the record the number of votes for or against the question. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Legislative Body.

c) During a collective vote (Ayes and Nays), silence of any Councilmember denotes an affirmative vote.

d) Any Councilmember has the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

11.4 Votes Needed

a) Usually, in the absence of a contrary statutory provision (such as urgency measures), a majority of a quorum which constitutes a simple majority of the Legislative Body may act for that body. However, resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of a Legislative Body.

b) State law may dictate certain instances in which the number of votes required is greater than a majority of all Legislative Body members. As a matter of convenience, questions on which the voting requirement is varied by the State statutes and these rules, include, without limitation, the following:

- (i) Levying Taxes - Ordinances providing for the Assessment and collection of taxes require the approval of two-thirds of the members of the whole Council.
- (ii) Assessment - Assessments require a two-thirds vote of the whole Council.
- (iii) Bonds and Certificates of Participation - Authorizing the issuance of these financial instruments requires a two-thirds vote of the total Council.
- (iv) Eminent Domain - The exercise of Eminent Domain requires a two-thirds vote of the total Council.

c) Any official with a conflict of interest is not counted for purposes of establishing a quorum, and must not vote on, make, participate in any way in, or attempt to influence the decision. A Legislative Body member abstaining on any other grounds than a conflict under the Political Reform Act shall be counted as present for purposes of a quorum and such abstentions are counted with the majority. The Legislative Body member who leaves the dais solely to avoid participating in a specific item shall, in absence of a conflict, be counted as if they were present but abstaining and such abstentions are also counted with the majority.

d) If a motion is lost on an ordinance or any motion when the legally required number of votes for passage is three (3), when two (2) members of the Legislative Body are absent, the matter will be automatically continued to the next regular meeting. In the case of an Urgency Ordinance, which requires a four-fifths vote to pass, a unanimous vote on a motion is required for passage when one (1) Councilmember is absent.

11.5 Reconsider

Any Legislative Body member who voted with the majority may move to reconsider any action at the same meeting or, within sixty (60) calendar days, request in writing to the Clerk/Secretary that it be agendized for consideration at the following meeting, provided that reconsideration shall not be permitted where a party other than the City has acted in reliance on the Legislative Body's action and would be substantially prejudiced by such reconsideration. The Clerk shall apprise the City Attorney of any facts constituting substantial prejudice and may rely upon the determination of the City Attorney. The motion for reconsideration is debatable and has precedence over a pending motion. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Legislative Body member who voted against the earlier motion may move for reconsideration at the following meeting. The member seeking reconsideration must have the matter agendized unless the motion will be made at the same meeting where the original action was taken. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. If the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, however, the item may be reconsidered without further notice. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Legislative Body.

11.6 Tie Votes

Tie Votes shall be lost motions unless an additional Motion is made which obtains a majority vote to break the tie. When all Legislative Body members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. In such case, the findings in support of the decision shall be those of the lower body. If a tie vote results at a time when less than all members of the Legislative Body are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Legislative Body, unless otherwise ordered by the Legislative Body. A member of the Legislative Body may change his/her vote only if the change is made immediately following the announcement of the vote by the Presiding Officer and before the next agenda item is announced.

11.7 Abstentions

Members of the Legislative Body are discouraged from abstaining from a vote for reasons other than a legally-disqualifying, financial conflicts of interest. However, if a member chooses to abstain from voting as a result of what he/she perceives as a personal or non-financial conflict of interest, the member may do so after stating for the record the nature of the perceived conflict. A member of the Legislative Body who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention. In the event of such a perceived conflict (as opposed to a legally-disqualifying conflict), the member is not required to leave the dais.

a) A Legislative Body member shall generally express their positions on all matters except those where they are required to abstain due to legally recognized conflict of interest.

b) A Legislative Body member who has appealed the action of any person or body of the City on a matter which does not constitute a conflict of interest for the member under any law, may participate in the hearing on the appeal, unless there is clear and convincing evidence that such member is not objective or the member feels that they are unable to remain neutral, or as may be otherwise advised by the City Attorney. Notwithstanding any contrary provisions herein, in bringing an appeal, the Legislative Body member need not give reasons for making the appeal.

c) A Legislative Body member may abstain from action on a matter where in the member's opinion, there might be a public perception that participation in the discussion or decision would be inappropriate even though the member has no disqualifying financial interest within the meaning of FPPC rules and regulations.

11.8 Votes Of Members Previously Absent

a) A Legislative Body member who was not present at a meeting should generally not vote on the approval of minutes for that meeting, but the voting on such minutes shall have no effect on the validity of the minutes.

b) A Legislative Body member may vote on a continued item after an absence from the earlier public hearing of the matter if, prior to the vote, the member affirms on the record that they have familiarized themselves with the record of the earlier meeting and are prepared to vote on the issue. If the member shall abstain from the vote, the member shall be counted towards the quorum on the issue and the abstention shall be counted with the vote of the majority of the quorum.

c) The foregoing shall not apply to the matter of a vote on the minutes of a meeting at which the member was not in attendance. In that instance, the member abstaining on the grounds of non-attendance at the meeting to which the minutes pertain shall not be counted towards the quorum on the issue and the abstention shall not be counted with the votes of the majority of the quorum.

11.9 Appeals by Members of Legislative Body for Quasi-Adjudicatory Decisions

Except where otherwise provided, a member of the City Council may be deemed an interested person in any decision by a subordinate body and shall have standing to appeal to the City Council any decision by the subordinate body, or any determination made by any official of the City by filing a written appeal. The appeal shall not state any grounds for the appeal and the resulting hearing shall be de novo. "De novo" means that the City Council decides the appeal without deference to the subordinate body's decision and decides the matter on appeal as if heard for the first time. The appeal must be filed within 10 days of the making of the decision being appealed and shall be filed with the Clerk/Secretary who shall give written notice to the applicant, and provide written notice

to other persons as required for the original action. The hearing shall be held at the first regular meeting of the Council for which notice can be legally given.

11.10 Findings and Decisions

Decisions of a Legislative Body, when acting as a quasi-adjudicative body (public hearings) should be framed in terms of “findings” of fact, potentially relevant conclusions of law, and ultimate decisions showing the basis for the decision and the nexus between the findings, the conclusions, and the decision. The Legislative Body members must consider any legally-mandated findings applicable to a matter and consider the evidence presented to them in light of such findings in making their decisions.

11.11 Presentation of Evidence

a) Oral Evidence

Oral evidence may be taken on oath or affirmation if requested by the Legislative Body.

b) Exhibits and Documents

Documentary evidence, exhibits, written communications, and documents used and relied upon by the Legislative Body during meetings must be made part of the record.

c) Communications and Petitions

All communications and petitions must be read aloud either in full or in summary. A reading in full must be made at the request of a majority of the Legislative Body. All such communications and petitions may be placed into evidence at the discretion of the Legislative Body.

d) Staff Reports

A written staff report should be prepared and orally reviewed as part of the staff presentation. Such report is evidence and part of the record.

e) Large Maps and Displays

Large size maps and displays presented for use at the hearing should be displayed in full view of the Legislative Body. When practicable, such maps or displays, or their authentic reductions, will be placed into the record.

f) Admissible Evidence

A Public Hearing need not be conducted according to legal rules of evidence. Any evidence may be accepted if it is relevant and of the type

which reasonable persons rely upon in conducting serious affairs.
Irrelevant and unduly repetitious evidence will be excluded.

ARTICLE XII -MISCELLANEOUS

12.1 Interpretation

This Manual shall be liberally construed to effectuate its purpose and no ordinance, resolution, proceeding or other action of the Legislative Body shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Legislative Body to technically comply with, observe, or follow the within rules. The City Council may, by resolution, adopt further rules of interpretation or practice.

12.2 Amendments

This Manual may be amended from time to time as necessary by resolution passed by a majority vote of the City Council at any regular or special meeting, provided that no such amendment shall be adopted unless at least seven days' prior written notice thereof has been given to all Legislative Body members serving the City. Such notice shall identify the Section or Sections of the Manual proposed to be amended.

Exhibit A
CODE OF CONDUCT

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CODE OF CONDUCT

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with. Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may “agree to disagree” on contentious issues.

The constant and consistent theme through all of the conduct guidelines is “respect.” Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect of each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

1.0 Council Conduct with One Another

a) Members of the Legislative Body should refer to one another formally during public meetings as Mayor, Vice Mayor or Councilmember followed by the individual’s last name.

b) Difficult questions, though challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, members of the Legislative Body to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

c) Any member of the Legislative Body wishing to speak, or any member of the public wishing to address the Legislative Body must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any member of the Legislative Body who seeks the floor when appropriately entitled to address the Legislative Body. The Legislative Body member shall confine himself or herself to the question under debate. It is the responsibility of the Chair to keep the comments on track during public meetings. Members of the Legislative Body should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair’s actions, those objections should be voiced politely and with reason.

d) Any member of the Legislative Body, including the Presiding Officer, may bring a matter of business properly before the Legislative Body for decision by making a motion. Any Legislative Body member, including the Presiding Officer, except the Legislative Body member making the motion, may second a motion. Once a motion is seconded, it may be opened for discussion and debate.

e) The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the majority Legislative Body.

f) Legislative Body members shall accord the utmost courtesy to each other, to City or Legislative Body employees, and to the public appearing before the Legislative Body and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities, which disrupt, disturb or otherwise impede the orderly conduct of the Legislative Body meeting.

g) Any Legislative Body member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Legislative Body shall require the member to so act.

h) The members of the Legislative Body shall not engage in communications between themselves during the Legislative Body meeting regarding matters being considered on the agenda unless and until the Legislative Body has opened that agenda item. In order to minimize exposure to a Brown Act violation, Legislative Body members are discouraged from discussing any City business during breaks or before and after meetings; City business may only be discussed by a quorum of Legislative Body members when it is opened as a duly-noticed agenda item. Legislative Body members should not leave the room during an agenda item.

i) The members of the Legislative Body shall always be attentive and show respect to those addressing the Legislative Body provided that nothing shall prevent the enforcement of the rules of decorum herein.

j) No Legislative Body member attending a meeting of another City commission or committee shall make any statement or, give the appearance or indicate in any way that they are representing the Legislative Body unless they have been authorized to do so by the Legislative Body. When making a comment at such a meeting, the Legislative Body member should make it clear that they are speaking solely as an individual. Unless officially appointed to participate on a committee, Legislative Body members should make an effort not to insert themselves into or take positions on matters which will ultimately be decided upon by the Legislative Body.

k) The Legislative Body may censure its own members for misconduct pursuant to Section 7.0, below.

2.0 Council Conduct with City Staff

a) Governance of a city relies on the cooperative efforts of elected officials, who set policy, and city staff, who implement and administer the Legislative Body's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

b) During meetings, City staff and employees shall observe the same rules of procedure and decorum applicable to Legislative Body members. The City Manager shall ensure that all staff and employees observe such decorum. Any staff members, including the City Manager, desiring to address the Legislative Body or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed

to the Presiding Officer and not to any individual Legislative Body member or member of the public.

c) Questions of City staff and/or requests for follow-up or additional background information should be directed only to the City Manager, the City Attorney, Assistant/Deputy City Manager, or Department Heads. The Office of the City Manager should be copied on any request, except those to the City Attorney. When in doubt about what staff contact is appropriate, Legislative Body members should ask the City Manager for direction. Materials supplied to a Legislative Body member in response to a request will be made available to all members of the Legislative Body so that all have equal access to information. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

d) Members of the legislative body should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Members of the legislative body must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

e) Legislative Body members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

3.0 Council Conduct with the Public

a) In Public Meetings, members of the Legislative Body should make every effort to make the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. In the event of disruptive behavior while a Councilmember is speaking on an item, the Mayor is encouraged to politely ask attendees to cease disruptions so that the Council can get through all business on the agenda.

b) Public Hearings.

b)1. Members of the Legislative Body should be fair and equitable in allocating public hearing time to individual speakers. The Presiding Officer will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Presiding Officer may shorten the time limit

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and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

e)2. Each speaker may only speak once during a public hearing unless a Member of the Legislative Body requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Presiding Officer reopens the public hearing for a limited and specific purpose.

d)c) It is disconcerting to speakers to have Members of the Legislative Body not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

e)d) Only the Presiding Officer, not individual Members of the Legislative Body, can interrupt a speaker during a presentation. However, an individual Member can ask the Presiding Officer for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds disturbing.

f)e) If speakers become flustered or defensive by questions, it is the responsibility of the Presiding Officer to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by individual Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. A Member's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

g)f) Members of the Legislative Body should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

h)g) The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body.

i)h) Members of the Legislative Body will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise a particular action, or to promise City staff will do something specific (fix a pothole, plant new flowers in the median, etc.)

4.0 Council Conduct with Other Public Agencies

a) When any Member appearing before another governmental agency or organization to give a statement on an issue, the Member must clearly state: 1) if his or

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her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

b) If the Member is representing the City, the Member must support and advocate the official City position on an issue, not a personal viewpoint.

c) If the Member is also a voting member on another organization's body whose position is different from the City, the Member should abstain from voting on the issue if it significantly impacts or is detrimental to the City's interest. Members of the Legislative Body should be clear about which organizations they represent and inform the Mayor and Council of their involvement. If there is a chance another organization's position significantly impacts the City's interest, Members should consult the City Attorney.

5.0 Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Qualified individuals who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a) If attending a Board or Commission meeting, be careful to only express personal opinions.

b) Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

c) Members of the Legislative Body should not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for individual Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

d) The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor do Councilmembers have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

e) Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6.0 Other Council Conduct While In Office.

Unless expressly stated otherwise in this section, each member of the City Council shall:

a) Safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising objectivity, independence and honesty.

b) Not deliberately lie or mislead the public, staff, or fellow Members, unless there is a good faith belief that full disclosure of facts would potentially violate the law.

c) Consider whether an action exceeds or appears to exceed authority of his or her office for personal or financial gain. When in doubt, avoid actions that create, in the mind of a reasonable observer, the appearance of impropriety, ethical lapses, legal violations or actions inconsistent with this Code of Conduct or the Manual.

d) Refrain from making unauthorized commitments or promises of any kind purporting to bind the City. Refrain from any gratuitous comments that may harm the City's position in litigation or potential litigation.

e) Refrain from using status as a public officeholder to influence the outcome of a community meeting. When attending as a resident, indicate when expressing personal opinions and refer questions related to City policies to the City Manager.

f) Utilize City resources, including but not limited to, equipment, supplies, staff time, telephones, computers and fax machines in a manner consistent with City policies, the Fair Political Practices Commission regulations and state laws.

g) Ensure that correspondence paid for with public funds or on City stationery must relate to bona fide City business and must not purport to advance or advocate a policy not previously approved by the City Council. No Member shall create or transmit any City correspondence without authorization from the City Council to serve as spokesperson for this purpose. Councilmembers may distribute City public information.

h) Legislative Body members are encouraged to notify the City Attorney when an employee communicates alleged misconduct by the City Manager.

i) Legislative Body members are encouraged to share with the City Manager information received that may be relevant to the best interests of the City.

7.0 Enforcement of Legislative Body Member Decorum During Meetings

a) When a Member disrupts a meeting by speaking out of turn or continually seeking the floor to rebut other Members who disagree, the Presiding Officer should first firmly but calmly remind the Member of the rules of procedure and decorum. If the Member continues to disrupt the meeting, the Presiding Officer's next step is to state, "The member is out of order and will not speak until called upon." If the behavior still persists, the Presiding Officer is to name the offender, describe the offender's unruly behavior, and instruct the City Clerk/Secretary to record the cited behavior or words in the minutes. A member of the Legislative Body may (but is not required to) then make a motion to impose a penalty on the offending Member or the Presiding Officer may ask, "What penalty should be imposed on the member?" Possible motions that the Legislative Body can make include:

1. A motion that the member must apologize
2. A motion that the member must leave the chambers for the remainder of the meeting or for a shorter period of time to cool off.

If the Legislative Body wants the Member to leave the chambers while the penalty is discussed, this option must be presented in the form of a motion. If the Legislative Body does not ask the Member to leave during the discussion, the Member should be allowed to speak briefly in his or her defense. If the Member denies the charges, then the City Clerk/Secretary can read back what he or she has said or done. Expulsion from the meeting requires a two-thirds vote. At the request of a single Member, the vote must be taken by ballot.

b) The Santa Paula Police Chief or designee shall be ex-officio sergeant-at-arms of the Legislative Body. He or she shall carry out all orders and instructions given to him or her by the Presiding Officer for the purpose of maintaining order and decorum in the Legislative Body meeting. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-at-arms to eject the disruptive Member.

c) In the event the disruptive Member is the Presiding Officer, the Vice Chair shall carry out the enforcement of order and decorum as described in this section.

8.0 Censure of Legislative Body Members

a) It shall be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate any general law or regulation, and any rule, law, ordinance, or resolution of the City of Santa Paula. It shall also be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate a policy of the City which has been adopted following a vote of the Legislative Body or the City Council on the matter and which by its terms is expressly made applicable to the Legislative Body.

b) Any violation of this Code of Conduct by a Legislative Body Member may be punished through the administration of a public censure of the member by the member's legislative body. Such censure may be in addition to any other punishment

applicable to the violation. For purposes of this section, "censure" shall mean the adoption of a motion setting forth a statement of disapproval of a legislative body member's conduct.

c) A Legislative Body Member may not be made the subject of a motion for censure without first being given notice of the violation and an opportunity to correct the violation, if it can reasonably be corrected. Upon a continued violation or failure to correct, the charged member shall be given notice and an opportunity to be heard as follows:

1. Only a sitting Member of the Legislative Body whose member commits the violation may initiate proceedings for the censure of one of its members.
2. Proceedings shall be commenced by the presentation of a written statement of charges to the subject Legislative Body Member with a copy delivered concurrently to the clerk/secretary by the member initiating the charge.
3. Initiation shall not require the prior approval of the Legislative Body. The statement of charges shall be given at least ten days prior to the meeting at which the censure motion is proposed to be brought. The notice shall contain, at a minimum, the designation of the specific rule, law regulation, etc. Which the member is claimed to have violated and a statement of the date, place, and time at which the violation occurred. The statement shall further contain a description of the conduct of the member which is alleged to constitute the violation. The statement of charges shall be delivered to all other Legislative Body members.
4. Within seven (7) days after delivery of the statement of charges, the charged member should deliver a written response to the other members of the Legislative Body unless the charged member chooses to defer to response to the hearing.

d) The motion for censure shall be agendized and considered at the first regular meeting occurring 10 days following the delivery of the statement of charges to the Member and clerk/secretary. The hearing may not be continued except upon the absence from the meeting of a Member of the Legislative Body other than the Member bringing the charge or the member who is the subject of the charge.

e) The hearing shall be conducted in an open session by the presiding officer unless the presiding officer is a party to the action, in which case the vice chair or some other Member shall conduct the proceedings. The hearing shall generally proceed by a reading of the charges by the charging member. The charging member may present witnesses; the charged member may answer in rebuttal; members of the public may

speak in favor or opposed to the charge; and the remaining members may speak to the charges in that order.

f) Passage of the motion for censure shall require a majority vote of the Members of the Legislative Body. The voting members shall not go into closed session for deliberation.

g) If the motion for censure does not pass, the proceedings shall be at an end. A new motion for censure on the same grounds of violation may not thereafter be commenced against the same Legislative Body Member for a period of one (1) calendar year from date of the vote. However, new proceedings may be commenced on the same charges within the one (1) year period on the vote of 4 members of the five-member Legislative Body.

h) If the motion for censure does pass, such motion shall become a part of the public record, a copy of which shall be made available upon demand to any member of the public and notice of same shall be placed in the administrative file of the Legislative Body Member. A censure can include:

1. Adoption of a resolution expressing disapproval of the conduct giving rise to the censure.
2. Removal from representing the Council at any activities where they might be designated by the Council as a representative of the City.
3. Removal or non-appointment of a Legislative Body Member from committees.
4. Removal or non-appointment of a Legislative Body Member from the offices of Mayor or Vice-Mayor.

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Embedded Excel	0
Format changes	0
Total Changes:	88

Purpose:

To ensure that all council members have a fair opportunity to serve in leadership roles and recognizing the value of experience.

Policy Guidelines:

1. Eligibility Criteria:

- Any council member who has served at least one full year is eligible for rotation into the Vice Mayor role, and then Mayor role after 2 full years of service.
- A member may defer their turn for personal or professional reasons, in which case they will be re-entered into the rotation the following year.

2. Rotation Sequence:

- Roles are rotated annually based on a combination of seniority (time on council) and previous service in leadership roles.
- A point system can be used to determine order:
 - +1 point for each year served on the council.
 - +2 points for each year since last serving as Mayor.
 - The member with the highest point total who hasn't recently served becomes Vice Mayor, then typically advances to Mayor the following year.
 - Time since last serving as mayor re-sets if there is a break in a member's service on the Santa Paula City Council.

3. Term Limits for Leadership:

- No council member may serve as Mayor more than once every 4 years, unless all other eligible members decline.

4. Transparency:

- The rotation schedule is established publicly at the beginning of each calendar year or council term.
- Any changes or deviations from the schedule require a majority vote and a stated rationale.

5. Considerations:

- This policy should be periodically reviewed to ensure it continues to promote inclusive participation.