



HOUSING ELEMENT ADVISORY COMMITTEE

Agenda

Wednesday, February 12, 2020
Faraday Center, Room 173A
1635 Faraday Avenue
Carlsbad, CA 92008
6 p.m.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes of the Housing Element Advisory Committee meeting of January 16, 2020

PUBLIC COMMENT

*In conformance with the Brown Act, no committee action can occur on items presented during Public Comment. A total of 15 minutes is provided so members of the public can address the committee on items that are not listed on the Agenda. Speakers are limited to three (3) minutes each. If you desire to speak during Public Comment, fill out a **SPEAKER CARD** and submit it to the Minutes Clerk. If there are more than five (5) speakers, the remaining speakers will be heard at the end of the agenda. When you are called to speak, please come forward to the podium and state your name.*

NEW BUSINESS

1. Introduction/role of Rincon Consultants, Inc. (Housing Element Update consultant)
2. Discussion on committee member expectations for the project
3. Election of chairperson
4. Election of vice-chairperson
5. Approval of meeting calendar
6. Discussion on Housing Element purpose/function
7. Housing legislation

COMMITTEE MEMBER COMMENTS

STAFF/CONSULTANT COMMENTS

CONTINUATION OF PUBLIC COMMENT

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comment section.

ADJOURNMENT



HOUSING ELEMENT ADVISORY COMMITTEE

Minutes

Jan. 16, 2020

CALL TO ORDER: 6:05 p.m.

ROLL CALL: Luna, Novak, Perez, Proulx, Sachs, Streicher and Weis
Barnett and Evans absent

Committee members gave a brief introduction of their background and interest in serving on the committee.

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA:

None

HOUSING ELEMENT ADVISORY COMMITTEE PUBLIC HEARING:

1. **OVERVIEW OF BROWN ACT AND OTHER TRANSPARENCY LAWS** – City Attorney, Celia Brewer, gave a brief presentation on public laws that will apply to the members while serving on the advisory committee.
2. **OVERVIEW OF THE HOUSING ELEMENT, THE HOUSING ELEMENT UPDATE WORKPLAN AND THE HOUSING ELEMENT ADVISORY COMMITTEE CHARTER** – Senior Planner Donnell gave a brief presentation on what the Housing Element is. He reviewed the work plan and charter for the committee.
3. **UPCOMING MEETINGS** – Senior Planner Donnell shared that there is a joint special meeting with City Council on Jan. 21, 2020. He encouraged the committee to attend. He also presented a tentative calendar for committee meetings.

ADJOURNMENT:

Senior Planner Donnell adjourned the duly noticed meeting at 7 p.m.

Melissa Flores

Melissa Flores - Minutes Clerk



HOUSING ELEMENT ADVISORY COMMITTEE

Staff Report

Meeting Date: Feb. 12, 2020

To: Housing Element Advisory Committee Members

From: Scott Donnell, Senior Planner

Staff Contact: Scott Donnell, Senior Planner
Scott.donnell@carlsbadca.gov, 760-602-4618

Subject: Agenda items 2-4

Recommended Action

Consider the attached information for the committee's discussion on committee member expectations for the project and the election of a chairperson and vice-chairperson.

Executive Summary

Attached is the City of Carlsbad's 2020 Board, Commission, and Committee Member Resource Guide. Also provided is Carlsbad Municipal Code Chapter 1.20, Meetings. In addition to the Housing Element Advisory Committee Charter, these exhibits may be useful for the committee's discussion on agenda items 2-4. The charter, provided as part of the committee's Jan. 16, 2020, agenda, is available on the city's website at <https://www.carlsbadca.gov/services/depts/planning/agendas.asp>.

Public Notification

This item was noticed in accordance with the Ralph M. Brown Act and was available for viewing at least 72 hours prior to the meeting date.

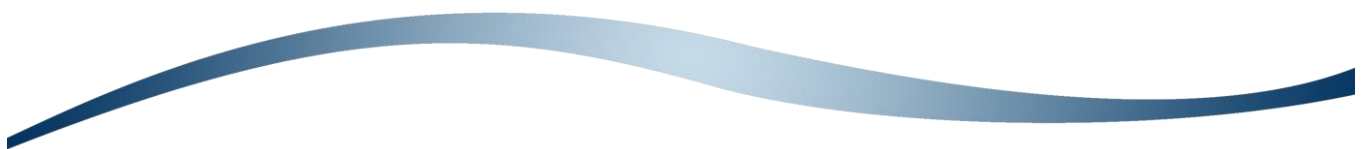
Exhibits

1. City of Carlsbad 2020 Board, Commission and Committee Member Resource Guide
2. Chapter 1.20 of the Carlsbad Municipal Code



Board, Commission & Committee Member Resource Guide

2020



Welcome

The City of Carlsbad City Council and staff are pleased that you have agreed to serve your community as a member of one of the city's boards, commissions or committees.

As an appointed citizen member of a city-established advisory board, you are considered to be a public official serving in an **advisory** capacity to the City Council performing a valuable service by addressing community issues and needs. There are approximately 64 citizens currently serving on city advisory boards, giving generously of their time. The city greatly appreciates and benefits from the experience and energy of these special individuals.

Learning your role and developing your individual effectiveness and expertise will take time and familiarity. It is our hope that this Resource Guide will assist you in having a rewarding and productive experience. It is designed to be an informational tool offering guidelines that describe the role, operation and responsibilities of advisory groups. The purpose of this Resource Guide is to provide advisory board members with a resource to successfully fulfill their valued role as a volunteer with the City of Carlsbad.

Your willingness to serve in this capacity is appreciated by the City Council, staff and, most importantly, your community. Welcome to the City of Carlsbad Team!

Matt Hall
Mayor

Keith Blackburn
Mayor Pro Tem
Priya Bhat-Patel
Council Member

Cori Schumacher
Council Member
District 1 Representative
City Council Member

Scott Chadwick
City Manager

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City of Carlsbad Overview

The City of Carlsbad was incorporated July 16, 1952. At that time, Carlsbad had a population of approximately 7,000 people and covered 7.5 square miles. Since its incorporation, the city has grown substantially in population and size (through annexations). The city's population is approximately 114,600, and the city now encompasses approximately 42 square miles, 40% of which is dedicated to open space.

The City of Carlsbad is a charter city. This means the city follows the laws set forth in the State of California's constitution, along with its own adopted "charter" document. It is a municipal corporation following the Council-Manager form of government. This is a system that combines the strong political leadership of elected officials in the form of a Mayor and City Council with the managerial expertise of an appointed City Manager who oversees the daily operations. The City Council sets policy guidelines for the city and those guidelines are carried out under the supervision of the City Manager. A city organizational chart is located in the back pocket of this Resource Guide.

City Council Goals and Objectives

Each year, the City Council conducts a workshop to determine what strategic goals they want the City organization to focus on for the coming year. At the workshop, the Council along with the City Manager and City Attorney receives an overview from staff on city financial trends, citizen survey results, and other major city projects. After this information is reviewed and discussed, the Council works to develop Strategic Goals that will guide the city for the remainder of the year. After the workshop is held, the city's management team develops a set of goals and objectives that support the achievement of the Council's Strategic Goals.

General Information

The City of Carlsbad encourages citizens to take an active interest in their community. Board, commission and committee members are a critical part of local government. These advisory bodies provide an opportunity for greater citizen participation and input into local government and facilitate informed decisions by the City Council. Twelve boards, commissions and committees advise the City Council on City policy and community issues, as well as city programs and projects. The boards, commissions and committees are listed below:

- Arts Commission
- Beach Preservation Committee
- Carlsbad Golf Lodging Business Improvement District Board
- Carlsbad Tourism Business Improvement District Board
- Historic Preservation Commission
- Housing Commission
- Library Board of Trustees
- Parks and Recreation Commission
- Planning Commission
- Senior Commission
- Traffic Safety Commission
- Underground Utility Advisory Committee (currently inactive)

These advisory boards hold regularly scheduled meetings each month as designated in their by-laws or municipal code, or on an as-needed basis if appropriate.

Establishment and Purpose of Advisory Boards

Boards, commissions and committees have been established by action of the City Council, and each has specific assigned duties and responsibilities (see individual Board, Commission and Committee Descriptions commencing on page 16). The principal function of advisory boards is to advise and make recommendations to the City Council. These advisory groups contribute toward policy either by recommending new policies or programs or revisions to existing policies or programs, or by identifying matters that should be reviewed. Council may also from time to time appoint ad hoc, or temporary committees, to study special issues and provide recommendations. Please remember that all advisory groups serve at the pleasure of, and report to, the City Council. Any member may be removed at any time by three affirmative votes of the City Council.

Application Process

Any citizen interested in serving on an advisory group is encouraged to complete an application form and submit it to the City Clerk's office located at 1200 Carlsbad Village Drive, Carlsbad, CA 92008. Applications may also be found on the city's web site. Applications for appointment are filed annually with the City Clerk's office. The City Clerk's office tracks annual and unanticipated vacancies and prepares staff reports for appointment to the advisory groups in coordination with the City Council office.

Appointment Process

Applicants may be interviewed by the Mayor and City Council. Typically, nominations for appointment to an advisory group are made at a City Council meeting and confirmed by a vote of the entire City Council following the procedures outlined in the Carlsbad Municipal Code.

Term of Office

The term of office for members of most advisory groups is four years. Members may be appointed for two four-year terms. However, if they were originally appointed to serve an unexpired term created by an unexpected vacancy, they are eligible to be reappointed to serve an additional two full terms.

Oath of Office

Upon appointment to a City of Carlsbad board, commission or committee, members of advisory groups must take an Oath of Office administered by the City Clerk or designee.

Once officially appointed at a City Council meeting, the new members will receive a letter notifying him/her of their appointment and instructions to contact the City Clerk's office.

Attendance

To ensure the effectiveness of advisory groups, it is imperative that members must be active participants and attend ***all*** meetings. If a member is unable to attend for any reason, the staff liaison should be informed immediately. This enables staff to know in advance should a quorum not be in attendance and serves as a courtesy to all members. Excessive absences may result in removal from the advisory board by the City Council.

Prior to applying for any board or commission, potential applicants should ensure they are available to attend the regularly scheduled meetings of the advisory board for which they are applying.

Resignation

A board, commission or committee member wishing to resign from his/her position should submit a letter of resignation directly to the Mayor's office. The Mayor's office will notify the staff liaison and City Clerk that a vacancy exists and will take the appropriate action to have the vacancy replaced.

Vacancies

A vacancy that occurs prior to the expiration of a term shall be filled by an appointment to fill the remainder of the term. Vacancies will be filled according to the appointment process previously outlined.

Accommodations for Disabled Members

Disabled advisory board members are entitled to receive reasonable accommodations on request in order to participate fully in board, commission or committee meetings. Potential accommodations include:

- Sign language interpreters
- Printed materials in Braille, on tape, or in large print
- Accessible transportation
- Assistance in handling papers and documents
- Use of assisted listening devices

Please contact the staff liaison for such accommodations.

Role and Responsibilities

Purpose and Role of Advisory Groups

Advisory groups play an integral role in city government by assisting and advising the City Council in formulating and implementing policy. Advisory groups may also develop recommendations and present supporting information to the City Council. Their role may also include hearing public testimony, building community consensus for proposals or projects, facilitating a study of issues, guiding implementation of new or regulating established programs, or assessing the alternatives regarding issues of community concern. The Planning Commission has the authority to make final decisions.

Scope of Authority

Boards, commissions and committees are not involved in the administration or operation of city departments. Advisory board members should not direct administrative staff to initiate programs and may not conduct major studies or establish policy without the approval of the City Council. City staff liaisons are available to provide general staff assistance to the advisory group.

Boards, commissions and committees relate to the City Council and staff as follows:

Council's role is to . . .

- Make policy
- Direct the City Manager to implement policy
- Solicit input from boards, commission, and committees on issues in their areas of expertise

Advisory board's role is to . . .

- Advise the City Council on policy that assists Council in carrying out its responsibilities
- Provide citizen input by being positive representatives of the City Council and the community

Staff's role is to . . .

- Research and investigate issues, prepare alternatives and recommendations for advisory bodies and Council to review and implement Council policy decisions
- Provide staff liaison and clerical support to the advisory body under the guidance of the department head (and ultimately, the City Manager)

Press/Media Contacts

It is important that board, commission and committee members are clear on their supporting role as an advisory group. All press releases or official statements should be prepared by the staff liaisons and sent out via the Communications Department.

Advisory group members should inform the Communications Manager when press inquiries are received. As a general rule when making statements to the press, members should indicate that commission actions are “recommendations” to the City Council. Comments to the press should be factual and the message clear.

Contact with City Council Members

Board, commission and committee members will occasionally have the need to meet with the Mayor and City Council Members. In order to facilitate a consistent procedure with all advisory groups, the City Council prefers that all such meeting requests be made through the staff liaison to coordinate and not directly with the City Council or its assistant. This will ensure that the staff liaison is fully aware of their particular board, commission or committee's actions at all times. This procedure also assists the City Council in being better prepared when discussing issues with commissioners.

Advisory group members should also be made aware that the Mayor and Council Members have the option to invite staff to be present at such meetings.

Once the meeting(s) have occurred, the commission members who attended the meetings should be prepared to provide a meeting summary to the entire commission and staff liaison.

Ethics and Conflict of Interest

The primary laws relating to conflicts of interest apply to financial conflicts – that is, conflicts arising from economic interests. The purpose of financial disclosure is to alert public officials to personal interests that might be affected while they are performing their official duties, i.e., making governmental decisions. Disclosure also helps inform the public about potential conflicts of interest.

If a public official has a conflict of interest, the official may be required to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence or attempt to influence a governmental decision.

To determine whether an official has a conflict of interest, many factors must be analyzed. For example, is it reasonably foreseeable that the official's interest will be affected by a particular decision? Will the decision have a significant monetary impact on the financial interest or is the impact minimal? Will the decision affect the official's interest differently than members of the general public? Is the official even making a governmental decision?

Whether you have a conflict that disqualifies you from voting on a particular subject depends on the facts of each governmental decision. Contact the City Attorney's office for clarification if you have a question regarding a potential conflict.

1974 Political Reform Act of the State of California

The Political Reform Act of the State of California, adopted in 1974, affects elected officials, appointed members of boards, commissions and committees, as well as designated staff. The Act requires city officials and employees to report various financial interests including income, interest in real property, and business interests. It also prohibits them from participating in any action which could have "a material financial effect on a reported economic interest".

The City of Carlsbad has adopted a Local Conflict of Interest Code as required by the Political Reform Act. The Local code currently applies to the following appointed groups:

- Arts Commission
- Beach Preservation Committee
- Carlsbad Golf Lodging Business Improvement District Board
- Carlsbad Tourism Business Improvement District Board
- Historic Preservation Commission
- Housing Commission
- Library Board of Trustees
- Parks & Recreation Commission
- Planning Commission
- Senior Commission
- Traffic Safety Commission

All designated board, commission and committee members and staff must file annual Conflict of Interest Statements (Form 700) with the City Clerk no later than April 1 of each year. The City Clerk's office will notify members and staff of this requirement each year.

State Ethics Requirements (AB 1234)

Board, commission and committee members are also required to comply with State Ethics Requirements. Assembly Bill 1234 (AB 1234) became effective January 1, 2006. It requires that local officials that receive compensation, salary stipends, or other expense reimbursements receive training in public service ethics laws and principles every two years. This requirement applies not only to the City Council (governing body of the agency), but also to commissions, committees, boards whether they are permanent, temporary, advisory or decision-making. This requirement also applies to city staff designated under the City's Local Conflict of Interest Code.

Meetings

The Brown Act

City of Carlsbad boards, commissions and committees are subject to state law governing open meetings. The law requiring open meetings is commonly referred to as the “Brown Act”. The Brown Act applies to all board, commission, and committee meetings and all meetings of their subcommittees. The intent of the Brown Act is that meetings of legislative bodies, including advisory bodies, shall be open to the public.

The Brown Act generally requires advisory boards to conduct public meetings. The Act states that a meeting is a gathering, either in person or through the use of technological devices, of a quorum of members of a public body, where they discuss, propose, or take legal action, and includes any deliberations by a quorum of members with respect to an action that may come before the legislative body. The Brown Act describes the following four types of meetings:

- Regular Meetings – Meetings held on a date, time and location set by resolution, ordinance or other formal action by the body.
- Special Meetings – Meetings called by the presiding officer or majority of a body to discuss only specific matters listed on the agenda.
- Emergency Meetings – Meetings held when prompt, or emergency, action is needed due to an actual or threatened disruption of public safety and/or health.
- Adjourned Meetings – Meetings (either regular or special) that have been adjourned to a specific time and place.

Advisory groups generally will hold only regular and special meetings.

Agenda

The business of boards, commissions and committees shall be open to the public and is to be conducted in the same manner as the City Council through published agendas, public notices and minutes. State law requires that an agenda for each advisory body meeting be posted at least 72 hours prior to holding a regular meeting. The agenda shall state the time and place of the meeting and a brief description of matters to be heard. The agenda shall also provide an opportunity for members of the public to be heard regarding matters within the jurisdiction of the advisory body.

The staff liaison assigned to each advisory body is responsible for preparation, distribution and posting of the meeting agenda.

Email Communications Among Advisory Board Members

Because email communication can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory board members, email communications among advisory body members relative to advisory board business should be avoided. While two members of a five-member body, for example, may appropriately communicate with one another by way of email, the “forwarding” of such an email message on to a third or subsequent member would result in a Brown Act violation.

Meeting Protocol

It is the Chair’s role to facilitate meeting protocol. Staff liaisons may assist the Chair in starting the meeting on time and also provide guidance in meeting protocol. Staff may also facilitate and promote effective communication.

Meeting proceedings:

- Start meeting on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of the meeting if the order of agenda items is to be rearranged either for convenience, response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff and each other. Give your full attention when others speak.
- Trust your own good judgment on decisions.
- Keep in mind that people may be attending a meeting for the first time and may be unfamiliar with the advisory body procedures. In your discussion, avoid or explain technical terms or verbal shorthand.
- Listen to audience concerns.
- Don’t engage in side conversations or otherwise be distracted.
- Don’t engage the public in debate.
- End meetings at a reasonable hour.

Role and Responsibilities of the Chair

The Chair and Vice Chair are selected by the members of the advisory body. The Chair’s role is to preserve order and decorum at all meetings of the advisory body, announce the advisory body’s decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward involving all members of the advisory body and by allowing for adequate public participation. In the absence of the Chair, the Vice-Chair shall act at the presiding officer.

Preparing Motions

Board, commission and committee meetings are usually conducted according to parliamentary procedure. The Chair directs the meeting, and his/her rulings must be followed unless they are overruled by the body.

When a member wishes to propose an action on a particular item on the posted agenda for the advisory body to consider, the member makes a motion. A motion goes through the following steps:

1. The member asks to be recognized by the Chair.
2. After being recognized, the member makes the motion: ***"I move that we..."***
3. Another member seconds the motion: ***"I second the motion."***
4. The Chair restates the motion and asks for discussion on the motion.
5. When the Chair determines that there has been enough discussion, the debate may be closed with: ***"Is there any further discussion?"***
6. If no one asks for permission to speak, the Chair then puts the question to a vote: ***"All those in favor say aye. All those opposed say nay."*** The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any member may request a roll call vote on a motion.
7. After the vote, the Chair announces the decision.

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. Only motions that are voted on will appear in the minutes.

Meeting Minutes

Meeting minutes are a brief record of matters discussed and actions taken by the advisory board. The minutes shall also list the names of those persons speaking during the public comment period or on an agenda item. Minutes should not reflect personal opinions and/or comments that do not directly relate to actions taken by the advisory body. Minutes of the meeting shall be submitted to the advisory body for approval at its next meeting.

Successful Meetings Pamphlet

A helpful pamphlet located in this Resource Guide that provides an overview of the basics of how to have Successful Meetings.

Effectiveness Hints

Helpful Hints for New Members

- Read through minutes of previous meetings of the board to become familiar with the current issues under discussion.
- Meet with the staff liaison to review background material that would be helpful for you to read and study, such as the General Plan or a strategic plan.
- Attend at least one or two City Council meetings to better understand how the role of the individual board, commission or committee fits into the overall governance of the city.

Characteristics of an Effective Commission

- Understand the purpose of your board, commission or committee.
- Be clear on your role and responsibilities.
- Prepare for each meeting in advance. Read through the agenda and know what will be discussed at each meeting. Read through staff reports and other background materials or visit sites, as appropriate.
- Bring an open mind to each meeting. You are representing the entire community in your role as a member of a city board, commission, or committee, so it is important to put aside personal opinions and be open to new ideas, information and points of view.
- Treat everyone with respect. You are playing an important part in the democratic process which guarantees access and fair treatment to all. Your behavior and attitudes are in the spotlight and should reflect the highest standards of the community. Demonstrate patience, show empathy, and hold on to your moral principles under stress.

Board, Commission & Committee Descriptions

Arts Commission

The Arts Commission advises the City Council on the implementation of the Arts Element of the Carlsbad General Plan. Duties include, but are not limited to:

- Encouraging individuals and organizations that provide an educational experience in the arts for citizens.
- Providing direction and support for continued development and presentation of a variety of arts in the city.
- Providing a forum for arts concerns and recommendations to the elected officials and staff concerning arts issues.
- Reviewing and making recommendations upon all works of art to be acquired by the city, either by commission, purchase, gift or otherwise, and their proposed locations.

Membership:	Seven members
Length of Term:	Four years
Meeting schedule:	First Thursday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Cultural Arts Manager
Compensation:	None

Beach Preservation Committee

The Beach Preservation Committee investigates and reports on topics or studies related to beach and bluff erosions (including lagoons and jetties) as directed by the City Manager and City Council.

Membership:	Seven members
Length of Term:	Four years
Meeting schedule:	Second Tuesday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Park Planning Manager Parks & Recreation Administration
Compensation:	None

Reference: City Council Resolution No. 93-178

Revised 2/21/2019

Carlsbad Golf Lodging Business Improvement District Board

The Carlsbad Golf Lodging Business Improvement District Board (CGLBID) is comprised of representatives from member hotels of the District and a Carlsbad golf course establishment. The Board makes recommendations to the City Council regarding the expenditure of revenues derived from the levy of assessments pursuant to the district, and submits a report at the beginning of each fiscal year regarding the assessments to be levied and collected.

Membership:	Three members
Length of Terms:	Four years
Meeting schedule:	As needed, determined by the Board of Directors
Qualifications:	<p>Two members must be appointed from the member hotels within the boundaries of the District.</p> <p>One member shall be appointed from a Carlsbad golf course establishment.</p> <p><i>(This is an annual “opt in-opt out” district for Carlsbad hotels only.)</i></p>
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Finance Manager
Compensation:	None

Reference: City Council Ordinance No. CS-194

Carlsbad Tourism Business Improvement District Board

The Carlsbad Tourism Business Improvement District (CTBID) administers marketing and visitor programs to promote the City of Carlsbad as a tourism visitor destination and to fund programs and activities that benefit hotels within the boundaries of the district. The CTBID submits an annual report, which shall include a budget for operations and an identification of the marketing efforts to be undertaken by the CTBID for the ensuing calendar year.

Membership:	Seven members
Length of Terms:	3 members = No term limit 4 members = 4-year term limit
Meeting schedule:	As needed determined by the Board of Directors
Qualifications:	Three members from the largest hotel operators in the City, holding permanent seats, and four selected to represent a cross-section of the remaining Carlsbad hotel industry
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Finance Manager
Compensation:	None

Reference: City Council Resolution No. 2005-332

Historic Preservation Commission

The Historic Preservation Commission advises the City Council and Planning Commission in all matters relating to the identification, protection, retention and preservation of historic areas and sites within the city. Duties include, but are not limited to:

- Recommending the designation of historic landmarks or historic districts
- Maintaining an historic resources inventory
- Rendering advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any historical area or site
- Conducting programs to educate local citizens regarding historic places, structures or events

Membership:	Five members (and one ex-officio representative of the Planning Commission) comprised as follows: <ul style="list-style-type: none">○ Three members, each of whom has a different recognized expertise in architecture, archaeology, history, biology, engineering or geology or related field○ Two members who have an interest in local history and has resided in the community for at least thirty years○ One member at-large from the community
Length of Term:	Four years
Meeting schedule:	Second Monday of every other month
Qualifications:	Must be Carlsbad residents and registered voters. All regular members must have knowledge of and a demonstrated interest in historic preservation and local history.
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Deputy Library Director
Compensation:	None

Reference: Carlsbad Municipal Code, Chapter 2.42

Housing Commission

The Housing Commission advises and makes recommendations to the Housing and Redevelopment Commission and/or the City Council on the following:

- Establishment of, or amendment of, affordable housing programs, policies and regulations.
- Adoption of, or amendments to, the General Plan Housing Element, and related strategies or programs.
- Review of project concept and affordability objectives of off-site combined projects as defined by Chapter 21.85 of the Carlsbad Municipal Code, and located outside of the master plan area, specific plan area, or subdivision which has the inclusionary housing requirement.
- Requests for financial assistance and/or other incentives for the development of affordable housing projects.
- Requests to sell or purchase affordable housing credits for transactions/purchases of 10 credits or more to satisfy inclusionary housing obligations.
- Reports annually to the City Council on the status and progress of affordable housing programs.
- Other special assignments as requested by the City Council and/or Housing and Redevelopment Commission, related to the development of affordable housing.

Membership:	<p>Five members comprised as follows:</p> <ul style="list-style-type: none"> ○ Two tenants assisted by the Carlsbad Housing Authority (one of which shall be at least 62 years of age) ○ Three general members with expertise in one or more of the following areas: development, construction, real estate, social services, housing advocacy, planning, architecture or finance ○ To the extent possible, the members shall be representative of the four quadrants of the city
Length of Term:	Four years
Meeting schedule:	Second Thursday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Community and Economic Development Services Director
Compensation:	None

Reference: Carlsbad Municipal Code, Chapter 2.40

Library Board of Trustees

The Library Board of Trustees advises the City Council on matters relating to the operation of the library, including:

- Recommending mutual agreements with other libraries, cities and the county for borrowing, lending and exchanging books and other publications.
- Performing a liaison role between the library and the community.
- Reporting the condition of the library to the City Council and the State Librarian on an annual basis.

Membership:	Five members
Length of Term:	Four years (trustees may serve no more than two complete terms)
Meeting schedule:	Third Wednesday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Library and Cultural Arts Director
Compensation:	None

Parks and Recreation Commission

The Parks and Recreation Commission advises and makes recommendations to the City Council on matters relating to the following:

- Acquisition, development, operation, maintenance, management and control of community parks, programs, playgrounds, indoor and outdoor recreations, activities and facilities.
- Planting, trimming, pruning, and care of all trees, shrubs and plants in and upon any street, park, boulevard, alley or public place within the city.
- Advises and makes recommendations on maintaining parks, playgrounds, athletic fields, swimming pools, swimming centers, indoor recreation centers, auditoriums, and other public grounds or buildings in or about the city, which the city may from time to time acquire, provide, authorize and designate for such use, subject to the approval of the City Council.
- Recommends regulations necessary to maintain the aesthetics, safety, financial well-being and order of the park and recreational facilities.

Membership:	Seven members
Length of Term:	Four years
Meeting schedule:	Third Monday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Recreation Services Manager
Compensation:	None

Reference: Carlsbad Municipal Code, Chapter 2.36

Revised 2/21/2019

Planning Commission

The Planning Commission performs the following duties:

- **Implementation of the General Plan** – Makes recommendations to the City Council regarding implementation and updating of the General Plan. When needed, provides recommendations to the Council regarding policy issues that affect long-range planning for the city.
- **Review of Development Projects** – Provides timely recommendations to the City Council when the Planning Department has completed its review of a development project for compliance with the General Plan and all zoning, subdivision and environmental ordinances. Provides a forum for public input into the review of development projects. Provides clear, concise findings to the Council to support the recommendations of the Commission.
- **Implementation of the Growth Management Program** – Provides report to the City Council on the Local Facilities Management Plans once Planning Department has completed detailed review. Reviews annual Capital Improvement Program (CIP) for consistency with Growth Management Program.
- **Pro-active Capacity** – Identifies potential problems and opportunities facing the city. Suggests special studies when appropriate.
- **Committees** – Serves on special committees or task forces as requested by the City Council

Membership:	Seven members
Length of Term:	Four years
Meeting schedule:	First and third Wednesdays of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	City Planner
Compensation:	\$100 per meeting

Reference: Carlsbad Municipal Code, Chapter 2.24

Senior Commission

The Senior Commission advises and makes recommendations to the City Council on the special needs and concerns of senior citizens, including the creation, operation, maintenance, management and control of senior citizen programs, activities and facilities.

Membership:	Five members
Length of Term:	Four years
Meeting schedule:	Fourth Thursday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Recreation Services Manager
Compensation:	None

Reference: Carlsbad Municipal Code, Chapter 2.38

Traffic Safety Commission

The Traffic Safety Commission performs the following duties:

- Studies all matters referred to it concerning traffic and pedestrian safety.
- Reviews staff studies and makes recommendations to the City Council on matters involving traffic and pedestrian safety.
- Provides a public forum to review citizen complaints and requests regarding traffic and pedestrian safety.
- Provides recommendations regarding revision to the city codes and plans on matters involving traffic and pedestrian safety, parking, and school safety.
- Makes written recommendations to the City Council regarding measures that should be taken to promote traffic pedestrian safety.

Membership:	Seven members
Length of Term:	Four years
Meeting schedule:	First Monday of each month
Qualifications:	Must be Carlsbad residents and registered voters
Financial Disclosure:	Required to file a Statement of Economic Interests Form
Staff Liaison:	Senior Traffic Engineer
Compensation:	None

Reference: Carlsbad Municipal Code, Chapter 2.28

1.20.010

Chapter 1.20

MEETINGS

Sections:

- 1.20.010 Policies applicable to all meetings.
- 1.20.020 Regular, special and emergency city council meetings.
- 1.20.030 Adjournment of meetings.
- 1.20.040 Quorum.
- 1.20.050 Confidentiality of closed sessions.
- 1.20.060 Council agenda.
- 1.20.070 Agenda packet.
- 1.20.080 Minutes.
- 1.20.090 Recordings of meetings.
- 1.20.100 Role of the presiding officer.
- 1.20.110 Commencement of meetings.
- 1.20.120 Consent calendar.
- 1.20.130 General rules of procedure.
- 1.20.140 Public participation.
- 1.20.150 Use of city equipment.
- 1.20.160 Conduct of public hearings.
- 1.20.170 Decision following a public hearing.
- 1.20.180 Application to administrative hearings.
- 1.20.190 Application of procedures required by law.
- 1.20.200 Evidence—Record of proceedings.
- 1.20.210 Subpoenas.
- 1.20.220 Enforcement of decorum.
- 1.20.230 Motions.
- 1.20.240 Rules relating to motions.
- 1.20.250 Council action.
- 1.20.260 Resolutions.
- 1.20.270 Ordinances.
- 1.20.280 Correction of documents.
- 1.20.290 Failure to observe procedures—waiver.
- 1.20.300 Limitation on liability.
- 1.20.310 Appeals procedure.
- 1.20.320 Correspondence addressed to the city council.

1.20.010 Policies applicable to all meetings.

- A. Meetings of the city council, city boards and commissions, and other legislative bodies of the city will be held according to the requirements of the Ralph M. Brown Act [California Government Code Title 5, Div. 2, Part 1, Ch. 9, commencing with Section 54950, referred to in this code as the "Brown Act"] and this chapter. Meetings will be open and public, except for closed sessions held as authorized by the Brown Act.
- B. When a meeting is in session, council members, city officers and employees, and members of the public are expected to observe good order and decorum, and to not by conversation or otherwise, improperly delay or interrupt the proceedings, nor refuse to obey the lawful directives of the presiding officer.
- C. The city is committed to maintaining safe and orderly meetings, free from intimidation, harassment and disruption. Public participation is encouraged provided that participants abide by the rules of conduct and procedure established by this chapter. The city council finds and declares that it is important to remember that no one has a constitutional right to disrupt a public meeting by attempting to impose

their own voice or actions in a manner that is loud, boisterous or unruly where such conduct is substantially disruptive of the meeting itself and continues after the presiding officer has requested the person or persons to stop. The issue in such cases is not about the content of speech, unless the content itself violates the law, but rather with the extent of disruption caused to the meeting itself by the manner and conduct of the disrupter's actions. Therefore, to promote civic engagement, orderly deliberation and efficient conduct of city business, the following general rules of conduct apply to all city meetings:

1. Interactions among all meeting participants will be conducted in a mutually respectful manner.
 2. Threats of violence will not be tolerated.
 3. Insulting, demeaning, intimidating or offensive communications will not be tolerated.
 4. Conduct intended to disrupt the orderly conduct of business will not be tolerated.
 5. Individuals who continue to interrupt or interfere with the orderly conduct of a meeting may be removed from the meeting, after the presiding officer has directed the person to cease the interruption or interference and warned that continued interruption or interference may result in removal from the meeting. If a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer, subject to objection by a majority of council members in attendance, may order the meeting room cleared and the meeting may continue as provided in Section 54957.9 of the Brown Act.
 6. Weapons and any object that may be used to inflict serious bodily injury are prohibited at city meetings except those lawfully in the possession of authorized city personnel.
- D. Terms defined in the Brown Act have the same meaning when used in this chapter. (Ord. CS-329 § 3, 2018)

1.20.020 Regular, special and emergency city council meetings.

- A. Regular city council meetings will be held on the dates and at the times established by city council resolution. Regular city council meetings will be held at City Hall in the City Council Chamber, unless a different location has been designated by the mayor or action of the city council. If the mayor, a majority of the city council, city manager, fire chief, police chief or building official determines that the Council Chamber is unsafe for a meeting due to an emergency, regular meetings may be held for the duration of the emergency at a location that is designated on the agenda or other notice of the meeting.
- B. Special city council meetings may be called by the mayor, a majority of the city council, the city manager or the city attorney. Notice of a special meeting must be given and posted as provided in Section 54956 of the Brown Act. The notice must include the date, time and location of the meeting, and a brief statement of the business to be transacted or discussed. No other business may be transacted or discussed at the meeting. A special meeting regarding the salaries, salary schedules or compensation paid in the form of fringe benefits, of the city manager, city attorney, any department head or other executive level employee is prohibited, however, special meetings to discuss the city's budget are permitted.
- C. During emergency situations, meetings may be held as provided in Section 54956.5 of the Brown Act.
- D. City council meetings may be held concurrently as meetings of the legislative body of any public agency the governing body of which is comprised of the members of the city council. When a concurrent meeting is held, the presiding officer or clerk will commence the meeting with the announcement required by Section 54952.3 of the Brown Act. The city clerk may include the information required by Section 54952.3 on the agenda for a meeting, and the oral announcement may be made by reference to that information. As used in this chapter, city council also means the legislative body of any public agency the governing body of which is comprised of the members of the city council.
- E. The city clerk and city manager are authorized and directed to prepare, deliver and post meeting notices. (Ord. CS-329 § 3, 2018)

1.20.030 Adjournment of meetings.

Meetings may be adjourned to a time and place stated in the notice of adjournment and as provided by law. The presiding officer may adjourn any meeting without need for a motion and absent the objection of a majority of the quorum. Once adjourned, a meeting may not be reconvened, except at the time and place stated in the notice of adjournment. A regular meeting may not be adjourned to a date beyond the next regular meeting. The city clerk and city manager are authorized and directed to prepare, deliver and post notices of adjournment. Notice of adjournment is not required when a meeting is adjourned without specification of the time and date when it will be reconvened. (Ord. CS-329 § 3, 2018)

1.20.040 Quorum.

A quorum necessary for the transaction of business at a meeting of the city council exists whenever a majority of the council are present. A meeting may be adjourned for lack of a quorum by the presiding officer or, in the absence of a presiding officer, any member of council or the city clerk. A member disqualified from participation in a matter due to a conflict of interest will not be counted toward achieving a quorum as to that matter. If a disqualification due to a conflict of interest results in the lack of a quorum, consideration of the matter will be deferred until either a quorum of non-disqualified council members are present, or a quorum is determined as defined in and subject to the regulations of the Fair Political Practices Commission. (Ord. CS-329 § 3, 2018)

1.20.050 Confidentiality of closed sessions.

The privilege of confidentiality of closed sessions is held by the city council.

No person may disclose any information communicated during a closed session. This prohibition does not apply to:

- A. Disclosures expressly authorized by action taken by a majority of the city council;
- B. Reports of action taken in closed session;
- C. Disclosures expressly authorized or required by law;
- D. Confidential disclosures to a council member, city employee or other person authorized to attend a closed session without loss of the privilege of confidentiality. (Ord. CS-329 § 3, 2018)

1.20.060 Council agenda.

- A. The city clerk, under direction of the city manager, will prepare an agenda for each council meeting. The agenda for a special or emergency meeting may be combined with the notice of the meeting.
- B. An agenda will contain the following information:
 - 1. The date, time and location of the meeting;
 - 2. The order of business and a brief general description of each item of business to be transacted or discussed at the meeting, including a brief statement of the specific action requested or recommended to be taken by the council;
 - 3. A description of each closed session matter substantially in the manner authorized by Section 54954.5 of the Brown Act;
 - 4. Information relating to special services available to persons with disabilities to permit those persons to participate in the meeting.

An agenda may contain other information relating to the conduct of the meeting, time limits for public participation, rules of decorum, presentation of materials and other similar matters.

- C. The city manager is responsible for scheduling matters for consideration by the council based on established council priorities, the city's business and governmental needs, and requirements of applica-

ble law. Items of business may be placed on the agenda by any member of the council, the city manager or the city attorney, or by council action. Council-originated items must be submitted to the city manager not less than seven days before the date of the council meeting at which the member desires the item to appear on the agenda. Nothing in this section precludes a council member from requesting council action to place an item on the agenda for a future meeting.

- D. The city clerk, is authorized and directed to post agendas in accordance with applicable law, including posting on the city's website. The city clerk is also authorized and directed to mail agendas to persons and organizations who have filed a request for a mailing of agendas and have paid the fee in the amount established by the city for that service. Before posting or mailing an agenda, the city clerk must obtain approval of the agenda from the city manager and city attorney. The agenda may be made available and delivered in electronic format.
- E. The agenda for regular meetings will be based on the following order of business:
 - 1. Call to order;
 - 2. Announcement of concurrent meetings;
 - 3. Roll call;
 - 4. Pledge of allegiance;
 - 5. Invocation;
 - 6. Approval of minutes;
 - 7. Special presentations;
 - 8. Public comment on matters not listed on the agenda;
 - 9. Consent calendar;
 - 11. Ordinances for introduction;
 - 12. Ordinances for adoption;
 - 13. Matters requiring a public hearing, notice of which is required by law;
 - 14. Matters not requiring a noticed public hearing
 - 15. council commentary and requests for consideration of matters;
 - 16. Additional public comment on matters not appearing on the agenda;
 - 17. Announcements;
 - 18. Adjournment.
- F. When a meeting is a concurrent meeting of the city council and the legislative body of any public agency the governing body of which is comprised of the members of the city council, action will be deemed to have been taken by the appropriate legislative body with jurisdiction over the matter. (Ord. CS-329 § 3, 2018)

1.20.070 Agenda packet.

- A. The city manager is responsible for all staff reports and other documents relevant to each item of business placed on an agenda by the city manager or by council action. The city attorney is responsible for all staff reports and other documents relevant to each item of business placed on the agenda by the city attorney. Matters placed on the agenda by a council member do not require a staff report, but the council member may provide a report or other documents relevant to the item the council member has requested to be placed on the agenda. The city manager or city attorney may provide a report or recommendation relating to a matter placed on the agenda by a council member. Staff reports and other documents relevant to items of business, including reports and other documents provided by a council member with respect to an item placed on the agenda by that council member, must be delivered to the city clerk not later than 5:00 p.m. on the Wednesday preceding a regular meeting or 72 hours be-

fore the date of a special meeting. The city clerk, under the direction of the city manager, is responsible for compiling the reports and other documents and for preparing an agenda packet.

- B. Ordinances, resolutions and contract documents must be prepared or approved by the city attorney before delivery to the city clerk for inclusion in the agenda packet. Nothing in this chapter is intended to preclude the city council from orally amending any ordinance, resolution, contract, or other document presented to it prior to final action at a meeting.
- C. Correspondence, including electronic mail, relating to an item of business on an agenda received by the city clerk before 5:00 p.m. of the Wednesday preceding a regular meeting will be included as part of the agenda packet materials for that item; correspondence received later may be included in the agenda packet in any manner or may be delivered to the city council by different means.
- D. The agenda packet for a regular meeting will be delivered to the council members not later than the Friday preceding the meeting. The agenda packet will be available to the public at the office of the city clerk and posted on the city's website on the same day that it is delivered to the council members. An agenda packet for a special or emergency meeting may be delivered to the council and made available to the public at the meeting. The city clerk is also authorized and directed to mail agenda packets to persons and organizations who have filed a request for a mailing of agenda packets and have paid the fee in the amount established by the city for that service. Agenda packets may be made available and delivered in electronic format. (Ord. CS-329 § 3, 2018)

1.20.080 Minutes.

- A. The city clerk is responsible for the minutes of all city council meetings, except closed sessions. The minutes will be a record of each particular type of business transacted or discussed but a verbatim transcript of the proceedings is not required. The minutes may include the names of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter. The clerk will include in the minutes of the meeting a council member's statement on a matter upon request made by that council member at the time the statement is made. Any council member may have the reasons for his or her support for or dissent from any action of the council entered in the minutes by making a request in substantially the following manner: "I would like the minutes to show that I [support] [am opposed to] this action for the following reasons..."
- B. The city clerk will prepare proposed minutes and present them to the city council for approval.
- C. The minutes may be approved without reading if the clerk has included the proposed minutes in the agenda packet. The minutes will be read before approval upon motion approved by the city council. Proposed amendments to the minutes as submitted by the city clerk must be verified by the city clerk prior to approval by the city council. Following approval, minutes of meetings will be permanently kept in a format or medium suitable for storage of permanent public records. (Ord. CS-329 § 3, 2018)

1.20.090 Recordings of meetings.

- A. The city clerk may record city council meetings as an aid in the preparation of minutes. Recordings will be retained in accordance with the city's adopted Records Retention Schedule unless a longer retention is required by the city council, the city manager or the city attorney.
- B. Prior to reuse or erasure, members of the public may hear the recordings of the city council meetings during office hours when it will not inconvenience the ordinary operation of the clerk's office; brief or shorthand notes may be made; recordings may be duplicated under procedures established by the clerk. The city clerk is further authorized to allow the equipment to be used by the public for listening or recording purposes when such equipment is not necessary for use by the city clerk in the ordinary function of the office. Except as provided for in Chapter 1.16, unless a request to prepare a transcript is timely submitted and accepted, the city clerk is not authorized to provide a transcript of any recording. The city clerk may establish rules and regulations necessary to protect the safety of the records against theft, mutilation or accidental damage, to prevent inspection or recording from interfering with

the orderly function of the office, and to ensure that the integrity of the records is maintained. The city clerk may charge a fee to cover the cost, including labor and materials, but not limited to, providing records and administering this provision.

- C. A person may request that the clerk preserve a record of the city council meeting, or any portion thereof, by filing a written request with the city clerk 24 hours prior to the meeting. If such a request is received, the city clerk will arrange to make and preserve such a record at the expense of the person making the request.
- D. If any person desires to have a matter reported by a stenographer reporter, such person may employ one directly at the person's expense. The city manager may make reasonable accommodations to assure that the reporter is seated at a position at the meeting to facilitate accurate recording.
- E. Any person may film, video tape photograph or audio tape a city council meeting in the absence of a reasonable finding by the presiding officer that the recording cannot continue without noise, illumination or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings. Meetings may be televised by any person if it can be accomplished without noise, illumination or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings. (Ord. CS-329 § 3, 2018)

1.20.100 Role of the presiding officer.

- A. The presiding officer is the mayor, or in the mayor's absence, the mayor pro tem. In the absence of both the mayor and mayor pro tem, the presiding officer will be selected from among the council members constituting the quorum for the meeting. In the absence of the mayor and mayor pro tem, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the council members present. Upon the arrival of the mayor or the mayor pro tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the council.
- B. The presiding officer will endeavor to conduct the meeting in an orderly, even-handed and businesslike manner, substantially the order and manner provided on the agenda. Members should have a full and equal opportunity to express their respective views. Matters should be fully deliberated before action is taken.
- C. The presiding officer may move, second, debate and vote from the chair. The presiding officer is not deprived of any of the rights and privileges of a council member due to acting as presiding officer. The presiding officer or such person as the presiding officer may designate may verbally restate each question immediately prior to calling for the vote.
- D. The presiding officer is responsible for the maintenance of order and decorum at all meetings. The presiding officer will decide all questions of order and procedure under this chapter, subject to the right of any council member to request a ruling by the quorum and the question shall be, "Shall the decision of the presiding officer be sustained?" Requests for a ruling by the quorum require a second and will be promptly considered. A majority vote of the quorum will conclusively determine the question. (Ord. CS-329 § 3, 2018)

1.20.110 Commencement of meetings.

At the time set for each regular meeting, each member of the council, the city manager, city clerk, city attorney and such department heads or others as have been requested to be present shall take their regular places in the council chambers. The presiding officer will call the meeting to order. Before proceeding with the business of the council, the city clerk will call the roll of the council members and the names of the members present will be entered in the minutes. If the meeting is a concurrent meeting of the city council and one or more legislative bodies of a public agency for which the city council is the governing body, the city clerk will also make the announcement required by law. (Ord. CS-329 § 3, 2018)

1.20.120 Consent calendar.

An agenda may contain a consent calendar of items grouped together for action by single motion and without discussion when the items are considered by the city manager to be routine, noncontroversial or in the nature of housekeeping matters. The actions recommended or requested by the city manager will be included in summary form in the agenda description of each consent calendar item. Before accepting a motion to approve the consent calendar, the presiding officer must determine whether any council member, city officer or employee, or member of the public desires to be heard on one or more consent items. In that event, the presiding officer will defer action on the particular matter or matters as part of the regular agenda in any order deemed appropriate. A council member may record a negative vote or an abstention on a consent calendar item without removing the item for discussion by so stating prior to the vote on the motion to approve the consent calendar. A request from the public to discuss an item on the consent calendar must be filed with the city clerk in writing prior to council consideration of the consent calendar. The city clerk is directed to include on an agenda containing a consent calendar a statement of this requirement along with a summary of the procedure for consideration of consent calendar items. (Ord. CS-329 § 3, 2018)

1.20.130 General rules of procedure.

- A. Every council member, city officer or employee, or any other person desiring to speak during a council meeting must first gain recognition by the presiding officer. Following recognition by the presiding officer, the speaker must confine him or herself to the question or matter under consideration, avoiding reference to character and indecorous language.
- B. Every council member desiring to question the city staff will address the questions to the city manager or the city attorney, who shall be entitled either to answer the inquiry him or herself or to designate a member of his or her staff for that purpose. Members of the public desiring to ask a question regarding an item on the agenda must do so only when public comment regarding an item is permitted. Questions from a member of the public must be directed to the presiding officer, who may refer the question to any member of the city council, city manager or city attorney as the presiding officer deems appropriate.
- C. Once a council member, city officer or employee, or other person has been recognized and allowed to speak by the presiding officer, the person will be allowed to conclude his or her remarks without interruption, except an interruption by the presiding officer to preserve order, subject to applicable time limits. A council member seeking to raise a point of order or personal privilege must first gain recognition from the presiding officer. If a council member while speaking is called to order, the council member shall cease speaking until the question of order is determined, and if determined to be in order, the council member may proceed. If interrupted by the presiding officer, city officers and employees and members of the public must cease speaking until further authorization by the presiding officer.
- D. The right of a council member to address the council on a question of personal privilege is limited to cases in which the council member's integrity, character or motives are questioned or where the welfare of the council is concerned. A council member raising a point of personal privilege may interrupt another council member who has the floor only if the presiding officer recognizes the privilege.
- E. A member of the council who wishes to terminate discussion of a motion may call for the question. If the call is seconded, the presiding officer shall ask for a vote. If the call carries, the council shall then vote on the motion without further discussion.
- F. Voting will be conducted using the voting system installed in the Council Chamber, unless the city council dispenses with use of the voting system or the system is not functioning. If the voting light system is not used, voting will be by voice vote or other system by which the vote of each council member is made known to the public. Secret ballots are prohibited.
- G. Every council member should vote unless disqualified due to conflict of interest. A council member who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon, however, ordinances, resolutions, orders for franchise or payments of money or adoption or amend-

ment of a specific or general plan require the affirmative vote of a majority of the city council (i.e., three affirmative votes).

- H. For matters that may be decided by a majority of the quorum, tie votes constitute "no action," and the matter voted upon remains before the council and is subject to further council consideration. If the presiding officer determines that city council is unable to take action on a matter during a meeting because of a tie vote, the city clerk shall place the item on the next regular meeting of the city council for further consideration. For matters that require approval by affirmative vote of a majority of the city council, any vote of less than the required number of affirmative votes results in denial of the action, unless a member of the city council who did not vote in the affirmative requests that the matter remain open for further consideration. For matters involving development applications before the council because of a recommendation or appeal from the planning commission or design review board, if a final decision of the city council is not reached within 60 days of the date of the first meeting at which the matter is considered, the matter will be deemed denied. During this 60-day period, any council member may make a written request that the matter be restored to the council's agenda.
- I. A council member may change his or her vote immediately following the announcement of the result of a vote on a matter by the presiding officer and before the next item of business. Except in the case of a tie vote, a council member who publicly announces that he or she is abstaining from voting on a particular matter may not withdraw his or her abstention.
- J. A motion to reconsider any action taken by the council may be made only at the meeting such action was taken, including a recessed or adjourned session thereof and by a council member who voted with the prevailing side. Consideration of action to rescind, repeal, cancel or otherwise nullify prior council action is in order at any subsequent meeting of the council, subject to placement of the matter on the agenda in the same manner as any new item of business. The effect of such action will operate prospectively and not retroactively and will not operate to adversely affect individual rights which may have been vested in the interim without notice and an opportunity to be heard having been given to the affected party or parties. (Ord. CS-329 § 3, 2018)

1.20.140 Public participation.

- A. Members of the public may address the council on items of business listed on an agenda of any meeting. Persons desiring to address the council regarding an item on the agenda, including an item listed on the consent calendar or items noticed for a public hearing, must submit a request to speak to the city clerk before the item is called by the presiding officer. The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.
- B. At regular meetings, including adjourned regular meetings, members of the public may address the council on items not appearing on the agenda during the portion of the agenda set aside for this purpose. The total amount of time set aside for this purpose at the beginning of the meeting will not exceed 15 minutes, additional time will be set aside at the end of the meeting. Persons addressing the council must confine their remarks to matters within the subject matter jurisdiction of the city council or a public agency for which the city council services as the governing body. Persons desiring to address the council on items not appearing on the agenda must submit a request to speak to the city clerk before public comment is called. The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.
- C. The city clerk will organize speaker slips pertaining to each agenda item in the order received and persons will be invited to address the council based on that order. Upon direction of the presiding officer, the names will be called by the city clerk.
- D. Members of the public will address the council from the podium provided for that purpose. Each member of the public will be permitted to speak for up to three minutes, unless the presiding officer has announced a shorter duration at the commencement of the item under consideration. A shorter duration may be set when the presiding officer or majority of the quorum determine that length and duration of public comments on a matter would be unduly burdensome and prevent or frustrate the city council

from reaching a timely decision on the matter. Persons must confine their remarks to the agenda item under consideration. A speaker may not yield time to another speaker.

- E. After the presiding officer has closed the public input portion of an agenda item, no member of the public may address the council without first being recognized by the presiding officer and securing permission to do so by a majority vote of the city council.
- F. To facilitate organized presentations, a representative of a group of persons may submit a request to speak on behalf of the group. The representative must identify the group and list not fewer than three members of the group who will be present during the meeting at which the presentation is made. The presentation on behalf of the group may not exceed 10 minutes unless additional time is authorized by a majority of the quorum.
- G. For items listed on the agenda, members of the public will generally be invited to speak following the staff presentation, if any, and before city council discussion of the item. For items removed from the consent calendar at the request of a member of the public, the presiding officer may invite the speaker to address the council and may defer or waive presentation of a staff report. (Ord. CS-329 § 3, 2018)

1.20.150 Use of city equipment.

Persons desiring to use city information system or communication equipment for presentation of information to the council must make arrangements in advance with the city manager. The city manager may establish reasonable rules regarding format, security, time for submission and other similar matters. (Ord. CS-329 § 3, 2018)

1.20.160 Conduct of public hearings.

- A. The provisions of this section apply to matters listed on the agenda as public hearing items. Except as otherwise provided in this section, all of the provisions of this chapter apply to matters listed as public hearing items.
- B. Public hearings will be noticed to begin at the time the council convenes, unless otherwise determined by the city manager or directed by the city council in which case the notice of public hearing and agenda may state a different time. If there is more than one public hearing scheduled for a meeting, the hearings will be held in the order stated on the agenda unless the council changes the order. Meetings may be adjourned when necessary or convenient to complete a hearing or schedule of hearings. Hearing will commence at the time stated on the agenda or as soon thereafter as the conduct of business at the meeting permits.
- C. All documents intended by the city to be part of the record of the hearing and any correspondence received by the city pertaining to the subject matter of the hearing will be available at the office of the city clerk at least 24 hours prior to commencement of the hearing. This provision does not preclude the submission by any person of supplemental or additional information during the hearing.
- D. The applicant will be permitted 10 minutes to make a presentation, not including time to respond to questions by members of the city council, and five minutes to respond to comments by members of the public. As used in this section, applicant includes any person or entity whose rights or interests are directly the subject matter of the hearing.
- E. The order of the hearing will be as follows unless otherwise required by law:
 - 1. Presentation of staff and/or planning commission report;
 - 2. Questions from the council;
 - 3. Presentation by the applicant, if any;
 - 4. Comments by members of the public;
 - 5. Response by staff or applicant to facts or issues raised by public comments;
 - 6. Council discussion and action.

- F. The presiding officer may, set longer time limits than otherwise allowed by this chapter for adequate presentation of testimony and evidence to provide a fair hearing. The decision of the presiding officer may be appealed to the council.
- G. Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such question(s) to the presiding officer, who will ask the question(s) to the witness. The presiding officer may at his or her discretion restrict the number and nature of any questions asked pursuant to this section.
- H. Before commencement of council discussion and action, the presiding officer may order closed the public input portion of the hearing, at which time no further evidence, either oral or written, will be accepted by the council except in response to a question by a council member; provided, however, that this rule may be relaxed by the presiding officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing. Following completion of questions by council members, the presiding officer may order the public hearing closed. A public hearing once closed cannot be reopened on the date set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent meeting, provided notice is first given in the manner required for the initial hearing.
- I. A public hearing may be continued to a date certain any time before the closing of the hearing in order to permit presentation of additional written or oral evidence, or return the matter to the planning commission for further consideration. The presiding officer will publicly announce the date, time and place that the hearing will reconvene, and further evidence will be taken, and the announcement constitutes sufficient notice to the public of the date, time, and place of the continued hearing. If the matter is returned to the planning commission for further consideration, the presiding officer must publicly announce that the matter has been returned to the planning commission for consideration and may announce the date, time and place that the hearing will be continued to receive the further report by the planning commission. If the presiding officer announces the date, time and place of the continued hearing, the clerk will post a notice of continuance in the same manner as for posting notices of an adjourned meeting, however no further public notice is required. If the presiding officer does not announce the date, time and place for continuance of the matter following return to the planning commission, the hearing will be noticed in the same manner as for the initial public hearing. (Ord. CS-329 § 3, 2018)

1.20.170 Decision following a public hearing.

- A. A decision may be made at any time following the close of a public hearing. The council may adopt a resolution or ordinance recommended by staff and presented as part of the agenda packet or may indicate its intended decision and instruct the city attorney to return with the resolution or ordinance necessary to affect the decision. For decisions that include a quasi-judicial determination, the council may adopt the resolution or ordinance, as presented or as may be amended by the council, if it determines that the findings contained in the document are supported by the evidence presented at the hearing and the decision is supported by the findings. The city council's decision is not final until adoption of the documents.
- B. A council member who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless the council member has examined all the evidence, including listening to a recording of the oral testimony or reviewing a videotape or other electronic medium of the proceedings and represents that he or she has a full understanding of the matter. (Ord. CS-329 § 3, 2018)

1.20.180 Application to administrative hearings.

- A. The procedures for conduct of public hearings will apply to any quasi-judicial administrative hearing conducted by the city council except as provided in Section 1.20.190.

- B. During the public hearing for a quasi-judicial matter, council members must disclose information received from individuals or groups, site visits or investigations if the information is not otherwise included in the information presented to the council in the agenda packet or presentations by the staff or applicant. The disclosure may be made orally before the time for receipt of public comment. (Ord. CS-329 § 3, 2018)

1.20.190 Application of procedures required by law.

Whenever the requirements of this code or other law require that hearings regarding a particular matter be conducted pursuant to a specific procedure, the provisions of the law establishing the requirements shall prevail over this chapter to the extent of any inconsistency. Specific rules of procedure for an administrative hearing established by official action of the city council, upon recommendation of the city attorney, will prevail over the provisions of this chapter to the extent of any inconsistency with respect to that hearing and other hearings of a similar nature. (Ord. CS-329 § 3, 2018)

1.20.200 Evidence—Record of proceedings.

- A. A decision of the city council may be based on any relevant evidence provided to the city council for its consideration of an item and accepted into the record of the proceedings by the presiding officer or made a part of the record of the proceedings pursuant to this section. In addition, to oral presentations and documents presented at a meeting, the city council may consider any adopted general plan, specific plan, ordinance, resolution or other record of official action of the city, and facts of common, general knowledge. The rules of evidence as established by law for judicial proceedings in the State of California are not applicable to proceedings of the city council and any credible, relevant evidence appropriate to afford a full presentation of the facts necessary or convenient for judicious consideration of the matter which is the subject of the council's consideration may be presented at the discretion of the presiding officer. Failure of the presiding officer to strictly enforce rules of evidence or to reject matters that may be irrelevant or immaterial does not affect the validity of the hearing. Any procedural errors that do not materially affect the substantial rights of the parties will be disregarded. Rulings of the presiding officer are subject to change by the city council in the same manner as any other procedural order.
- B. All materials included in the agenda packet for a meeting are evidence and part of the record of the proceedings for the agenda item to which they pertain. It is not necessary for materials included in the agenda packet to be read in full or referenced at the meeting; however, the staff may present a summary of the information as part of the staff presentation or upon request of the presiding officer. In addition, any of the following may be presented to the city council during the meeting and, if presented are evidence and part of the record:
 1. Exhibits and documents not included in the agenda packet that are used during the presentation by members of city staff and any persons addressing the city council and are provided to the city council;
 2. Maps and displays used at the meeting; provided that, whenever practicable, they shall be displayed in full view of the participants and the audience;
 3. All written communications and petitions concerning an item presented at a meeting if a request for inclusion in the record is made and the presiding officer grants the request; however, reading of communications and petitions is not required and will generally be permitted only upon authorization by the presiding officer; and
 4. Information obtained outside the Council Chamber, such as a view of the site, provided the information, to the extent it is relied upon in a quasi-judicial matter, is disclosed for the record.
- C. The city clerk will retain all the agenda packet, exhibits, reports, maps and other physical evidence placed before the council as public records. Such records may be released by the clerk with the approval of the city attorney. Items that are large, perishable, bulky or otherwise difficult to store may be

returned to the person submitting the item provided that the clerk retains a photographic, video or digital record of the item. The clerk may make and retain photographic, video or digital records of proceedings of meetings subject to the same requirements applicable to other public records of the city.

- D. Whenever any law requires that testimony presented to the city council under oath or affirmation, the presiding officer or the city clerk may administer the oath or affirmation. (Ord. CS-329 § 3, 2018)

1.20.210 Subpoenas.

The council may order the city clerk to issue, and the chief of police or representative to serve, subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled public hearing or quasi-judicial administrative proceeding. (Ord. CS-329 § 3, 2018)

1.20.220 Enforcement of decorum.

- A. The chief of police or such member of the police department as the chief, or authorized agent, may designate, is the sergeant-at-arms of the city council. The sergeant-at-arms is required to be available to respond to all meetings immediately upon call, and will attend meetings at the request of the mayor, city manager or majority of the city council. The sergeant-at-arms is responsible for enforcing the orders of the presiding officer given for the purpose of maintaining order and decorum at the council meetings. The sergeant-at-arms may, at any time, request assistance from other members of the police department to accomplish that purpose. The city council may require the presiding officer to enforce the rules upon approval of a motion by any council member.
- B. Any person, including any member of the council or city staff, who by voice or conduct engages in loud, boisterous or unruly behavior that substantially disrupts a council meeting or otherwise disrupts a meeting by failing to comply with the rules established by this chapter, and continues to do so after the presiding officer has directed the person to stop, commits an offense punishable as an infraction.
- C. Any person arrested under subsection B of this section and who thereafter returns to the same meeting and again violates the provisions of subsection B of this section, commits an offense punishable as a misdemeanor.
- D. Any person previously convicted under subsection B of this section, who again violates the provisions of subsection B of this section, commits an offense punishable as a misdemeanor. (Ord. CS-329 § 3, 2018)

1.20.230 Motions.

A motion is the formal statement of a proposal or question to the council for consideration and action. Every council member has the right to present a motion. A motion may be made at any time during consideration of a matter on the agenda; however, the presiding officer may defer recognizing a motion until after presentation of a report of staff, public comment and questions by members. It is not necessary for a motion to be pending for deliberation of a matter on the agenda. If a motion is properly made, the presiding officer will call for a second. No further action is required on a motion that does not receive a second. If a motion contains two or more divisible propositions, the presiding officer may divide it and call for a separate vote on each proposition. A motion once made and seconded may not be withdrawn by the maker without the consent of the second. The presiding officer may, and upon request of any member of the council will, restate a motion before a vote, provided, however, that the presiding officer may request the restatement be made by the city clerk or city attorney. (Ord. CS-329 § 3, 2018)

1.20.240 Rules relating to motions.

- A. When a main motion is pending, no other motion may be entertained except the following which shall have precedence, one over the other, in the following order:
 1. Adjourn;

2. Recess;
 3. Defer;
 4. Call the question;
 5. Limit or extend debate;
 6. Refer to commission, committee, or staff;
 7. Amend;
 8. Continue;
 9. Main motion.
- B. A motion may not repeat a motion made previously at the same meeting unless there has been some intervening council action or discussion. A motion may not be made if a motion to call the question is pending, and if the question has been called, until after the vote on the question. A motion may not be made while a vote is being taken. A motion may not be made to interrupt of a council member while speaking. A motion regarding a point of order or to direct the presiding officer to enforce a provision of this chapter may be made at any time.
- C. The purpose and salient criteria of the motions listed in subsection A are as follows:
1. Motion to adjourn:
Purpose. To terminate a meeting.
Debatable or Amendable. No, except a motion to adjourn to another date, time, or place is debatable and amendable as to the date, time and place to which the meeting is to be adjourned.
 2. Motion to recess:
Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.
Debatable or Amendable. Yes, but restricted as to time or duration of recess.
 3. Motion to defer:
Purpose. To set aside, on a temporary basis, a pending main motion; provided that, it may be taken up again for consideration during the current meeting or at the next regular meeting. A motion to defer is also known as a motion to table.
Debatable or Amendable. It is debatable but not amendable.
 4. Motion to call the question:
Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion passes, a vote shall be taken on the pending motion or motions.
Debatable or Amendable. No.
 5. Motion to limit or extend debate:
Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.
Debatable or Amendable. Debate and amendments are restricted to duration of the proposed limit or extension.
 6. Motion to refer to commission, committee or staff:
Purpose. To refer the question before the council to a commission, committee or to the city staff for the purpose of investigating or studying the proposal and to make a report back to the council. If the motion fails, discussion or vote on the question resumes.
Debatable or Amendable. Yes.

7. Motion to amend:

Purpose. To modify or change a motion that is being considered. An amendment may be in any of the following forms: to "add" or "insert" certain words or phrases; to "strike out certain words or phrases and to add others"; to "replace" certain words, phrases or actions on the same subject matter as the one pending; to "divide the question" into two or more questions to allow for a separate vote on particular points. A motion to amend shall relate to the subject of the main motion. A motion to amend, including a motion to substitute an entire motion for the one pending, shall not be used to change the nature of the main motion, for example a motion to replace the word "approve" with the word "disapprove" is prohibited where the nature of the main motion is changed. If a motion to amend passes, then the main motion should be voted on as amended.

Debatable or Amendable. It is debatable if the main motion to which it applies is debatable. It is amendable, but a motion to amend an amendment is not further amendable.

8. Motion to continue:

Purpose. To prevent further discussion and voting on the main motion until a future date or event. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again until the specified date or event.

Debatable or Amendable. It is debatable and amendable, however amendments are limited to the date or event.

9. Main motion:

Purpose. The primary proposal or question before the council for discussion and decision.

Debatable or Amendable. Yes. (Ord. CS-329 § 3, 2018)

1.20.250 Council action.

City council action will be taken by motions approved by vote of council members. Action required by law to be taken by resolution or ordinance may be taken upon approval by the required number of affirmative votes of a motion to approve or adopt the resolution or ordinance. Action not requiring adoption of a resolution or ordinance, including providing direction or authorization to a city officer or employee, may be taken by motion recorded in the minutes of the meeting. (Ord. CS-329 § 3, 2018)

1.20.260 Resolutions.

Whenever feasible, resolutions implementing a staff recommendation will be included in the agenda packet. Resolutions will be prepared or approved by the city attorney before submission to the city council. It is not necessary to read the resolution by title or in full; provided it is identified by the presiding officer. Where a particular resolution has not been prepared in advance, a motion may direct the city attorney to prepare the document and return it to the council. When necessary, a resolution may be presented verbally in motion form together with instructions for written preparation. Upon execution of such a resolution, it shall become an official action of the council. (Ord. CS-329 § 3, 2018)

1.20.270 Ordinances.

All ordinances will be prepared or approved by the city attorney before submission to the city council. The city attorney will not prepare an ordinance unless directed by the city council or city manager or on the city attorney's own initiative.

Ordinances will be adopted according to the procedure established by statute. The title of an ordinance will be read before introduction and again before adoption.

However, the text of an ordinance will not be read at the time of introduction or at the time of adoption unless after the reading of the title, full reading of the text is directed by the city council. (Ord. CS-329 § 3, 2018)

1.20.280 Correction of documents.

The city clerk, with the consent of the city attorney, is authorized to correct any typographical or other technical or clerical error in any document approved by the city council. Upon correction, the corrected document may be executed in the manner required of the original and, when properly executed, will replace the original document, to be effective as of the date of the original document, and to be retained in the files of the city clerk. (Ord. CS-329 § 3, 2018)

1.20.290 Failure to observe procedures—waiver.

The provisions of this chapter are adopted to expedite the transaction of the business of the council in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law. Nothing in this section shall preclude the presiding officer or city council from taking any action to cure a violation or alleged violation of the provisions of this chapter or other applicable law governing the conduct of city council meetings. Nothing in this section precludes the city council from correcting a violation or alleged violation of the Brown Act according to the provisions of that act. (Ord. CS-329 § 3, 2018)

1.20.300 Limitation on liability.

The procedural provisions of this chapter are directory in nature and shall not be deemed to create a mandatory duty, the breach of which could result in liability to the city or to any city officer or employee pursuant to state statute or other law. (Ord. CS-329 § 3, 2018)

1.20.310 Appeals procedure.

Where no specific appeals procedure is established by this code for any decision of a city commission, committee or official that substantially affects the rights, duties or privileges of an aggrieved person, such decision may be appealed to the city council by filing a written notice of appeal with the city clerk within 10 calendar days of the date of the decision. Fees for filing an appeal shall be established by resolution of the city council. The city manager will place the matter on an agenda for council consideration in the manner provided in Section 1.20.060 and provide notice to the aggrieved person of the date, time and place of the meeting at which the matter will be considered. The aggrieved person will be permitted five minutes to make a presentation to the city council, but otherwise, the procedures applicable to items not scheduled for public hearing will apply. The decision of the city council regarding the matter is final. (Ord. CS-329 § 3, 2018)

1.20.320 Correspondence addressed to the city council.

The city manager is authorized to open and examine all written communications addressed to the city council, except correspondence addressed to an individual city council member. An individual council member may authorize the city manager to open and examine correspondence addressed to that council member. The city manager is authorized to take appropriate administrative action to address constituent concerns consistent with existing city policy. Matters requiring city council action may be placed on the agenda by the city manager in the manner provided in this chapter. On a weekly basis, the manager will provide the mayor and council members with correspondence received and a report of any administrative action taken. Correspondence relating to an item on the agenda for a council meeting will be provided to the city clerk for inclusion in the agenda packet. The city manager's office and city clerk's office will coordinate on mail received by the city clerk's office to effectively accomplish the purposes of this section. Correspondence relating to an item on the agenda of a meeting and received by the city clerk or city manager before 5:00 p.m. on Wednesday of the week before the day of a council meeting will be included in the agenda packet for the meeting. (Ord. CS-329 § 3, 2018)