SUBJECT: APPROVAL OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

SOURCE: City Clerk Division

COMMENT: In order to provide City Council members with guidelines, procedures and miscellaneous information in regard to conducting the routine duties of a Council member, the Deputy City Clerk compiled a booklet setting forth the pertinent information which was felt would be beneficial. On June 4, 2002, the City Council approved the implementation of the City Council Procedural Handbook which defined processes and standards for Council and staff action. The Handbook created a consistent guide to action and expectation, which assisted in consistent and equal support to all members of the Council. On April 15, 2003, the first amendments to the Handbook were adopted reflecting modifications submitted by Council.

Modifications to the current City Council Procedural Handbook were needed as a result of the adoption of Ordinance No. 1646, which changed the regular meeting time of the City Council from 7:00 p.m. to 6:00 p.m. A minor change was also required in Section VIII, Conflict of Interest, A-2, due to the annual adjustment by the Fair Political Practices Commission as to the amount allowed for gifts. On November 23, 2004, a draft of the Procedural Handbook with these proposed changes was sent to the Council Members for their review. Council set a study session to review the City Council Procedural Handbook, in its entirety, for any additional input from the Council. At Council’s discretion, language was also to be included to articulate a procedure for lowering the City’s flag(s).

On February 8, 2005, the Council held a study session to review the Handbook. The following changes were approved at that study session:

1. Page 1, Section I(A), Paragraph 2 should be stricken.
2. Page 6, the last paragraph in Section III (A)(3), it was determined that “anyone else” would be stricken and replaced with “…to the other Council Members and the City Manager or other Directors…”
3. Page 13, Section VIII - Conflict of Interest, A (2) Disqualification of Participation (Conflict of Interest). “2,500 feet” to read “500 feet.”
4. All references in Handbook to be changed so as not to be gender specific.

Item No. 29
5. Page 17, Section IX - General Items, a standardized form for use in evaluating both the City Manager and the City Attorney to be added. (The language referencing an Appendix to be added later could be included at the end of Section IX until the form is completed).

The City Council Procedural Handbook has been revised to reflect the proposed changes from November 23, 2004, the proposed changes from February 8, 2005, and the procedure for lowering the City’s flag(s). The revised Handbook is attached for the Council’s review. All revisions are shown in **bold**.

The City Council chose to remove the order of business included in the Handbook for informational purposes as said order is adopted by Council Resolution. It has been determined that changes in State law, requirements of the Ralph M. Brown Act, and Council’s determination to best meet the needs of the public, require the order of business to be revised by the City Council. A draft resolution is included for Council consideration.

**RECOMMENDATION:** That the Council:
1. Review the proposed modifications to the City Council Procedural Handbook; and
2. Approve the draft resolution adopting the City Council Procedural Handbook as amended; and
3. Adopt the draft resolution setting forth the Established Order of Business to be Followed at Regular Meetings of the City Council.

**Attachment:**
1) City Council Minutes of February 8, 2005
2) Resolution Adopting Revised City Council Procedural Handbook
3) Revised City Council Procedural Handbook
4) Draft Resolution setting forth the Established Order of Business to be Followed at Regular Meetings of the City Council.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - FEBRUARY 8, 2005
CITY HALL CONFERENCE ROOM
6:00 P.M.

Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

Pledge of Allegiance by Council Member West
Invocation by Mayor Martinez

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. STUDY SESSION FOR CONSIDERATION OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council:
1. Review the proposed modifications;
2. Provide direction to staff regarding any additional modifications; and
3. Direct staff to prepare a draft resolution amending the City Council Procedural Handbook for Council’s review and bring the item back to Council.

Mayor Martinez opened up the discussion and questioned whether anyone had any specific questions or comments as to the Handbook.

City Manager John Longley referred Council to Page 13, Section VIII - Conflict of Interest, A (2) Disqualification of Participation (Conflict of Interest). He questioned whether the reference to 2,500 feet should actually read “500 feet.”

City Attorney Julia Lew confirmed that the standard was actually 500 feet, but that the Council could increase the distance to 2,500 feet if it chose to. It was then discussed that the “2,500 feet” might have been a typographical error, or merely outdated. It was then agreed that the figure should be changed to 500 feet.

Mayor Martinez requested that all references to Council Members be changed so they are not gender specific, pointing to the “he” and “his” references in that same paragraph. He suggested that references such as “he” be changed to “he/she,” or “his” be changed to “his/her.”

A discussion then ensued regarding Section I - Meetings of Council, Subsection D - Order of Business. It was confirmed that this Section would need to be updated in the event changes were made pertaining to the Invocation portion of the meeting. Mr. Longley suggested that there was likely an ordinance or resolution that would also need to be changed.
City Attorney Julia Lew pointed out that another option would be to remove the Order of Business in its entirety from the Handbook. Ms. Lew then reviewed the City Code and confirmed that the Code stated that the “order of business shall be established by resolution.” She suggested that the resolution could provide for some flexibility. It was then pointed out that a discussion as to the invocation portion of the order of business would take place during Closed Session.

As to Page 8, Section IV - Council Member Requests to Staff, Subsection C, Mayor Pro Tem Irish requested clarification as to how Council should proceed, particularly with constant concerns regarding staff time. He suggested that if a Council Member wished to add an item to the Agenda, the Council Member should bring the item up during the Other Matters segment of a Council Meeting. It was pointed out that currently, if the request was presented to the City Manager on the Monday a week prior to the Council Meeting, the requested item would be placed on the Agenda. It was discussed and decided that this procedure would remain in effect; however, the Council would as a common courtesy propose the item during the Other Matters portion of a Council Meeting so as to inform the other Council Members of his intent.

City Manager John Longley clarified that he understood that Council did not wish to change the Handbook, but that each would agree as a courtesy to bring the item up at a Council Meeting. However, Mr. Longley pointed out that if pressed, he would be required to place an item on the Agenda if such request had been submitted pursuant to the procedure set forth in the Handbook. The Council Members acknowledged that to be the case.

Mayor Pro Tem Irish next referred everyone to Page 17, Section IX - General Items, and suggested that the Council consider adding a standardized form for use in evaluating both the City Manager and the City Attorney. He stated that this would assist the Council in the evaluation process. It was pointed out that determining the proper content of the form might constitute somewhat of a process, which would delay the adoption of the Handbook. In order to avoid such delay, it was determined that language referencing an Appendix to be added later could be included at the end of Section IX.

Mayor Martinez referred everyone to Page 6, the last paragraph in Section III (A)(3). He pointed out that technically, the reference to “anyone else” meant that a Council Member could request that an excessive amount of copies of an informational item be generated and distributed to any number of people, which was not a good use of staff time. He suggested that “anyone else” be changed to limit its scope. After a discussion on who should be copied, it was determined that “anyone else” would be stricken and replaced with “…to the other Council Members and the City Manager or other Directors…”

A discussion then ensued as to each Council Member’s rights to respond to a constituent’s letter as a Council Member. City Attorney Julia Lew pointed out that each Council Member needed to be careful when responding so as not to give the appearance of responding on behalf of the City, rather than responding as an individual Council Member. She emphasized however that this type of correspondence should not be stifled in anyway.

Mayor Martinez next pointed to Page 9, Section V(B) and questioned whether the reference to “written communication” needed to be removed since that segment of the Council
Meetings had been removed. It was determined that since the Council still received written communications, that language should remain.

Mayor Pro Tem Irish referred everyone to Page 16, Section IX(B), and questioned if the compensation of $30 per every Redevelopment Meeting had been set forth in the Charter or by resolution. City Attorney Julia Lew clarified that the compensation had likely been set forth by resolution, and that it was not included in the Charter.

City Manager John Longley summarized the changes to the Handbook to be as follows:

1. Page 6, “anyone else” should be stricken and replaced with “to the other Council Members and the City Manager or Department Directors...”;
2. Page 13, “2,500 feet” should be changed to “500 feet”; and
3. Page 17, an Appendix containing an standardized evaluation form for the City Manager and the City Attorney should be referenced to be added at a later date.

Council Member Hamilton pointed to Page 14, Section VIII and questioned whether $2,000 was the current amount in determining if a conflict of interest existed. Mr. Longley requested that Ms. Lew review the Section to ensure it complied with the current requirements of the State Code. A discussion then ensued during which it was pointed out that the FPPC was the body that enforced the Political Reform Act, which was State law.

On Page 1, Mayor Martinez suggested that Paragraph 2 of Section I(A) should be removed as being redundant. He pointed out that since the time and place of regular meetings had been set out by ordinance – as stated in the first paragraph of Section I – it need not be set out again in Section I(A)(2). It was agreed that Section I(A), Paragraph 2 would be removed from the Handbook. A discussion then ensued as to the limitations – pursuant to the Code – of Council’s ability to hold Council Meetings at locations other than City Hall.

Mr. Longley noted for the record that he understood the Council had decided on the following changes:

1. Page 6, “anyone else” should be stricken, and replaced with “to the other Council Members and the City Manager or Department Directors...”;
2. Page 13, “2,500 feet” should be changed to “500 feet”;
3. Page 17, an Appendix containing an standardized evaluation form for the City Manager and the City Attorney should be referenced to be added at a later date; and
4. Page 1, Section I(A), Paragraph 2 should be stricken.

The Council convened to Closed Session at 7:05 p.m.

CLOSED SESSION:
Employees Association, Porterville Firefighters Association, Porterville Police Officers Association, Police Supervisor Series and Executive Personnel.

The Council reconvened at 7:45 p.m. with no action to report.

**ADJOURNMENT**

The Council adjourned to the meeting of February 15, 2005, 6:00 p.m.

__________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

__________________________________________
Pedro R. Martinez, Mayor
RESOLUTION NO. ___-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
ADOPTING THE REVISED CITY COUNCIL PROCEDURAL HANDBOOK

WHEREAS, the City Council Procedural Handbook was compiled to set forth practices and procedures followed by Council Members in conducting routine Council duties, and was adopted April 16, 2002. The City Council Procedural Handbook was then amended on April 15, 2003;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby adopts the revised City Council Procedural Handbook, Attachment "A", dated May 17, 2005.

____________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

by______________________________
Georgia Hawley, Deputy City Clerk
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   F. Response to President/Governor Directives

Appendix: E-1. Annual Evaluation Form (to be attached upon completion of the standardized form)
I. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 6:00 p.m. Closed Session Items shall be considered at 6:00 p.m., with open session to commence at 7:00 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council.

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 7:00 p.m. to 11:00 p.m. It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.

3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC § 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC § 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS shall be as follows:

Call to Order
Roll Call
**Oral Communications**
**Closed Session(s)**
Reconvene at 7:00 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Appointments
Oral Communications
Consent Calendar
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications
E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).

II. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Mayor Pro Tempore will serve as Presiding Officer.

3. Seating arrangement of the Council:

   The Mayor Pro Tempore shall always be seated immediately next to the Mayor.

4. Signing of City Documents:

   The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore’s signature may be used.

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C. DISCUSSION RULES

1. Obtaining the floor:

   a. A member of the City Council or staff shall first address the Presiding Officer and gain recognition.

MEETING PROCEDURES - Continued
b. Comments and questions should be limited to the issue before Council.

c. Cross-exchange between Council Members and public should be avoided.

d. Any citizen may arise and address the City Council on any business specially concerning them or affecting their interests, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

e. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ord. 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
III. COUNCIL REQUESTS FROM THE PUBLIC

A. Letters:

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager’s staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda:

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication; or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.
COUNCIL REQUESTS FROM THE PUBLIC - Continued

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in the Administrative Memorandum.

*The “Request” must be stated on the agenda face sheet for Council to be able to act on it at the meeting.

C. Telephone Calls:

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see VII-C(1)].

D. Personal Meetings:

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
IV. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the item will be forwarded to the City Council Members by the City Manager.

C. Items for inclusion in Council Agenda

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager will refer any routine items to the appropriate department for a staff report. If necessary, items will be referred to the City Attorney for a determination on legality. If an item is determined to be a legitimate request, the item will be referred for a staff report. Items having already been acted upon by the Council previously will be deferred to the Mayor for approval before being placed on the agenda.
V. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting.

Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in the Council Member’s mail box, unless other arrangements have been previously made with the City Clerk’s staff [see IX-C(1)(2)].

The agendas for staff and the news media are available after Council receives their agendas, usually on Friday.
VI. THE BROWN ACT

The Ralph M. Brown Act (Gov. Code, § 54950 et seq. known as "the Act") governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction, and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VII. TRAVEL AND MEETINGS

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1) The date(s) of the conference or meeting;
2) If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3) Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4) Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1) The amount of money to be issued to the traveler as per diem*; and
2) Mileage reimbursement* (if a personal vehicle is used for travel).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel &Conference Expenses.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1) A check for per diem and mileage;
2) Confirmation notification and informational materials regarding the conference;
3) Confirmation notification for any hotel reservations; and
4) A City credit card to pay for the room charges at the end of the meeting.
VII. TRAVEL AND MEETINGS - Continued

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.
VIII. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1) Disclosure of Economic Interests

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2) Disqualification of Participation (Conflict of Interest)

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;
- A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;
VIII. CONFLICT OF INTEREST - Continued

- Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

- Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $360 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

B. Other Agencies

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an
Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, § 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
IX. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager’s Office Council mail box, front porch, back door, etc.

3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.
IX. GENERAL ITEMS - Continued

D. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1) Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2) Whether an issue has a legal standing, and what type of action would be appropriate.

3) Legal recommendations for matters of litigation.

E. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix 1 upon completion and approval by the City Council.

F. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.
RESOLUTION NO. __-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING ORDER OF BUSINESS TO BE FOLLOWED AT REGULAR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Porterville, that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (FOR CLOSED SESSION)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PROCLAMATION(S)/PRESENTATION(S)
- ORAL COMMUNICATIONS
- CONSENT CALENDAR - to include:
  - Approval of Minutes
  - Claims Against the City
  - Payment of Bills
  - Payments on Public Works Projects
  - Authorization to Purchase
  - Authorization to Call for Bids
  - Award of Bids
  - Acceptance of Projects
  - Acceptance of Dedications/Property
  - Approval of Final Tract Maps
  - Annexations
  - Requests for City Services
  - Reports
  - Other Routine Matters
- PUBLIC HEARINGS
- ORDINANCES
- SCHEDULED MATTERS
- ORAL COMMUNICATIONS
- OTHER MATTERS
- ADJOURNMENT

Adopted this 17th day of May, 2005.

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Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

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Georgia Hawley, Chief Deputy City Clerk