

La Quinta

CALIFORNIA

COMMISSIONER'S HANDBOOK



WWW.LAQUINTACA.GOV
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INTRODUCTION

Congratulations on your appointment to a City of La Quinta Commission. Citizen involvement and input are of utmost importance to the City's residents and leaders. Your enthusiasm for, and commitment to the City are greatly appreciated.

We all have a responsibility to maintain the highest standards of ethical conduct in our official duties. This responsibility extends to every employee, official and public servant, including commissioners.

This *Commissioners' Handbook* is intended to provide vital information related to policies and procedures, the public process, applicable laws and regulations, and Commissioner responsibilities. Your position can be both rewarding and challenging – each Commission serves as an advisory body to the City Council. Therefore, you are playing a key role in developing policies, programs, and recommendations that will help shape the community.

I encourage you to rely upon and consult with the City staff assigned to your commission – they are happy to provide guidance and assistance.

On behalf of the City of La Quinta and the City Council, thank you for your service and dedication. We are confident your experience will be enriching and rewarding.

Sincerely,

Jon McMillen
City Manager

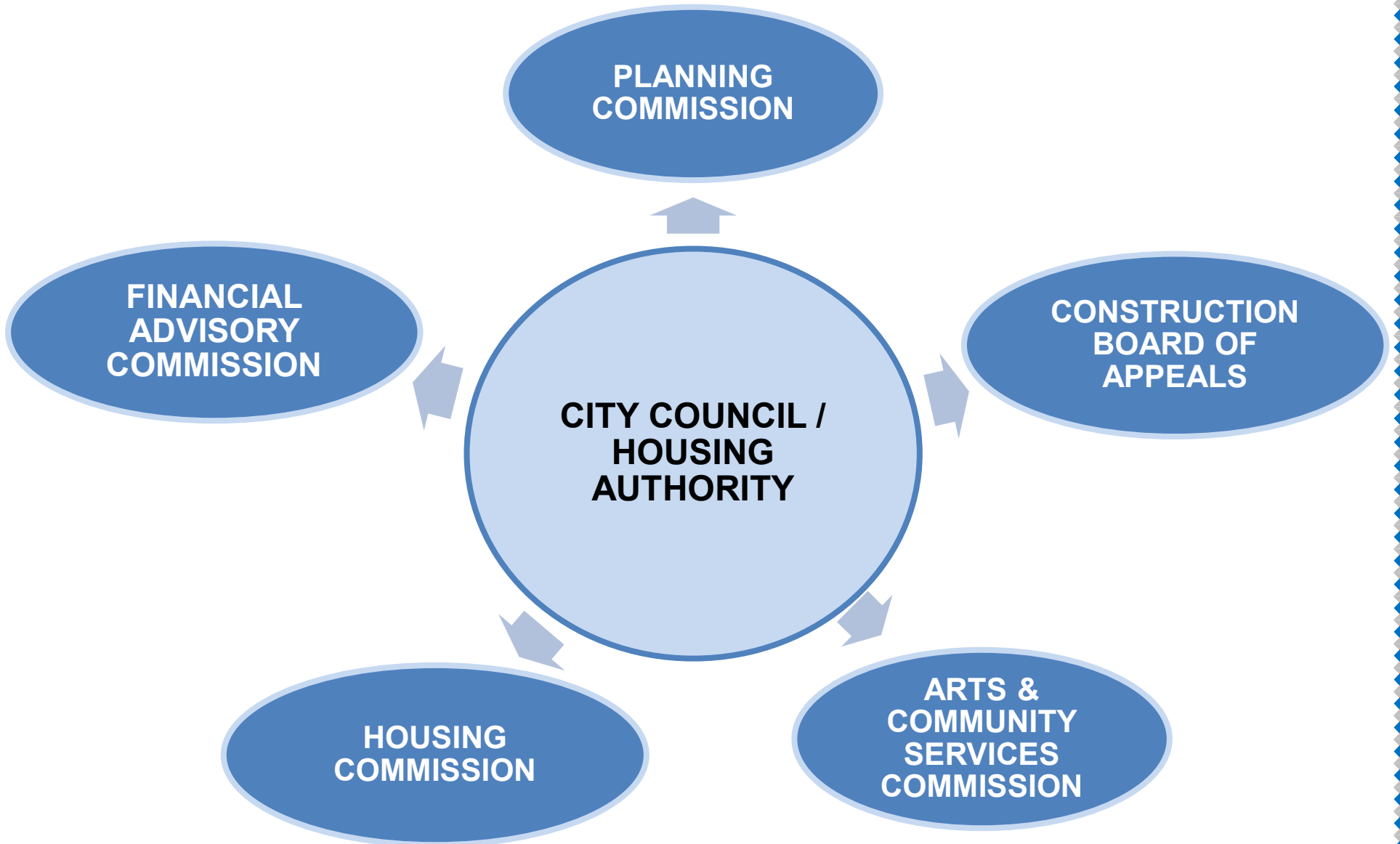
Note: Throughout this Handbook, all advisory bodies will be referred to as "Commission" whether it is a board, commission, or committee.

La Quinta

— GEM *of the* DESERT —

MAYOR:	LINDA EVANS
MAYOR PRO TEM:	JOHN PEÑA
COUNCILMEMBER:	KATHLEEN FITZPATRICK
COUNCILMEMBER:	DEBORAH MCGARREY
COUNCILMEMBER:	STEVE SANCHEZ

CITY OF LA QUINTA ORGANIZATIONAL CHART FOR COMMISSIONS



Frequently Asked Questions

Q1: What is La Quinta’s form of government?

A1: La Quinta is a Charter City with a council-manager form of government in which the Council appoints the City Manager and City Attorney. The Council is comprised of five residents, elected at large, and is responsible for making policy by establishing the vision and direction for the community’s future. The City Manager is the City’s chief executive officer, he/she/they appoints all Department Directors and carry out the policies and programs established by the City Council to ensure the delivery of municipal goods and services to the residents.

Q2: What role do Boards/Commissions play in La Quinta government?

A2: Boards/Commissions are advisory bodies to the elected City Council that help plan the future of the community by shaping and influencing public policy and bringing diverse viewpoints for the City Council to consider. The Council believes that citizen participation is imperative to maintain a vibrant and healthy community.

Q3: Are Board/Commission Members subject to the Personnel Policy Manual?

A3: Board/Commission Members are subject to the Personnel Policy for Appointed Officials adopted by the City Council via Resolution No. 2019-027 (included in the Commissioner’s Handbook as Attachment 4). In addition, Board/Commission Members must comply with all applicable federal and state regulatory requirements, including but not limited to ethics and sexual harassment prevention trainings.

Q4: Why must Board/Commission Members attend sexual harassment prevention and ethics training? How often?

A4: California State law requires that all staff, elected, and appointed personnel attend these trainings every two years – either online or classroom courses. Human Resources and the City Clerk’s Office track these certificates and can provide class information. The purpose is to ensure the public that staff, volunteers, and officials are fully aware of the higher standards expected of them and the special trust and responsibility they hold.

Q5: Will stipends paid to me be reported and subject to a W2?

A5: Yes. Pursuant to U.S. IRS guidelines received by the City, stipends paid to Board/Commission Members are to be reported and subject to a W2.

Q6: Can Board/Commission Members waive payment of stipends?

A6: Yes. Board/Commission Members may voluntarily waive the stipend, but a waiver will not absolve that Member from compliance with applicable laws.

Q7: Why are Board/Commission Members required to submit a Statement of Economic Interest Form 700 annually?

A7: State and City laws require Members to do so. The purpose is to publicly disclose holdings so that residents and Council are confident that a Member's advice is not motivated by personal gain.

Q8: Can annual Form 700 filings be submitted electronically or is wet signature required?

A8: Both are accepted and must be filed with the City Clerk. The FPPC allows Forms 700 to be submitted electronically pursuant to specified requirements that allows the filer's signature to be electronically authenticated; or the filer may submit an original wet-signed paper Forms 700, which can be mailed or dropped off in person. Exception: Members of the Planning Commission are required to submit Forms 700 electronically through the FPPC portal.

Q9: What constitutes a conflict of interest?

A9: Conflicts exist when Members or their family member(s) (as specified by law) have a financial interest such as real estate, income, or business interest in the matter before their respective Board/Commission. There may be many sources for a potential conflict but generally, any matter that is located within a 500' radius of any property owned or leased by a Member would constitute a conflict of interest. An income interest conflict exists when a Member or his/her/their family member receives income directly or indirectly from a party with an item on the agenda. A business interest conflict exists when a Member or his/her/their family member has a business relationship with a party or property on the agenda.

Q10: What should Board/Commission Members do if a conflict or the perception of a conflict exists?

A10: If a Member believes there may be a conflict, please notify the staff liaison before the meeting to allow staff to map it out and discuss it with the City Attorney. If it's determined that a conflict(s) exists, State law requires the Member to announce it when the agenda item comes up, state the reason for the conflict, and leave the dais during discussion and vote on the item. The Member will be marked absent in the vote tally. Exception: if it's a Consent Calendar item, follow the same procedure but the Member may remain on the dais and will be marked as abstaining from the vote.

Q11: What matters are within the jurisdiction of my Board/Commission?

A11: Each Board/Commission is established by Council for very specific purposes. See Municipal Code Title 2 on the City's website, also included in the Commissioner's Handbook as Attachment 3, or contact the City Clerk's Office for detailed powers and duties of each entity.

Q12: Can my Board/Commission expand its powers and duties?

A12: No. Only the City Council can expand a Board/Commission's powers and duties.

Q13: How do Board/Commission Members convey opinions, concerns, and suggestions on matters outside their Board/Commission's jurisdiction?

A13: Board/Commission Members may communicate opinions, concerns, and suggestions to Councilmembers via email, telephone, meeting request, or as a public speaker at a Council meeting.

Q14: What are the rules about being absent from meetings?

A14: Council and residents count on Members' attendance and input so the Municipal Code states that those who miss two consecutive regular meetings or three meetings in any fiscal year automatically forfeit their position. Exception: Members may request that Council excuse an absence which, if accepted, will not be counted toward the limitation on absences. Email these requests to your staff liaison who will present it to Council for review and consideration.

Q15: What is the purpose of the Brown Act? Why does it apply to Boards/Commissions?

A15: It is called the “open government law” and its purpose is to acknowledge that Boards/Commissions, like elected bodies, exist to aid in the conduct of the people’s business. The Act guarantees the public’s right to attend and participate at public meetings and ensures that Boards/Commissions deliberations and actions are conducted openly.

Q16: How can email/electronic or verbal communications outside of a noticed public meeting become a Brown Act violation?

A16: Since the Brown Act requires all deliberations and voting to occur during a noticed public meeting, emails/electronic or verbal communications between a majority of Members on any matter within their subject matter jurisdiction would constitute a meeting of the Board/Commission that was not properly noticed and did not allow for public participation. Likewise, if one Member discusses a matter with one other Member who then, in turn, discusses with another, and so on, an illegal “serial” meeting has occurred. It is best to err on the side of caution by not discussing matters within the Board/Commission’s jurisdiction with other members outside of the public forum.

Q17: Are there rules of procedure for running meetings?

A17: Yes. The Council adopted Rules of Procedure for Public Meetings of City Boards and Commissions via Resolution No. 2022-028, which is included in the Commissioner’s Handbook as Attachment 2.

Q18: What is the role of the Chairperson? Vice-Chairperson?

A18: The Chairperson is selected by Members for one year at a time to act as presiding officer of their meetings. The appointed Chairperson is responsible for keeping order and running the meeting. Some other responsibilities of the Chairperson include announcing the results after each vote (unless he/she/they has assigned that duty to the staff secretary); observing the Rules of Procedure set by Council; and enforcing decorum and speaker time limitations. The role of the Vice-Chairperson is to preside over meetings in the absence of the Chairperson.

Q19: How do I add an item to the agenda for discussion or a vote?

A19: Agenda items are identified by City staff and tabled for Commission consideration in accordance with applicable state and local review and oversight requirements. Agenda items shall be within the scope and purview of the Commission.

Commissioners may provide brief updates to the Commission on non-agenda items under the “Commissioners’ Items” section of the agenda.

Members may request that an item requiring significant discussion, which is within the Board’s/ Commission’s jurisdictional scope and purview, be placed on a future agenda by either making a request during a public meeting under the “Commissioners’ Items” section of the agenda and seek the Board’s/Commission’s consensus, or by contacting their staff liaison for direction and guidance. Include as much detail as possible and any materials that would aid understanding.

Q20: Why don't meeting minutes contain each Member's comments?

A20: The Council has determined that its staff will prepare “action” minutes for all public meetings. The legal purpose of minutes is to record the votes of the elected, appointed and advisory bodies and that is all “action” minutes are meant to do. The reason for this policy is to reduce staff time spent preparing minutes so they can focus on their duties and customer service. Members may submit written comments at any meeting and those will be added to the administrative record of the meeting.

TABLE OF CONTENTS

TITLE	PAGE
FREQUENTLY ASKED QUESTIONS	
HISTORY AND DEMOGRAPHICS OF LA QUINTA	1
GOVERNMENTAL ORGANIZATION	3
CITY ADMINISTRATION	
City Manager's Office	3
City Attorney	4
City Clerk's Office	4
Finance Department	4
Design and Development Department	5
Public Works Department	5
Community Services Department	6
Public Safety Department	6
STAFF LISAISONS TO COMMISSIONS	7
LAWS GOVERNING COMMISSIONS	
A. State Laws	8
B. Municipal Laws and Regulations	13
C. Municipal Policies	14
SUMMARY	19
ATTACHMENTS	
1. List of Staff Liaisons to Commissions	
2. Rules of Procedure – Resolution No. 2022-028	
3. Municipal Code Chapters Regarding Commissions	
4. Personnel Policy - Resolution No. 2019-027	
5. Form 700 (<i>for use through December 2024</i>)	

HISTORY AND DEMOGRAPHICS OF LA QUINTA

The City of La Quinta is almost completely surrounded by the colorful Santa Rosa Mountains and is located on a high alluvial fan. When the floor of the valley first began sinking, it was covered by the Pacific Ocean, and over a period of hundreds of years, as the Colorado River flowed into the Gulf of California, it deposited silt, forming a large delta fan. The silt deposits grew higher and wider until the sinking basin was gradually cut off from the ocean. The basin floor continued to sink as the mountains on both sides grew higher.

Five hundred years ago, the Colorado River changed its course and flooded the east Coachella Valley, creating a freshwater lake, now known as Lake Cahuilla. This lake's water line, as well as deposits from freshwater fish and mollusks, can be clearly seen today along the baseline of the Santa Rosa Mountains.

The first inhabitants of the La Quinta area were the Desert Cahuilla Indians. The Cahuilla's were hunters and gatherers. They were one of the few Native American tribes who dug wells. Today the Cahuilla Band of Indians consists of a total of nine Cahuilla Indian nations across Southern California.

Not much changed in the valley until 1853 when the U.S. government began surveying for a railroad route between Los Angeles and New Orleans. By 1876, the first scheduled trains began operating between Indio and Los Angeles. Indio became a major railroad center allowing early farmers to get their vegetables, melon, citrus and date crops to metropolitan markets. The Indio area was chosen because it had a plentiful water supply. The climate was ideal for growing exotic dates, sweet corn, Bermuda onions and Thompson seedless grapes. Travel to the desert became much easier and many Los Angeles residents began making trips to the desert.

The City has welcomed sun-worshippers to its enticing home-away-from-home for more than 60 years. La Quinta was incorporated in 1982 through the efforts of Fred Wolff, the first mayor, and his wife, Kay, along with the help of other task force members, Larry Allen, Bob Baier, John Klimkiewicz, Margaret Miele, Jim Montgomery, and Fred Rice. In May 1982, La Quinta was named for the La Quinta Hotel opened in 1926 by its founder Walter Morgan.

La Quinta literally translates to “the fifth” in Spanish. That relevance may have been tied to its location as the fifth day rest stop for travelers through the Coachella Valley. La Quinta has also been known to refer to a type of small hacienda or country home. There are accounts that the name La Quinta was suggested by a local rancher to Walter Morgan.

Today the City is booming with a growing population, a large winter/spring seasonal population, affectionately known as “snow birds;” retail stores along Highway 111, Washington Street, and charming boutique shops and restaurants in its Old Town Village area; tourism; a variety of recreational opportunities; cultural activities; and its amazing mountain views.

DATA & DEMOGRAPHICS

- ✓ Land area: 35.71 square miles
- ✓ Elevation: 40’ above sea level in the Village
- ✓ Median age in 2022: 49.6
- ✓ Population in 2022: 37,846 permanent; additional 18,000 seasonal
- ✓ Total number of housing units in 2022: 24,533
- ✓ Median home value in 2022: \$433,800
- ✓ Median household income 2022: \$83,412
- ✓ Golf courses: 25
- ✓ Parks: 18
- ✓ Bike lanes: 35.5 miles
- ✓ Hiking trails: 17.53 miles

GOVERNMENTAL ORGANIZATION

After incorporation in 1982, La Quinta voters approved Measure “W” at the November 1996 election, which changed the legal stature of the City from a *General Law* city to a *Charter* city. The City utilizes the council-manager form of government whereby the Council sets policy and provides direction to a City Manager who manages City operations and advance planning.

The City Council is comprised of five City residents elected at-large and serves as the legislative and policy-making body of the City. The Mayor is directly elected by the people and serves as one of the members of the Council. The City conducts a consolidated General Municipal Election on the first Tuesday of November every even numbered year. The City Council appoints the City Manager and City Attorney. The Council serves as the Board of Directors for the Successor Agency, the Financing Authority, and the Housing Authority. They also serve as the legislative authority for the La Quinta Lighting and Landscaping District.

CITY ADMINISTRATION

CITY MANAGER’S OFFICE

The City Manager is appointed by and serves at the will of the City Council. The City Manager is the City’s chief executive officer responsible for the overall operations of the City and carries out the policies and programs established by the City Council. The City Manager appoints the Department Directors and City Clerk. The City Manager is responsible for forecasting the program and service needs of the City and its related financial, personnel, and capital improvement requirements. The City Manager is also an important liaison to the community residents and other levels of County, State and Federal government.

In addition to managing overall City operations, the City Manager’s Office provides the following services: economic development and marketing; housing development and affordable housing projects; state and federal grant processing; state and federal legislative analysis; recycling and waste management oversight; and community relations. Information technology (provided by contract) is also managed by this Office.

Human Resources: This division provides a full range of human resources services and supports City government and employees, including recruitment selection and onboarding, employee development training and recognition programs, policy development and implementation, organization and workforce planning, benefits and leave administration, labor and employee relations, legal compliance, workers’ compensation administration, and serves as a resource for the health, safety and well-being of City of La Quinta employees.

CITY ATTORNEY

The City Attorney is also appointed by the City Council and is responsible for providing necessary legal services and guidance to ensure that the City operates on a sound legal basis. The City Attorney is responsible for the prosecution of violations of the Municipal Code and represents the City in actions of law. The City Council currently contracts with the law firm Rutan & Tucker, LLP for City Attorney services.

CITY CLERK'S OFFICE

The City Clerk's Office is the agent for government transparency by acting as the conduit between residents and their government through its dissemination of information. The Office is responsible for recording and maintaining the legislative record, elections, records management, certain risk management components, and managing the Short-Term Vacation Rental Program and related collection of Transient Occupancy Taxes.

The Office prepares and distributes bi-weekly agenda packets and minutes for City Council, Successor Agency, Housing Authority, and Financing Authority. It provides notary and research services to all City departments, and processes all City contracts, recorded documents, bids, bonds, public record requests, subpoenas, petitions, resolutions, and ordinances. The City Clerk is the City's designated agent for service of process; the Office accepts all claims against the City and monitors all legal cases.

As the Municipal Election Official, the City Clerk and department staff track and process all candidates' campaign disclosure and statement of economic interest filings, educate candidates on election law, administer oaths, and fulfill State election law mandates. As the City's Records Manager, the City Clerk and department staff maintain the City's official records, update the Municipal Code, manage the City's paper and electronic archives and public document portal, scan current and historic records, and assist all departments with organization, retention, and destruction of paper and electronic records.

The department's risk management responsibilities include managing the City's insurance programs; evaluating risk exposure and coverage requirements; accepting and processing claims filed against the City; and coordinating defense discovery proceedings and discovery production with legal counsel.

FINANCE DEPARTMENT

The Finance Department is charged with safeguarding the City's assets and effectively managing its finances through adherence to the highest ethical standards, internal controls, and meaningful financial reporting. The department is responsible for the coordination and function of the Financial Advisory Commission, financial reporting, budget preparation and monitoring, general ledger accounting, assessment districts, accounts payable and receivable, payroll, cash and debt management, fixed asset accounting and purchasing oversight.

DESIGN AND DEVELOPMENT DEPARTMENT

The Design and Development Department is comprised of three divisions: (1) The Hub (the City's one-stop-shop comprehensive permit center), (2) Planning, and (3) Building.

The Hub: The customer service center is responsible for reviewing and issuing all permits from commercial and private development; issuing business licenses; as well as tracking entitlement, plan, and permit reviews.

Planning: Promotes and enhances the well-being of residents, visitors, property owners, and businesses through programs that encourage high-quality development as well as maintenance and revitalization of existing neighborhoods and commercial districts; and prepares, maintains, and implements the General Plan and the zoning code.

Building: Provides plan check and inspection services for all new construction, remodels, additions, and enforces the provisions of the Building Standards Code; assists code compliance officers in cases involving structural violations, general construction issues, and municipal code provisions; provides pre-designed specifications to assist homeowners and contractors with their projects; and serves as building code resource to contractors, architects, engineers, developers, business owners, and residents.

PUBLIC WORKS DEPARTMENT

The Public Works Department is comprised of three divisions: (1) Development Services, (2) Engineering Services, and (3) Maintenance and Operations.

Development Services: Coordinates and reviews private development plans; provides engineering plan check services; maintains an online engineering archive; reviews and approves encroachment, transportation, and driveway permits; reviews and approves land actions such as lot line adjustments, parcel mergers, and street vacations; and implements the Development Impact Fee program.

Engineering Services: Develops and implements the City's five-year Capital Improvement Program; provides public works inspection services; implements the PM10 Fugitive Dust Control program; conducts traffic studies and speed surveys; and manages the traffic signal system operations and maintenance.

Maintenance and Operations: This division of the Public Works department consists of seven sub-divisions: 1) Street Maintenance, 2) Stormwater Maintenance, 3) Traffic Operations, 4) Fleet Maintenance, 5) Facilities Maintenance, 6) Parks Maintenance, and 7) Landscape & Lighting District Maintenance. These sub-divisions are responsible for maintaining 21 buildings, 137 miles of streets and street landscapes, 121 miles of sidewalks and the storm water conveyance system, along with 18 parks, open space, and trails, 62 acres of center medians and public right of way, 56 traffic light signals, 94

public safety cameras, and the City's fleet. The fleet consists of 42 vehicles and 32 pieces of trailers and heavy equipment. Maintenance and Operations prioritizes providing excellent customer service imbued with integrity, courtesy, and innovation along with an unwavering commitment to environmental stewardship and safety. In addition, Maintenance and Operations provides ongoing support to other departments in their work to complete projects.

The department embraces safety, courtesy, innovation, environmental stewardship, integrity, and excellent customer service, while providing support to other departments and coordination of services to complete projects. The objective of the department is to maintain the facilities, streets, and landscapes to world-class standards.

COMMUNITY SERVICES DEPARTMENT

The Community Services Department provides quality of life services such as recreation programs, senior / social services, community events, Art in Public Places, and Wellness Center operations. The La Quinta Library, Museum, and Creation Station Maker Space are operated by contract with Riverside County with management and oversight provided by the department. The newly added X-Park facility (skate park) is operated by contract with Action Park Alliance with management and oversight provided by the department. Community Services has developed partnerships with local organizations such as Boys & Girls Club, Desert Recreation District, Old Town Artisan Studios, and YMCA to expand programs and services for the community. Also, the department collaborates and coordinates the implementation of large-scale events such as the American Express Golf Tournament, Indian Wells-La Quinta Ironman 70.3 Triathlon, and the La Quinta Art Celebration.

PUBLIC SAFETY DEPARTMENT

The City's Public Safety Department is comprised of in-house Code Compliance and Emergency Management programs. Code Compliance ensures compliance in the areas of vehicle and weed abatement, business license, signage, non-permitted structures, zoning violations, short-term vacation rentals, and other public nuisances. Emergency Management provides disaster preparedness and planning, and train City staff to maintain a high level of readiness. Staff manages and coordinates public safety and emergency preparedness programs and services to maintain and improve the quality of life for residents and visitors.

Animal Control is provided via a contract with Riverside County Department of Animal Services, including low cost spay/neuter services.

Law enforcement and fire are also provided by contracts with Riverside County with management and oversight provided by this department. The department works closely with the Riverside County Sheriff's Department and the Fire Department to ensure the safety of the community during special events, including Coachella/Stagecoach Festivals, Indian Wells – BNP Paribas Tennis Tournament, Indian Wells-La Quinta

Ironman 70.3 Triathlon, American Express Golf Tournament, and La Quinta Art Celebration, among others.

STAFF LIAISONS TO COMMISSIONS

For the list of staff members currently assigned as liaisons to various Commissions, please see [Attachment 1 - STAFF LIAISONS TO COMMISSIONS](#).

LAWS GOVERNING COMMISSIONS

As a public body, all Commissions are subject to certain state and municipal laws. This section provides an overview of those laws.

A. STATE LAWS

RALPH M. BROWN ACT

The Brown Act requires meetings to be noticed and open to the public. The scope of this Handbook cannot cover all aspects of the Brown Act. A full copy of the Act is available in the City Clerk's Office for viewing or online at www.leginfo.ca.gov starting with Section 54950 of the Government Code. Any specific questions should be addressed to the City Attorney or City Clerk. The following summary should serve only as a general guideline.

Meeting Defined:

A meeting is defined as any gathering of a quorum of the Commission to discuss or transact business under the body's jurisdiction. Serial meetings are prohibited. Serial meetings are ones which typically consist of a series of communications, each of which involves less than a quorum of the Commission, but which taken as a whole involves a majority of Commissioners. For example, in a five-member Commission, if Commissioner A talks to Commissioner B who then talks to Commissioner C, then a serial meeting has occurred. Attendance at conferences, social and ceremonial events, where no business of the Commission is discussed are not deemed to be a meeting.

Public Rights:

The public may comment on agenda items before or during consideration by the Commission. Time must be set aside for the public to comment on subjects not on the agenda but matters under the Commission's jurisdiction. The public may not be required to register or identify themselves however, the City always offers the public the opportunity to identify themselves.

Required Notices and Agenda:

Agendas for regular meetings containing a brief description of each item to be considered or discussed must be posted at least 72 hours prior to the meeting.

Special meetings require a 24-hour notice to be posted and provided to Commissioners, including brief descriptions of each item to be considered or discussed.

Special procedures permit Commissions to proceed without an agenda or to add to the agenda in emergency circumstances. Matters not on the posted agenda may only be added by a 2/3 vote of Commissioners present at the meeting, or if less than 2/3 of the Commissioners are present, a unanimous vote of those who are present, stating they agree that there is a need to take immediate action and it came to the attention of the Commission after posting of the agenda.

There are also closed session meetings that are not open to the public. Closed sessions may be held by the Planning Commission in accordance with the Brown Act when directed and deemed necessary by the City Attorney, however, closed sessions are typically held only at the City Council level. Matters discussed in closed session are restricted generally to personnel, litigation, and property acquisition topics; and all closed session items must follow agenda noticing requirements.

Meeting Attendance and Public Participation via Teleconference:

Please reference Sections 1.7 and 1.8 on pages 6 - 8 of Resolution No. 2022-028 – Rules of Procedure for Public Meetings of City Boards, Commissions, and Committees, included as [Attachment 2](#) of this Handbook, related to teleconference procedures for public meetings depending on whether or not a state of emergency has been proclaimed.

AVOIDING CONFLICTS OF INTEREST

Political Reform Act / Fair Political Practices Commission (FPPC) Regulations:

The *Political Reform Act* [sometimes known as the state Conflict of Interest Law that is overseen and enforced by the state Fair Political Practices Commission (FPPC)] requires officials at all levels of government to publicly disclose their private economic interests and to disqualify themselves from participating in decision-making on items in which they may have a financial interest.

Note: The terms “economic interest” and “financial interest” are not interchangeable, as referenced in “The California Municipal Law Handbook” (League of California Cities 2012):

- *“Economic Interest” – includes the source of income, investment, or business position held by the commissioner and reported as part of the commissioner’s disclosure obligation.*
- *“Financial Interest” – is the effect or the potential effect of the governmental decision on the commissioner’s economic interest.*

Conflict of Interest rules exist to reinforce public confidence that City Officials, employees, and Commissioners are acting in the best interest of the public, and not in furtherance of their own self-interests. As a general rule, Commissioners should avoid situations where their official actions may affect or appear to affect their private interests, financial or otherwise.

If a public official has a conflict of interest, the *Political Reform Act* requires the official to disqualify himself/herself/themselves from making or participating in a governmental decision or using his/her/they official position to influence or attempt to influence a governmental decision. It is the personal responsibility of each member to abide by the *Act*, and violations of this law may be criminally prosecuted.

The scope of this Handbook cannot cover all aspects of the *Political Reform Act*. A full copy of the *Political Reform Act* is available in the City Clerk’s Office for viewing or

online at www.leginfo.ca.gov starting with Section 81000 of the Government Code. The following summary should serve as a general guideline.

General Rules Concerning Conflict of Interest:

A public official or employee has a conflict of interest when he/she/they make(s), participates in, or uses his/her/their official position to influence a governmental decision and any of the following applies:

1. It is foreseeable that the decision will affect the official's or the official's immediate family's economic interest;
2. The effect of the decision on the official's or the official's immediate family's economic interest will be material;
3. The effect of the decision on the official's or the official's immediate family's economic interest will be distinguishable from its effect on the public generally.

Relations to Contracts (Government Code Section 1090):

State law prohibits commissioners from being financially interested in any City contract if your duties call on you to participate in any way or at any stage in the approval of the contract. Any participation (including discussion) in the process by which such a contract is developed, negotiated, or executed is a violation of the law.

Common Law Conflict of Interest / Avoidance of Bias / Procedural Due Process:

California law includes the "common law" doctrine against conflicts of interest, under which a public officer, including an appointed or elected member of a governmental board, commission, or committee, cannot simultaneously hold two public offices that are incompatible. This common law doctrine is codified and explained in Government Code Section 1099, which makes it unlawful to simultaneously hold incompatible public offices – meaning offices for which "there is a possibility of a significant clash of duties or loyalties" based on the powers and jurisdiction of the offices. An example would be when a mayor concurrently serves as a board member to a water replenishment district that serves the city in which the mayor serves.

Another doctrine that may prevent participation by public decision-makers, including Commissioners, occurs if there is an "unacceptable probability of actual bias on the part of one of the decision-makers." This doctrine includes elements of "procedural due process" and "fair hearing" requirements, and it applies particularly when a board or commission receives an administrative appeal and must make a quasi-judicial decision (*i.e.*, a "check") on a decision made by a staff member who has decision-making authority under state or city law. For example, the Building Official has decision-making authority on applications for alternate methods or materials of construction, and the Construction Board of Appeals has the authority to uphold, reverse, or modify the Building Official's decision if an applicant files an administrative appeal. California law would require a commissioner to abstain from participating in such an administrative appeal hearing if, for example, the commissioner stated publicly in a newspaper that he/she/they has/have a committed opposition to the project that is being reviewed on administrative appeal.

Similarly, commissioners must be cognizant of avoiding “even the appearance of a conflict of interest” to ensure the validity of all levels of a city-review process is not biased for or against a particular person or applicant. Official decisions of commissioners should be made based on evidence in the administrative record, written and verbal communications from the public, and advice given from staff, consultants, and others with relevant knowledge. In this regard, commissioners should remember that, when they serve on a board or commission or otherwise convey a message that they serve as a commissioner, they are sending a message that they represent the City *as a municipal corporation*. That representation carries with it a fiduciary duty to place the City’s and its residents’ interests ahead of personal financial gain or other individual interest.

The City Attorney is available to provide guidance in determining whether a Commissioner should disqualify himself/herself/themselves from acting on an agenda item(s). It is the duty of the Commissioner to contact their designated staff liaison as soon as they become aware that a potential conflict may exist. Determining whether a Commissioner has a conflict of interest could require significant research and analysis. Thus, advance preparation is vital to ensure that participation occurs in an appropriate manner.

If disqualification on an agenda item(s) is required, the Commissioner must publicly announce the potential conflict and disqualify himself/herself/themselves from participating in any debate on the matter before the item is considered by the Commission. To accomplish this, the Commissioner must physically leave his/her/their seat on the Commission dais. This process is described step-by-step in [Attachment 2](#) of this Handbook, under Section 4.7 – Conflict of Interest listed on page 15 of Resolution No. 2022-028 – Rules of Procedure for Public Meetings of City Boards, Commissions, and Committees.

Filings Required:

Local government officials must file Statements of Economic Interests (Form 700) if they are “designated” in a conflict of interest code adopted by the City Council (Chapter 2.60 of the La Quinta Municipal Code). La Quinta City Council has designated members of the following Commissions as officials required to file Form 700 annually with the City Clerk:

- Arts and Community Services Commission
- Housing Commission
- Financial Advisory Commission
- Planning Commission

Residents appointed to serve on the entities listed above are required to file assuming, annual, and leaving office Statements of Economic Interest (Form 700) included in this Handbook as [Attachment 5](#) (*NOTE: the enclosed form is current for use only through December 2024, and is updated annually by the FPCC*).

Forms 700 are public records. Members of the public are permitted to inspect and copy any statement during normal business hours.

ETHICS TRAINING

On October 7, 2005, the Governor signed Assembly Bill No. 1234 (Government Code §§ 53234 – 53235.2). This law requires that all local agencies that offer compensation, salary, stipend, or expense reimbursement must ensure their staff and elected or appointed officials take ethics training every two years. There are numerous training options, including classroom training conducted periodically by commercial organizations, nonprofits, or the agency's legal counsel, and online courses offered through the California Joint Powers Authority, to which the City is a member agency. Access to the online training must be coordinated and set up by the City's Human Resources Division. At the end of the training a certificate of completion must be provided to the Human Resources Division who is responsible for tracking compliance.

HARASSMENT PREVENTION EDUCATION

On September 29, 2016, the Governor signed Assembly Bill No. 1661 (Government Code §§ 53237 – 53237.5). This bill requires that local agency staff and officials receive sexual harassment prevention training and education every two years if the local agency offers any type of compensation, salary, or stipend to those officials. The City's Human Resource Division will provide classroom and online option for completing this required training. At the end of the training a certificate of completion must be provided to the Human Resources Division who is responsible for tracking compliance.

PUBLIC RECORDS ACT

The Public Records Act (Government Code § 7920.000 *et seq.*) grants persons the right to inspect and copy certain public records. Certain records, such as personnel information, may not be disclosed when it would constitute an unwarranted invasion of privacy, but employment contracts between a state or local agency or a public official or public employee are public records and subject to disclosure. The statute lists numerous exemptions from disclosure, but courts construe those exemptions narrowly, favoring a policy of disclosure to the public.

It is important to note that, as a commissioner, you are a public official. Public officials have a significantly reduced expectation of privacy in matters related to their public employment or service.

Under state law, a public record is "*any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.*" [Government Code § 7920.530]. The definition is broad and encompasses more than written documents. Importantly, the California Supreme Court has ruled that emails and text messages on a personal device, even if from a "non-city" email address or account, may be public records subject to disclosure if they relate to the subject matter of the public agency. (*City of San Jose v Superior Court* (2017) 2 Cal.5th 608.)

SUMMARY – STATE LAW COMPLIANCE

Commissioners may be removed from their appointed positions for failure to comply with the requirements of the Brown Act, Political Reform Act, Ethics Training, Harassment Prevention Education, Public Records Act, or any other state laws and regulations.

B. MUNICIPAL LAWS AND REGULATIONS

BYLAWS

This Handbook and its attachments shall serve as the bylaws for all Boards, Commissions, and Committees unless otherwise provided by law.

RULES OF PROCEDURE FOR PUBLIC MEETINGS OF BOARDS, COMMISSIONS, AND COMMITTEES

The City Council has adopted [Resolution No. 2022-028](#) *Rules of Procedure for Public Meetings for City Boards, Commissions, and Committees* and related functions, included in this Handbook as [Attachment 2](#). These *Rules of Procedure* apply to all Commissions as stated in Municipal Code Section 2.06.050, subsection D.

The *Rules of Procedure* provide instruction on conducting meetings and public hearings; minute preparation; handling public comments; duties of the presiding officer; election of a chairperson and vice chairperson; making motions; voting procedure; and enforcing decorum, etc. You are encouraged to keep a copy of the *Rules of Procedure* on hand at your meetings for reference.

MUNICIPAL CODE

Chapter 2.06 of the La Quinta Municipal Code addresses matters applicable to all Commissions such as appointments, terms, absences, quorums, etc.

The chapters that set forth the specific membership, powers and duties, etc. of each Commission are as follows:

Chapter 2.29	Planning Commission
Chapter 2.40	Construction Board of Appeals
Chapter 2.70	Financial Advisory Commission
Chapter 2.80	Housing Commission
Chapter 2.95	Arts and Community Services Commission

All Chapters noted above are included in this Handbook as [Attachment 3 - MUNICIPAL CODE](#).

PERSONNEL POLICY FOR APPOINTED OFFICIALS

To provide clear direction to its Commissioners, the City Council approved a Personnel Policy specific to appointed officials on July 2, 2019.

- 1.0 Equal Employment, Discrimination, Harassment, and Anti-Bullying Policy
- 2.0 Workplace Violence
- 3.0 Use of Electronic Equipment and Systems
- 4.0 Fraud in the Workplace
- 5.0 Travel and Expense Policy

Attachment 4 - Resolution No. 2019-027 contains the full text of these sections.

C. MUNICIPAL POLICIES

Appointment to a City Commission is an honor and carries with it an important responsibility. It provides for true public service and input into the City's programs, services, and visions for the future. The specific duties of each Commission vary depending on the purpose for which it was founded. However, there are several City policies and guidelines common to all Commissioners.

A. Minutes / Records

Action minutes shall be taken at every regular and special meeting and shall be reviewed, generally, at the next available meeting. Staff will take and prepare all minutes and maintain all records. Any Commissioner shall have the right to express dissent from or protest any action of its respective Commission during the meeting and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by stating language such as "*I would like the minutes to show that I am opposed to this action for the following reasons...*" All Commission minutes are forwarded to the City Council and help serve as a communication tool between the Commissions and the City Council.

Staff may use sound recording devices to assist in the preparation of meeting minutes. The City's Retention Schedule shall govern the retention period for all audio and/or video recordings.

B. Expense Account / Reimbursement

There are no established expense accounts for Commissioners. Certain appropriate costs will be reimbursed by the City if approved in advance. An example would be a hotel bill at a convention if pre-approved and in accordance with the City's travel policy. It is best to check with your assigned staff liaison, in advance, if you have any questions about expenses or reimbursements.

C. Compensation

Compensation for Commissions is set by resolution of the City Council or established by the State or Municipal Code.

D. City Business Cards

City business cards are not offered to Commissioners.

E. Communicating with the Press

Many Commissions prefer that the Chairperson serve as the official spokesperson for the Commission. It is requested and highly recommended that questions from the press are referred to City staff by notifying the City Manager and the City Clerk. However, reporters are known for their persistence and their desire to develop the best story. If you are contacted by the press, please remember the important role the press plays in informing the public. When making statements to the press, a Commissioner should:

1. Indicate whether any particular action by the Commission is final or if that action will be presented to the City Council as a recommendation.
2. Keep your comments factual and avoid giving opinions. If you find it necessary to give your opinion, please identify it as such.
3. Never volunteer or release information affecting the City Council before the Council receives the information from City staff.
4. If you cannot answer a question, don't guess, or give inaccurate information. It is best in that case to refer the reporter to staff or another Commissioner. You do not have any obligation to talk to reporters. Also, remember, there is no such thing as "off-the-record" – somehow, the information will find its way into the record.
5. Be honest, positive, and mindful of the goals of your respective Commission, which are for the benefit of the community and are meant to produce something positive.

F. Private Meetings

It is possible that Commissioners may be approached by persons with requests or pending developments or other applications with the City who desire to meet privately. Whether a Commissioner chooses to meet privately is a personal choice and sometimes a difficult decision. To help a member reach his/her/their decision, the following may be considered:

1. The public's business should be discussed in public.
2. City staff can advise you regarding the legality and/or propriety of private meetings.
3. Commissions make better decisions when all Commissioners have access to the same information.
4. The full Commission should be notified when a private meeting has been held.

5. If it becomes necessary to conduct a private meeting, the meeting should be held at City Hall with staff present.
6. If it appears that a serial meeting is being arranged, do not participate.

G. Job Responsibilities

1. Understand the role and responsibility of your Commission.
2. Understand the scope and authority of your Commission and strive to work within that scope. Commissions' powers and duties are specifically defined and only the City Council can amend them; Commissions cannot expand their own scope and authority.
3. Represent the overall public good, not the exclusive point of view of any sole group or interest.
4. Serve as a steward of the public interest. Commissioners shall not appear on behalf of the private interests of third parties before the Council or any of the City's Commissions, or proceedings of the City.
5. Commissioners shall refrain from using their position to improperly influence the deliberations or decisions of City staff, Council, or Commissioners.
6. Keep all lines of communication open. Each Commissioner serves as a communication link between the community, the City Council, and staff. Good relations with the public are vital for all Commissions. Citizen input should be welcomed at your meetings and Commissioners should be considerate of all interests, attitudes, and differences of opinion expressed by the public.
7. Do your homework and be prepared. Commissioners should become familiar with items under consideration prior to the meetings in order to be fully prepared to discuss, evaluate, and act on matters on the agenda. Feel free to seek additional information, advice, or assistance from staff in advance of a meeting.
8. Agenda items are identified by City staff and tabled for Commission consideration in accordance with applicable state and local review and oversight requirements. Agenda items shall be within the scope and purview of the Commission.
9. Commissioners may provide brief updates to the Commission on non-agenda items under the "Commissioners' Items" section of the agenda.
10. Establish a good working relationship with fellow Commissioners, the City Council and your staff liaison.
11. Be a participant, an active representative and be enthusiastic. Commissioners who find that they can no longer devote the necessary time to their duties should

resign and let someone else provide input into the process rather than being an inactive participant.

12. Commissioners should never represent themselves at public meetings or gatherings as a spokesperson for a Commission, and should never use their title to represent themselves when issuing written statements via social media, emails, or other methods of communication, unless they have been granted specific authority to do so. They may represent themselves as a private citizen or as a member of a particular Commission, but they should not represent their personal opinion as one of the entire Commission.

H. Relationship with City Council or Appointing Authority

A Commissioner's relationship with the City Council or appointing authority will vary from member to member. It may be the Commission Chair or staff liaison who will report to the appointing authority at one of its regular meetings. Members of the City Council may, from time to time, visit Commission meetings and may, from time to time, invite the Commissions to attend their meetings for direct input.

Individual contacts with Councilmembers to discuss problems are neither encouraged nor discouraged. This will have to be handled on an individual basis. Should a controversy arise within the Commission, counsel and guidance are available from City staff.

Should a split opinion exist on an action, it may be appropriate for a majority and minority report to accompany the recommendation to the appointing authority. Members may also request that the minutes reflect their dissent from or protest to any action. The City Council receives copies of all Commissions' minutes. For further communication with the Council, staff prepares quarterly Departmental Reports for Council, or more often if deemed appropriate, which will include a summary of information that merits special transmission to the City Council.

It is expected that all Commissioners recognize the following:

1. Commissioners are all appointed by the City Council or appointing authority.
2. Commissions are advisory bodies only with some exceptions (e.g. certain Planning Commission actions).
3. Commissioners have an obligation to serve the public and to represent residents' viewpoints.
4. Contact with the City Council or appointing authority should always be open and never used to circumvent City staff or fellow Commissioners.
5. Commissioners should not knowingly embarrass City staff or the City Council.

6. Commissioners should render as much assistance as possible to the City Council and avoid placing them in an untenable position.
7. Commissioners should assist the City Council in developing public trust in the advisory board/commission/committee system.
8. The Commission meetings fall under the restrictions of the Brown Act whereby decisions and recommendations can only be made at a duly noticed meeting which is open to the public, and only items listed on the agenda may be considered.
9. Commissions proposing to undertake tasks, within the Commission's scope and purview, requiring significant staff or Commission time shall solicit Council authorization prior to undertaking said task.

I. Relationship with Fellow Commissioners

The association with fellow Commissioners will undoubtedly be your most important relationship as you serve on your respective Commission.

Before talking about relationships, it may be well to point out a few facts about Commissioners. Each of you come from various educational, occupational, religious, social, economic, physical, and cultural backgrounds, and all should be aware that differences do exist. Reasons for serving on a Commission may vary. Perhaps some will have a special interest. Each Commissioner, however, will contribute in his/her/their own way and is an important part of the decision process. Not every Commissioner will give his/her/their time, talent, and knowledge to the same degree. Some will give more, and others will give less, but in the end the community will benefit.

Bearing this in mind, the following may serve as a guide:

1. Commissioners must always respect each individual's viewpoint even though it may be opposite of their own.
2. Commissioners must allow the others to articulate their views and then attempt to make an objective evaluation of those views.
3. Evaluation of your fellow Commissioner's viewpoint should be based on what is best for the total community and what is best for all concerned.
4. Commissioners must be open and honest at all times.
5. Each Commissioner has a responsibility to recognize new Commissioners and see that they are made welcome, become oriented and receive training on procedural matters.
6. Items of concern should be brought to the attention of the Chairperson or the assigned staff liaison.

7. All Commissioners (and the public and City staff) desiring to speak during a public meeting shall address the Chair and, upon recognition by the Chair, shall confine himself/herself/themselves to the question under debate.

J. Relationship with Assigned Staff

The following guidelines are recommended:

1. Contacts should be with the City staff liaison assigned to the Commission rather than with other staff members. If contact with a higher-level supervisor is necessary (e.g. the City Manager), or the City Council, the assigned staff liaison should be notified of this necessity.
2. Contacts with staff liaisons should clearly be in the framework of the Commission assignment.
3. Commissioners should not ask for individual reports, favors or special consideration.
4. Commissioners should realize the assigned staff liaison works with the Commission and reports directly to a City supervisor. He/she/they is/are limited in scope of authority to carry out recommendations or to take on additional work.

SUMMARY

Learning your role as Commissioner and developing an effective voice takes time and familiarity. You may want to meet with the Commission Chairperson or your staff liaison to get a better sense of your role and the business of the Commission.

It is anticipated that this Handbook will answer many of the questions that you may have; however, staff is always available to provide any additional information or answer any questions.

Your participation is deeply appreciated by the City Council, City staff and the community. The vitality and strength of La Quinta results from the willingness of people like you to serve.

Thank you!

ATTACHMENTS

1. List of Staff Liaisons to Various Commissions
2. Rules of Procedure for Public Meetings of City Boards, Commissions, and Committees – Resolution No. 2022-028
3. Municipal Code Chapters Regarding Commissions
4. Personnel Policy for Appointed Officials - Resolution No. 2019-027
5. Form 700 (*for use through December 2024, which is updated annually by the FPPC*)

ATTACHMENT 1

STAFF LIAISONS TO COMMISSIONS

CITY HALL MAIN RECEPTION (760) 777-7000

CITY MANAGER'S OFFICE (760) 777-7030

Jon McMillen, City Manager
Jennifer Nelson, Executive Specialist

HUMAN RESOURCES (760) 777-7119

Contact Human Resources for questions regarding new commissioner paperwork, training, compensation, or resignation. Human Resources can also be contacted via email at HR@LaQuintaCA.gov.

Carla Triplett, Human Resources Manager
Lisa Chaudhry, Human Resources Technician
Tania Martinez, Human Resources Technician

BUSINESS UNIT & HOUSING DEVELOPMENT (760) 777-7046

Staffs the Housing Commission

Gilbert Villalpando, Director
Douglas Kinley, Management Analyst
Reyna Camarena, Administrative Technician

CITY ATTORNEY'S OFFICE

Staffs the City Council, Housing Authority, Planning Commission

William H. Ihrke, City Attorney
Travis Van Ligten, Assistant City Attorney
[Contract with Rutan & Tucker, LLP]

CITY CLERK'S OFFICE (760) 777-7123

*Staffs the City Council, Financing Authority, Housing Authority, and Successor Agency.
The City Clerk's Office can also be contacted via email at CityClerkMail@LaQuintaCA.gov*

Monika Radeva, City Clerk
Laurie McGinley, Deputy City Clerk
Lori Loret, Sr. Permit Technician

FINANCE DEPARTMENT (760) 777-7150

Staffs the Financial Advisory Commission

Claudia Martinez, Finance Director
Rosemary Hallick, Principal Management Analyst
Jessica Delgado, Administrative Technician

DESIGN & DEVELOPMENT DEPARTMENT (760) 777-7023

Staffs the Planning Commission and the Construction Board of Appeals

Danny Castro, Design & Development Director

Cheri Flores, Planning Manager

Tania Flores, Administrative Technician

COMMUNITY SERVICES DEPARTMENT (760) 777-7014

Staffs the Arts and Community Services Commission

Christina Calderon, Community Services Deputy Director

Michael Calderon, Management Analyst

PUBLIC SAFETY DEPARTMENT (760) 777-7050

Martha Mendez, Public Safety Deputy Director

Kevin Meredith, Animal Control/Code Compliance Supervisor

Jose Delgado, Administrative Technician (Fire)

RESOLUTION NO. 2022 - 028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE FOR PUBLIC MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES OF CITY BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS, State Government Code section 54954(a) [Brown Act] authorizes the City Council to adopt rules of procedure to govern the conduct of its meetings and other City board, commission, and committee meetings, and functions and activities pertaining thereto; and

WHEREAS, Section 2.06.050, subsection D, of the La Quinta Municipal Code states that City boards, commissions, and committees shall follow such rules and regulations for public meetings to conduct its business as established by the City Council; and

WHEREAS, due to changes in law, policy and/or practice, the City's current "Rules of Procedure" are examined and updated periodically; and

WHEREAS, this resolution shall supersede Council Resolution No. 2021-034, adopted on September 21, 2021, establishing the Rules of Procedure for public meetings, as that resolution applied to City boards, commissions, and committees only.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

SECTION 1. The Amended and Restated Rules of Procedure for public meetings and related functions and activities for City boards, commissions, and committees, attached hereto as Exhibit A and incorporated herein by reference, are hereby adopted.

SECTION 2. This Resolution supersedes City Council Resolution No. 2021-034, adopted on September 21, 2021, as that resolution applied to City boards, commissions, and committees.

SECTION 3. **Corrective Amendments:** The City Council does hereby grant the City Clerk the ability to make minor amendments and corrections of typographical or clerical errors to "Exhibit A" to ensure accuracy and consistency of the text.

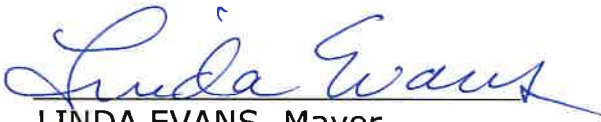
PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this 2nd day of August, 2022, by the following vote:

AYES: Councilmembers Fitzpatrick, Peña, Radi, Sanchez, and Mayor Evans


NOES: None

ABSENT: None

ABSTAIN: None


LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:


MONIKA RADEVA, City Clerk
City of La Quinta, California



APPROVED AS TO FORM:

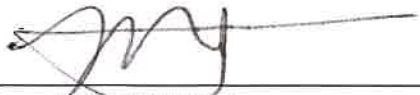

TRAVIS VAN LIGTEN, Assistant City Attorney
City of La Quinta, California

EXHIBIT A

**AMENDED AND RESTATED
RULES OF PROCEDURE FOR PUBLIC MEETINGS
OF CITY BOARDS, COMMISSIONS, AND COMMITTEES
AND RELATED FUNCTIONS AND ACTIVITIES**

PURPOSE

The purpose and intent of the City Council in adopting the within rules shall be to provide directory guidelines relating to the conduct of the public business by or on behalf of City boards, commissions, and committees as defined by La Quinta Municipal Code (LQMC) Section 2.06.010, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

The rules of procedure set herein shall be in addition to the provisions of the Ralph M. Brown Act (Brown Act) [Government Code section 54950 *et seq.*] and all other applicable state law and LQMC provisions. In the event of a conflict between the rules set forth by the City Council in this Resolution and state law, the provisions in state law shall prevail.

APPLICABILITY

Boards, commissions, and committees of the City of La Quinta.

ADVISORY ROLES AND DECISION-MAKING AUTHORITY

The City Council is the governing body with ultimate decision-making authority for the City, and in furtherance of that authority has legislative, quasi-executive, and quasi-adjudicatory powers and functions as may be prescribed or authorized by law.

Except when the City Council or state law expressly delegates to the Planning Commission decision-making authority on behalf of the City for local planning and land use matters governed by the state Planning and Zoning Law [Government Code section 65000 *et seq.*], the Planning Commission, and all other City boards, commissions, and committees are advisory to the City Council.

The qualifications, skills, experiences, and knowledge of the community members who serve on City boards, commissions, and committees are unique and diverse, and their recommendations to the City Council help guide the City towards achieving its established priorities, objectives, and mission, as defined by the City Council and the community at large.

1. MEETINGS

1.1 REGULAR MEETINGS:

Boards, commissions, and committees of the City of La Quinta shall hold regular meetings at La Quinta City Hall bi-monthly, monthly, quarterly, or as needed on the date(s) and times selected by the City Council or, if authorized by the City Council, by the respective board, commission, or committee.

The following schedule of City boards, commissions, and committees is in effect as of the date of adoption of this Resolution:

- Community Services Commission – meets quarterly, on the 2nd Monday, in the months of March, June, September, and December, at 4:00 p.m.;
- Construction Board of Appeals – meets on “as needed” basis;
- Financial Advisory Commission – meets quarterly, generally on a Wednesday, in the months of February, May, August, and November at 4:00 p.m.;
- Housing Commission – meets quarterly, on the 2nd Wednesday, in the months of March, June, September, and December, at 4:00 p.m.;
- Planning Commission – meets twice per month, on the 2nd and 4th Tuesday, of every month, at 5:00 p.m.

The Planning Commission may meet in closed session in accordance with the Brown Act when directed and deemed necessary by the City Attorney; a closed session for a regular meeting of the Planning Commission may be scheduled to commence no more than one (1) hour prior to the commencement of the open session of the regular meeting, or any time before adjournment, as an item on a duly noticed agenda for the regular meeting.

The Public Hearing portion of the meeting shall be the time set forth in the published public hearing notice, or if none is required, the time set forth in the posted agenda.

When the day of a regular meeting of City boards, commissions, or committees falls on a legal holiday, no meeting shall be held on that day; rather, such meeting shall be held at the same time on the next business day unless otherwise determined by the board, commission, or committee.

1.2 ADJOURNED MEETINGS:

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.3 SPECIAL MEETINGS:

Special Meetings may be called by the City Manager, City Attorney, or Department Director on no less than 24-hour notice in accordance with the Brown Act. Only matters contained in the notice may be considered. Notice of special meetings shall be posted in accordance with Section 1.4 below.

1.4 NOTICE OF MEETINGS, POSTING OF AGENDAS:

The board, commission, or committee Secretary (Secretary), or designee, shall post a meeting agenda in the following locations at least 72 hours before each regular meeting:

- (1) The public bulletin board located outside the Village Post Office at 51321 Avenida Bermudas;
- (2) The public bulletin board located outside the Stater Bros. Supermarket at 78630 Highway 111;
- (3) The public bulletin board located outside La Quinta City Hall at 78495 Calle Tampico; and
- (4) The City's internet web site.

The City Council finds and determines that all locations are freely accessible to the public and the Council further finds and determines that the City is legally required to post an agenda in only one freely accessible location and on the City's web site pursuant to the Brown Act [Government Code section 54954.2(a)(1)]. This direction to post in all locations is directory only and not mandatory. Other locations may be added as deemed appropriate. Following posting of said agenda, the Secretary or designee, shall sign a declaration of the date and place of the posting of the said agenda and shall retain said declaration of posting as a public record as part of the meeting record to which the posting relates. The provisions of this section as to place of posting and declaration of posting shall also apply to special meeting posting requirements pursuant to the Brown Act [Government Code section 54956]. To the extent not required by State law, the provision hereof is directory only.

1.5 QUORUM:

Unless otherwise provided for in the LQMC, a majority of the members of boards, commissions, or committees shall be sufficient to do business and motions may be passed 2-1 if only three (3) members attend of a five (5)-member body, or 3-1 if only four (4) members attend of a seven (7)-member body.

The following matters, however, require three affirmative votes:

- (a) Adoption of resolutions;
- (b) Orders for payment of money; and
- (c) Adoption or amendment of a specific or general plan.

If a majority of the board's, commission's, or committee's membership shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the board, commission, or committee shall select by lot or other means of random selection, or by such other impartial and equitable means as shall be determined, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum.

1.6 MEETINGS TO BE PUBLIC:

Study Sessions and all regular, adjourned, or special meetings of boards, commissions, or committees shall be open to the public.

The Planning Commission may hold closed session discussions, when directed and deemed necessary by the City Attorney, from which the public may be excluded. Closed sessions shall only be held in accordance with the provisions of the Brown Act.

1.7 MEETING ATTENDANCE VIA TELECONFERENCE WHEN NO STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE GOVERNOR AND/OR SOCIAL DISTANCING IS IN EFFECT:

(1) The use of teleconferencing for a board, commission, or committee member to attend a public meeting is permitted subject to compliance with the provisions of the Brown Act [Government Code section 54953].

(2) All provisions of the Brown Act shall apply to the teleconferenced meeting location including agenda posting, public accessibility, ADA compliance, opportunity for the public to address the board, commission, or committee directly, and availability of agendas.

(3) All votes taken during a teleconferenced meeting shall be by roll call.

(4) To ensure that the Secretary may comply with the Brown Act, one week advance written notice to the Secretary must be given by the member who wishes to attend via teleconference; the notice must include the location name and address, which must specifically include the room/suite number, at which the teleconferenced meeting will occur, who is to initiate the telephone call to establish the teleconference connection, and the telephone number of the teleconference location (the telephone number will not be made public). If the teleconference shall be conducted via video/audio teleconference, the City will provide and publish a teleconference link that the member must connect to in order to attend the meeting.

(5) The member attending by teleconference shall:

- (a) Provide the Secretary with a photograph showing the agenda posted at the teleconference location, or a written statement that the agenda has been posted, which the Secretary shall retain with the original agenda packet materials; and
- (b) Identify himself/herself/themselves and acknowledge whether or not members of the public are in attendance at the teleconference location.

(6) Only one member per meeting may attend by teleconference.

(7) Each member may attend a regular meeting via teleconference a maximum of two times per calendar year.

(8) Upon receipt of notification of intent to attend via teleconference from one member, the Secretary shall forward the notice to all board, commission, or committee members.

1.8 MEETING ATTENDANCE AND PUBLIC PARTICIPATION VIA TELECONFERENCE WHEN A STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE GOVERNOR AND/OR SOCIAL DISTANCING IS IN EFFECT:

(1) During a period when the Governor of California has proclaimed a “state of emergency” or state or local officials have imposed or recommended measures to promote social distancing, and the City Council by majority vote has made the findings in support of modified teleconferencing procedures pursuant to Government Code section 54953(e)(3) (or successor provision), then Section 1.7 of these Rules of Procedure shall not apply, and the criteria set forth in Government Code section 54953(e)

(or successor provision) shall apply to the board, commission, or committee meetings.

2. AGENDA

2.1 ORDER OF BUSINESS:

Except as otherwise provided by law, no action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of boards, commissions, or committees or staff may, on their own initiative or in response to public comments, briefly respond to statements made or questions posed during the public comment period, ask questions for clarification, make a brief announcement, make a brief report on his/her/their own activities, provide a reference to staff, request staff to report back to the board, commission, or committee at subsequent meeting, or request staff to consider placing a matter on a future agenda pursuant to Section 2.9 below, if the matter is within the jurisdictional scope and purview of the board, commission, or committee.

The order of business of each meeting shall be as contained in the Agenda prepared by the Secretary and shall contain the following category headings:

- Call to Order
- Roll Call
- *Public Comment on Matters Not on the Agenda (place before Closed Session)
- Closed Session (may be taken up before, after, or during breaks in the open portion of the meeting)
- *Pledge of Allegiance
- *Public Comment on Matters Not on the Agenda
- Confirmation of Agenda
- *Announcements, Presentations, and Written Communications
- Consent Calendar (will include Minutes)
- Business Session
- *Study Session
- Public Hearing
- *Public Comment (only needed if there is a Public Hearing item on the agenda)
- *Departmental Reports
- *Staff Items
- *Reports and Informational Items
- *Chair and Members' Items
- *Presentations (only needed if there is a late presentation item)
- Adjournment

*These portions of the agenda shall be used for discussion and recommendation(s) to staff; no formal actions are to be taken.

2.2 DELIVERY OF AGENDA:

Barring insurmountable difficulties, the agenda packet shall be disseminated electronically via email to members of boards, commissions, or committees the Thursday or Friday preceding the following week's meeting to which it pertains.

The agenda packet shall also be available to the public at the same time as it is available to board, commission, and committee members.

2.3 ROLL CALL:

Before proceeding with the business of the board, commission, or committee, the Secretary shall call roll of the members of the board, commission, or committee, and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical with the Chairperson called last.

2.4 APPROVAL OF MINUTES:

Action minutes shall be prepared after every meeting. Minutes may be approved as a Consent Calendar item without public reading if the Secretary has previously furnished each member with a copy thereof.

All members shall cast a vote, including members who were not present at the meeting for which meeting minutes are under consideration, pursuant to Sections 7.1 and 7.2 below.

2.5 PUBLIC HEARINGS:

Generally, public hearings shall be conducted in the following order:

- Staff presentation of the staff report and related materials
- Questions of Staff by Members
- Public hearing opened by Presiding Officer
- Public testimony
- Public hearing closed by Presiding Officer
- Questions by Members
- Discussion by Members
- Action by Members

Questions or comments from the public shall be limited to the subject under consideration.

In accordance with the Brown Act [Government Code section 54954.3, subdivision (b)], reasonable regulations may be adopted limiting the total

amount of time allocated for public testimony on particular issues and for each individual speaker. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than three (3) minutes per individual (or approximately 350 words).

A one-time additional speaker time donation of three (3) minutes (or approximately 350 words) per individual is permitted as follows: 1) the member of the public donating time must submit this request in writing to the City Clerk by completing a Request to Speak form noting the name of the person time is being donated to; and 2) the member of the public donating time must be present at the time the speaker provides verbal public comments.

Members of the public who utilize a translator shall be provided at least twice of the allotted time to ensure non-English speakers receive the same opportunity to directly address the City's Boards, Commissions, and Committees.

"Verbal Public Comments" are defined as comments provided in the speakers' own voice, and may not include video or sound recordings of the speaker or of other individuals or entities, unless permitted by the Presiding Officer.

Public speakers may elect to use printed presentation materials to aid their comments; such printed materials shall be provided to the City Clerk to be disseminated to Council, made public, and incorporated into the public record of the meeting; it is requested that the printed materials are provided prior to the beginning of the meeting. There shall be no use of Chamber resources and technology to display visual or audible presentations during public comments, unless permitted by the Presiding Officer.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the board, commission, or committee in this regard.

2.6 PUBLIC COMMENT:

Pursuant to the Brown Act [Government Code section 54954.3], each agenda for a regular meeting shall provide an item entitled "Public Comment." The purpose of such item shall be to provide an opportunity for members of the public to directly address the board, commission, or committee on items of interest to the public that are within the subject matter jurisdiction of the board, commission, or committee. In order to assure that the intent of the Brown Act is carried out, three (3) minutes (or approximately 350 words) is the amount of time allocated for each individual speaker. At any time, before or after the oral communication is commenced, the Presiding Officer may, if deemed preferable, direct that the communication be made instead either to the Department

Director or other appropriate staff member during regular business hours, or in writing for subsequent submittal to members.

A one-time additional speaker time donation of three (3) minutes (or approximately 350 words) per individual is permitted as follows: 1) the member of the public donating time must submit this in writing to the City Clerk by completing a Request to Speak form noting the name of the person time is being donated to; and 2) the member of the public donating time must be present at the time the speaker provides verbal public comments.

Members of the public who utilize a translator shall be provided at least twice of the allotted time to ensure non-English speakers receive the same opportunity to directly address the City's Boards, Commissions, and Committees.

"Verbal Public Comments" are defined as comments provided in the speakers' own voice, and may not include video or sound recordings of the speaker or of other individuals or entities, unless permitted by the Presiding Officer.

Public speakers may elect to use printed presentation materials to aid their comments; such printed materials shall be provided to the City Clerk to be disseminated to Council, made public, and incorporated into the public record of the meeting; it is requested that the printed materials are provided prior to the beginning of the meeting. There shall be no use of Chamber resources and technology to display visual or audible presentations during public comments, unless permitted by the Presiding Officer.

On items of public comment or discussion, any matter raised by the public which does not specifically appear on the agenda may be added to a future agenda in accordance with Section 2.9 of these Rules of Procedure, listed below. It is hereby determined that such requests of direction by a member shall not be considered action taken by the board, commission, or committee on said item raised by the public. Further, discussion by the board, commission, or committee of the matter shall not be considered action taken.

2.7 CONSENT AGENDA:

Items of routine and non-controversial nature, shall be placed on the consent calendar. All items may be approved by one blanket motion upon unanimous consent. Any member may request that any item be withdrawn from the consent calendar for separate consideration.

2.8 CHAIRPERSON AND MEMBERS' ITEMS:

The Chairperson or any Member may provide a brief report on items of interest to the board, commission, or committee relating to and within the subject matter jurisdiction of the board, commission, or committee.

2.9 REQUESTING THE ADDITION OF ITEMS TO A FUTURE AGENDA:

Consideration by staff to place an item on a future agenda may be made if the following criteria are met:

- (1) Items for discussion only, no action, no staff report – the subject matter of the item must be within the board's, commission's, or committee's jurisdictional scope and purview.

If the above condition is met, any member may request that a matter requiring significant discussion be placed on a future agenda under the Chairperson and Members' Items section of the agenda, either during a public meeting or by contacting the staff liaison. The requesting member has the option to prepare a short report to be included in the agenda packet provided the agenda production deadlines are met.

- (2) Items for discussion and/or vote, requiring a staff report – the subject matter of the item must be within the board's, commission's, or committee's jurisdictional scope and purview.

If the above condition is met, any member who wishes to place a matter on a future agenda that requires staff research, analysis, and/or report(s), or a vote to commit City resources shall first bring the matter to the City Manager by submitting a written request to the staff liaison.

- (3) Items for discussion only, that are not within the board's, commission's, or committee's subject matter jurisdiction, or otherwise not within its scope or purview, shall not be agendaized. Members may provide a brief summary or update on such items under the "Chairperson and Members' Items" section of the agenda.

Members who wish to obtain additional information on any matter within the City may submit a request for public records in writing with the staff liaison and the City Clerk.

3. PRESIDING OFFICER

3.1 APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON

In accordance with LQMC Section 2.06.050, subsection E, annually, each board, commission, or committee shall appoint one of its members to serve as Chairperson and Vice-Chairperson for a period of one year (July 1 through June 30). The appointment shall be made during the first meeting of the board, commission, or committee, held after June 30th of each year.

Pursuant to LQMC Section 2.06.050, subsection G, vacancies in either the Chairperson or Vice-Chairperson positions occurring prior to July 1st may be filled as in the first instance, and a new Chairperson or Vice-Chairperson may be appointed at any time by majority vote of all members of the board, commission, or committee.

3.2 PRESIDING OFFICER:

The Chairperson shall be the Presiding Officer at all meetings of the board, commission, or committee. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both, the Chairperson and the Vice-Chairperson, the senior member shall preside. If there are two (2) members with equal seniority, staff shall select by lot or other means of random selection, or by such other impartial and equitable means as shall be determined, the member that shall preside.

3.3 CALL TO ORDER:

The meeting of boards, commissions, and committees shall be called to order by the Presiding Officer.

3.4 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate on any agenda item, subject only to such limitations of debate as are imposed on all members. The Presiding Officer shall not be deprived of any of the rights and privileges of a member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the board, commission, or committee, the Presiding Officer should consider turning the Chair over to the Vice-Chair.

3.5 QUESTIONS TO BE STATED:

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote. Following the vote, either the Presiding Officer or the Secretary shall verbally announce the results in accordance with Section 7.1 of these Rules of Procedure. The Presiding Officer may publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

3.6 SIGNING OF RESOLUTIONS:

The Presiding Officer shall sign resolutions adopted by the board, commission, or committee. The Secretary shall attest to the signature of the Presiding Officer.

3.7 MAINTENANCE OF ORDER:

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

3.8 SECRETARY POSITION:

If the Secretary is absent, a designee shall act on the Secretary's behalf. If there is none, the Department Director shall appoint a City staff member to act as Secretary Pro Tempore.

4. RULES, DECORUM, AND ORDER

4.1 POINTS OF ORDER:

The Presiding Officer, with the advice of the Department Director or City Attorney, shall determine all Points of Order, which shall generally be governed by Robert's Rules of Procedure if not otherwise governed by these Rules of Procedure. The Presiding Officer's ruling shall be subject to the right of any member to appeal to the full membership of the board, commission, or committee. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER – BOARD, COMMISSION, AND COMMITTEE MEMBERS:

(1) Any member desiring to speak shall address the Presiding Officer and upon recognition by the Presiding Officer, the member shall confine to the question under debate.

(2) A member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another member; or unless the speaker chooses to yield to questions from another member.

(3) Any member called to order while speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or shall alter his/her/their remarks so as to comply with rules of the board, commission, or committee.

(4) Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(5) Any member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the board, commission, or committee, and shall require the Presiding Officer to so act.

(6) Except where specifically authorized by City Council action or for purely ceremonial purposes, no member attending a City board, commission, or committee meeting, on which he/she/they have not been appointed to, shall make any statement or give the appearance or indicate in any way that he/she/they are representing the City. When making a comment at such a meeting, the member should make it clear that he/she/they are speaking solely as an individual. Unless officially appointed to participate on a board, commission, or committee, members should make an effort not to insert themselves into or take positions on matters which will or are likely to be the subject of public hearings or will be decided upon by the City Council after considering the entire issue.

4.3 DECORUM AND ORDER – EMPLOYEES:

City employees and contractors shall observe the same rules of procedure and decorum applicable to members of boards, commissions, and committees. The Department Director shall ensure that all City employees observe such decorum.

Any staff members, including the Department Director, desiring to address the board, commission, or committee, or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual member or member of the public.

4.4 DECORUM AND ORDER – PUBLIC:

Members of the public attending public meetings shall observe the same rules of order and decorum applicable to board, commission, and committee members. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the board, commission, or committee, while attending the public meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the board, commission, or committee. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

4.5 ENFORCEMENT OF DECORUM:

The head of the City’s police agency or designee shall be ex-officio sergeant-of-arms of the City Council, boards, commissions, or committees. The sergeant-of-arms shall carry out all orders and instructions given by the Presiding officer for the purpose of maintaining order and decorum during a public meeting. Upon instructions from the Presiding officer, it shall be the duty of the sergeant-of-arms or his/her/their representative to eject any person from the public meeting venue or place any person under arrest or both.

As set forth in the Brown Act [Government Code section 54957.9], in the event that any 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 members of the board, commission, or committee may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the board, commission, or committee from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

4.6 PERSONAL PRIVILEGE:

The right of a member to interrupt a meeting and address a board, commission, or committee on a question of personal privilege shall be limited to cases in which his/her/their integrity, character, or motives are assailed, questioned, or impugned.

4.7 CONFLICT OF INTEREST:

All members are subject to the provisions of California law, such as Chapter 7, Title 9, of the California Government Code, related to Conflict of Interest, and to conflicts of interest codes adopted by the City Council. Any member disqualified from voting because of a conflict of interest shall do all of the following:

- (1) Publicly identify the financial interest in detail sufficient to be understood by the public;
- (2) Recuse himself/herself/themselves from discussing and voting on the matter; and
- (3) Leave the dais until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar.

Any member disqualified from voting due to a conflict of interest, in limited circumstances, may speak on the issue from the public podium during the time that the general public speaks on the issue.

The member disqualified from voting due to a conflict of interest shall be marked absent from the vote for the item on the minutes, unless the item is on the Consent Calendar, in which case, the member will be marked as having abstained.

4.8 LIMITATION OF DEBATE:

Any member should speak only once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five minutes each time the member has the floor, without approval of a majority vote of the board, commission, or committee.

4.9 DISSENTS AND PROTESTS:

Any member shall have the right to express dissent from or protest to any action of the board, commission, or committee, and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this

should be made clear by language such as, “I would like the minutes to show that I am opposed to this action for the following reasons ...”

4.10 PROCEDURES IN ABSENCE OF RULES:

In the absence of a rule herein to govern a point or procedure, Robert’s Rules of Order, Newly Revised, shall be used as a guide.

4.11 RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED:

In presiding over public meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedures requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the board, commission, or committee members present and voting.

5. ADDRESSING THE BOARD, COMMISSION, OR COMMITTEE

5.1 MANNER OF ADDRESSING BOARDS, COMMISSIONS, OR COMMITTEES

Any member of the public desiring to address the board, commission, or committee (“public speaker”) shall notify the Secretary and may complete a “Request to Speak” form, and shall wait to be recognized by the Presiding Officer before proceeding to the podium. After being recognized, the public speaker shall state his/her/their name and/or the party he/she/they is/are representing (unless otherwise determined by the City Attorney to be unnecessary), the subject the public speaker wishes to discuss, and city of residence.

All remarks and questions shall be addressed to the Presiding Officer and not to any individual board, commission, or committee member, staff member, or other person. The Presiding Officer shall be addressed at all times as Madam/Mister [title], e.g. Madam Chair, Mr. Vice-Chair. Members of boards, commissions, or committees shall be addressed as Board Member [last name], Commissioner [last name], or Committee Member [last name]. The board, commission, or committee as a body shall be addressed: Madam/Mister Chair and Members of the [official name of board, commission, or committee].

The Presiding Officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the board, commission, or committee. During a public meeting, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

5.2 TIME LIMITATION:

For time limitation applicable to public hearings and public comment, see Sections 2.5 and 2.6 of these Rules of Procedure.

5.3 ADDRESSING THE BOARD, COMMISSION, OR COMMITTEE AFTER MOTION IS MADE:

After a motion has been made, or after a public hearing has been closed, no member of the public shall address the board, commission, or committee without first securing permission by a majority vote of the board, commission, or committee.

5.4 PERSONS AUTHORIZED TO BE WITHIN PLATFORM:

No person except City Officials shall be permitted behind the dais in the Chamber without permission or consent of the Presiding Officer.

6. MOTIONS

6.1 PROCESSING OF MOTIONS:

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

6.2 MOTIONS OUT OF ORDER:

The Presiding Officer may at any time, by majority consent of the board, commission, or committee, permit a member to introduce a resolution or motion out of the regular agenda order.

6.3 DIVISION OF QUESTION:

If the question contains two (2) or more divisional propositions, the Presiding Officer may, and upon request of a member shall (unless appealed), divide the same.

6.4 PROCEDURE OF MOTIONS:

When a motion is before the board, commission, or committee, no motion shall be entertained except the following, which shall have precedence in the following order:

- (a) Adjourn

- (b) Fix hour of adjournment
- (c) Table
- (d) Limit or terminate discussion
- (e) Amend
- (f) Postpone

6.5 MOTION TO ADJOURN: (not debatable)

A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion.
- (b) When made as an interruption of a member while speaking.
- (c) When discussion has been ended, and vote on motion is pending.
- (d) While a vote is being taken.

6.6 MOTION TO FIX HOUR OF ADJOURNMENT:

Such a motion shall be to set a definite time at which to adjourn and shall be debatable and shall be amendable by unanimous vote.

6.7 MOTION TO TABLE:

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be “taken from the table” at any time prior to the end of the next regular meeting.

6.8 MOTION TO LIMIT OR TERMINATE DISCUSSION:

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.9 MOTION TO AMEND:

A motion to amend shall be discussed only as to the amendment. A motion to amend an amendment is possible but no additional motions to further amendments may be made. Any amendment shall relate to the original motion and not introduce a different matter. Amendments shall be voted first, then the main motion as amended. Alternatively, the original maker of the main motion may agree to revise the original motion and if the second agrees to second the revised motion, the board, commission, or committee may vote on the main motion as revised.

7. VOTING PROCEDURE

7.1 VOTING PROCEDURE:

In acting upon every motion, the vote shall be taken by electronic voting and the Presiding Officer or Secretary shall verbally announce:

- (1) Whether the question carried or was defeated;
- (2) The vote tally; and
- (3) The vote of each Member.

In the event the electronic voting equipment is not functioning, the vote shall be taken by roll call. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Chairperson voting last. The Secretary shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond 'aye,' 'no,' or 'abstain.'

Every resolution, order for franchises or payments of money, or adoption or amendment of a specific or general plan require three (3) affirmative votes. Any member may change his/her/their vote before the next order of business.

7.2 ABSTENTIONS AND FAILURE TO VOTE:

A member who abstains due to reasons of a legally barred conflict of interest, such as a financial conflict of interest barred by the state Political Reform Act [Government Code section 81000 *et seq.*], shall, for purpose of the item under consideration, be considered as if absent.

A member abstaining for reasons other than a legally barred conflict of interest shall be counted as present for purposes of a quorum and such abstentions are counted with the majority, or in the absence of a majority, as an affirmative vote on the motion before the board, commission, or committee.

A member who leaves the dais solely to avoid participating in a specific item shall, in absence of a conflict of interest, be counted as if they were present but abstaining, and such abstentions are also counted with the majority as noted above.

7.3 RECONSIDERATION:

Any member who voted with the majority may move a reconsideration of any action at the same meeting, or within seven (7) calendar days, request in writing to the City Manager or City Clerk that it be agendaized for consideration at the following meeting. If the 7th calendar day falls on a holiday, then the deadline shall be the next business day. In the event that the subject of the

reconsideration is a motion that failed as the result of a tie vote, any member who voted against the earlier motion may move for reconsideration within the same seven (7) calendar day period. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendaized for the next meeting that meets any applicable noticing requirements. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the board, commission, or committee.

7.4 TIE VOTES:

Tie votes shall be lost motions unless an additional motion is made which obtains a majority vote to break the tie. When all members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. If a tie vote results at a time when less than all members of the board, commission, or committee are present, the matter shall automatically be continued to the agenda of the next regular meeting of the board, commission, or committee, unless otherwise ordered by the board, commission, or committee. Notwithstanding the above, if a tie vote results at a time when one or more member(s) are abstaining for reasons other than conflict of interest then, in that instance, the abstention vote shall be counted in favor of the motion thereby breaking the tie vote.

8. RESOLUTIONS

8.1 DEFINITIONS:

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the legislative body, other than one taken by ordinance. Only the City Council may adopt ordinances on behalf of the City.

As used in this City, two (2) terms are in general use to denote such (non-ordinance) actions: "resolution" and "motion" (or sometimes referred to as "minute order") (thereafter recorded in the minutes). Both actions are equally legally effective and binding, they just vary in the formality of respective memorialization. The most formal is referred to locally as a "resolution."

Generally, the form of a "resolution" is a written document, similar in format to an ordinance, of the action taken by a board, commission, or committee, which is numbered in sequence, and preserved in a separate set of books; this separate written document is in addition to being recorded by an item entry in the minutes

of the meeting at which it was accomplished. “Resolutions” are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional “whereas” explanatory material it often recites) to facilitate such future reference and research.

The form of a “motion” or “minute order,” however, is a verbal decision of the action taken by a board, commission, or committee, which is recorded by an item entry in the minutes of the meeting at which it was accomplished, without the formality of a separate written document to memorialize it, unless it is a motion to adopt an ordinance or a resolution.

Before any official action can be taken, a member of a board, commission, or committee must “move” or make a “motion,” and another member must “second” that motion, to place an item before the membership for official action and decision (see Section 6 of these Rules of Procedure).

8.2 RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1 above, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3 RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the Department Director or City Attorney to prepare a resolution for presentation at the next public meeting.

8.4 URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.2 above shall be followed.

9. POLITICAL ACTIVITIES

(1) Members of boards, commissions, or committees shall not use, or attempt to use, their position, office, or authority to influence, aid, or obstruct any City employee from securing any position, nomination, confirmation or promotion, or change in compensation or position in the City upon consideration, or condition

that the vote or political influence or action of such person or another shall be given or used on behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. This prohibition shall apply to urging or discouraging the individual employee's action.

(2) A member of a board, commission, or committee, or candidate shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of the local agency or from persons on an employment list of the City, with the knowledge that the person from whom the contribution is solicited is an officer or employee of the City. This section shall not prohibit the member from requesting political contributions from officers or employees of the City if the solicitation is part of a solicitation made to a significant segment of the public, which may include offices or employees of the City.

(3) No member of a board, commission, or committee, or candidate shall engage during working hours in City offices or work areas where such activity would disrupt the workplace.

10. AUTHORITY TO BIND THE CITY

No member of a board, commission, or committee, officer, official, employee, agent, or consultant of the City, without the majority vote of the City Council, or unless otherwise provided in these Rules of Procedure or by resolution of the Council, shall have any power or authority to bind the City by any contract, to pledge its credits, or to render it liable for any purpose in any amount.

11. EXECUTION OF CONTRACTS, DEEDS, AND OTHER DOCUMENTS

Except as otherwise authorized by resolution of the City Council, either the Mayor or City Council, or in the absence of both, such person as the City Manager may designate in writing pursuant to LQMC Section 2.08.050 and 2.080.60, shall sign all contracts, deeds, and other written instruments on behalf of the City when such have been approved by the City Council. The City Clerk shall attest to the signature of the signer, unless attestation is not required.

12. RULES DIRECTORY

To the extent not required by State laws, these rules of procedure shall be considered directory only; and compliance herewith shall not be considered mandatory or jurisdictional.

ATTACHMENT 3

BOARDS, COMMISSIONS AND COMMITTEES

GENERAL INFORMATION

[from the La Quinta Municipal Code]

2.06.010 Definitions.

- A. "Board" means a group of council-appointed persons who provide advice on city issues.
- B. "Commission" means a group of council-appointed persons having limited legislative powers to make decisions or recommendations to the council on city issues.
- C. "Committee" means a temporary group of persons chosen by the council to give special consideration, investigation, and prepare a report on a pending city issue. (Ord. 516 § 1, 2013)

2.06.020 Appointments, number of members.

- A. The city council shall appoint members to all boards and commissions with the exception of the housing commission, whose members shall be appointed by the La Quinta housing authority.
- B. From time to time, the city council may establish a committee(s), or committee(s) may be established by boards and commissions authorized to do so. The establishing body shall determine the number of committee members needed to best perform the duties of that committee and the establishing body shall make appointments pursuant to this section.
- C. The city council shall make appointments to vacancies at open session of a regular or special city council meeting. The housing authority shall make appointments to housing commission vacancies at open session of a regular or special housing authority meeting.
- D. The order of appointments shall be taken up by the city council based on a random drawing publically conducted by the city clerk.
- E. Applicants may apply for appointment to more than one board or commission but order of preference shall not be noted and shall not be considered by the city council.
- F. The number of members on each board and commission shall be set by the city council, or in the case of committees, by the establishing body. Refer to the related municipal code chapter for details regarding a specific board or commission. (Ord. 516 § 1, 2013)

2.06.030 Term and term rotation.

- A. Unless otherwise provided by law, ordinance or resolution, or unless by the very nature of a situation, the provisions of this section may not be made applicable, all members of boards and commissions shall be appointed for three-year terms commencing on July 1st of the year of appointment.
- B. All members of a committee shall be appointed to terms and have term rotations set by the city council, or the establishing body.
- C. Interim vacancies shall be filled by appointment for the unexpired term of the member replaced.
- D. These rules shall not apply to a newly established board or commission to which initial appointments are made on a staggered-term basis.
- E. After serving two consecutive three-year terms, or a total of six consecutive years, on a specific board or commission, that member shall rotate out of that board or commission and shall not be considered for reappointment to that specific board or commission until one year has elapsed.
- F. Any board or commission member who has been or will be rotated out of one board or commission, may apply for appointment to any other board or commission immediately, or anytime thereafter.
- G. An exception to the restriction on sequential reappointment to a board or commission after having served for six consecutive years shall be granted for positions requiring specific expertise, characteristics, or professional certifications as set by the city council in past or future actions.
- H. Any term for a board, commission or committee may be extended by action of the city council. Any term for the housing commission may be extended by action of the housing authority. (Ord. 516 § 1, 2013)

2.06.040 Qualifications.

- A. Unless otherwise provided by law, ordinance, or resolution of the city council, all members of boards and commissions of the city shall serve on only one board or commission at any given time in order to avoid simultaneous memberships.
- B. All members of boards and commissions appointed by the city council or the housing authority shall initially, and during their term(s), be bona fide residents and registered voters of the city.
- C. Exceptions to the resident requirement shall be granted for certain planning commission positions (see Chapter 2.29).
- D. Some boards, commissions and committees require specific qualifications of its members in order to perform the duties prescribed. If a member ceases to meet the required qualifications, s/he shall be disqualified from being a member of that board, commission or committee and a qualified applicant shall be appointed to fill the remainder of the unexpired portion of his or her term. (Refer to the municipal code section for each board, commission or committee for details on qualifications required.)

- E. No member of a city board or commission shall be an employee of the city.
- F. If a member of any board, commission or committee is convicted of a felony or a crime involving moral turpitude, his/her office shall become vacant, and shall be so declared by the city council or housing authority. (Ord. 546 § 1, 2016; Ord. 516 § 1, 2013)

2.06.050 Meetings, organization, quorum and rules of procedure.

- A. Unless otherwise provided by law, ordinance or resolution of the city council, each board, commission and committee shall meet once each month or as needed on the date(s) selected by the board, commission or committee.
- B. Special meetings may be called by the chairperson or a majority of the board, commission or committee in accordance with state law.
- C. Unless otherwise provided by law, ordinance or resolution of the city council, a quorum for each board, commission or committee shall be the majority of existing, appointed members.
- D. Each board, commission and committee shall follow such rules and regulation established by the city council for the conduct of its business.
- E. Unless otherwise provided by law, ordinance or resolution of the city council, each board, commission and committee shall choose one of its number as chairperson and one as vice chairperson at its first meeting held after June 30th of each year.
- F. Each chairperson and vice chairperson shall have authority and perform such duties as are commonly associated with their respective titles, or as may be specially prescribed by law or by the bylaws or other rules of the board, commission or committee.
- G. Vacancies in either the chairperson or vice chairperson position occurring prior to July 1st may be filled as in the first instance, and a new chairperson or vice chairperson may be chosen at any time by majority vote of all members of the board, commission or committee. (Ord. 516 § 1, 2013)

2.06.060 Compensation.

Compensation for boards or commissions or committees shall be as set by ordinance or resolution of the city council. (Ord. 516 § 1, 2013)

2.06.070 Purpose, powers and duties.

- A. The purpose, powers and duties of all boards and commissions are determined by the city council and set forth in the municipal code section specific to each board and commission. From time to time, the city council may expand or retract powers and duties either temporarily or permanently and may, by ordinance or resolution, amend any chapter or section of this code.
- B. The purpose, powers, and duties of all standing and temporary committees shall be set by the city council or the city-authorized creating entity. (Ord. 546 § 2, 2016; Ord. 516 § 1, 2013)

2.06.080 Compliance with the Political Reform Act.

On an annual basis, in conjunction with the Political Reform Act disclosure statutes and the city of La Quinta's Conflict of Interest Code, or at any time if a change in circumstances warrants, each board, commission and committee member will provide the city council with a disclosure statement, which identifies any matters that have a bearing on the appropriateness of that member's service. Such matters may include, but are not limited to, changes in employment, changes in residence or changes in clients. (Ord. 516 § 1, 2013)

2.06.090 Removal from office, limitation on absences.

- A. Any member of a board, commission or committee may be removed from office at any time, with or without cause, by a majority vote of the city council or in the case of the housing commission, by a majority vote of the housing authority.
- B. If any member of a board, commission or committee absents him or herself from two consecutive regular meetings, or absents him or herself from a total of three regular meetings within any fiscal year, his/her office shall become vacant and shall be filled as any other vacancy.
- C. A board, commission or committee member may request advance permission from the city council to be absent at one or more regular meetings due to extenuating circumstances, and/or may request the city council to excuse an absence after-the-fact where such extenuating circumstances prevented the member from seeking advance permission to be absent. If such permission or excuse is granted by the city council, the absence shall not be counted toward the above-stated limitations on absences. (Ord. 516 § 1, 2013)

2.06.100 Staff support and recordkeeping.

- A. All departments of the city, through the office of the city manager, shall furnish appropriate existing public information, data and records, and provide technical assistance and advice as required, within reason, as an aid to the boards, commissions and committees in the performance of designated duties.
- B. The city manager shall, within reason or budgetary constraints, provide or cause to be provided adequate staff and clerical help to all boards, commissions and committees.
- C. The staff and clerical help assigned by the city manager shall maintain accurate and permanent records of the acts of each board, commission and committee.
- D. All boards, commissions and committees shall supply to the city council and/or housing authority, on request, such information relating to its activities as are public records. (Ord. 516 § 1, 2013)

PLANNING COMMISSION

2.29.010 General rules regarding the planning commission.

Except as set out below, see Chapter 2.06 for general provisions. (Ord. 546 § 3, 2016)

2.29.020 Number of members.

The planning commission shall consist of seven members appointed by, and serving at the will of the city council. (Ord. 546 § 3, 2016)

2.29.030 Qualifications of members.

- A. In addition to the qualification requirements set forth in Section 2.06.040, it is required that two members (“professional member”) have a strong background in architecture or landscape architecture.
- B. The city council may appoint nonresidents as professional members when, in the judgment of the city council, there is a lack of applications from qualified city residents. (Ord. 546 § 3, 2016)

2.29.040 Powers and duties.

Pursuant to Section 65100 et seq., of the California Planning and Zoning Law, there is established for the city a planning agency, consisting of a planning department, a planning commission, and the city council acting in combination. The planning commission shall have the powers, functions and duties prescribed in the Planning and Zoning Law, and in the La Quinta zoning ordinance and in this code and other local ordinances; provided, that it shall not exercise any direct contracting authority as specified in Section 65007 of the Planning and Zoning Law. (Ord. 546 § 3, 2016)

2.29.050 Committees.

The planning commission shall be authorized to appoint and fix the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties. (Ord. 546 § 3, 2016)

CONSTRUCTION BOARD OF APPEALS

2.40.010 General rules regarding the construction board of appeals.

Except as set out below, see Chapter 2.06 for general provisions. (Ord. 564 § 1, 2017; Ord. 516 § 9, 2013)

2.40.020 Purpose.

The purpose of the construction board of appeals ("CBA") shall be to conduct hearings to afford appellants the opportunity to present evidence on his/her behalf in an effort to reverse or amend an administrative decision of a city official related to any matter within the purview of Title 8 of this code. The right to appeal shall apply only when the objection involves the exercise of administrative discretion or personal judgment exercised by the city official pursuant to any of the provisions of Title 8 of this code. No right of appeal shall exist when the decision of the city official is ministerial and thus does not involve the exercise of administrative discretion or personal judgment. (Ord. 564 § 1, 2017; Ord. 516 § 9, 2013)

2.40.030 Number of members.

The CBA shall consist of five members appointed by, and serving at the will of the city council. (Ord. 564 § 1, 2017; Ord. 516 § 9, 2013)

2.40.040 Qualifications of members.

- A. The CBA shall be comprised of the following professional positions that shall be qualified by experience and training:
 - 1. One general contractor;
 - 2. Two registered professional engineers or architects;
 - 3. One specialty contractor.
- B. The fifth CBA member shall be a member of the public who is not one of the foregoing. (Ord. 564 § 1, 2017; Ord. 516 § 9, 2013)

2.40.050 Powers and duties.

- A. Any person aggrieved by a decision of an official of the city related to any matter within the purview of Chapter 8.01 of this code, shall have the right to appeal the decision to the CBA.
- B. The appeal shall be filed with the city clerk within ten days after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing.
- C. The secretary of the CBA, assigned pursuant to Section 2.06.100, shall set the time and place for a hearing on the appeal, and notice of the hearing shall be given to the appellant in accordance with Section 1.01.300 of this code.
- D. The decision of the CBA shall not become final until ten days after the CBA has made its determination in order to allow time for an appeal of the CBA's decision to be made to the city council. Any appeal to the city council shall follow procedures set forth in Sections 2.04.100 through 2.04.130 of this code. (Ord. 564 § 1, 2017; Ord. 524 § 8, 2015; Ord. 516 § 9, 2013)

FINANCIAL ADVISORY COMMISSION

2.70.010 General rules regarding the financial advisory commission.

Except as set out below, see Chapter 2.06 for general provisions. (Ord. 556 § 1, 2017)

2.70.020 Number of members.

The Financial Advisory Commission (FAC) shall initially consist of seven members appointed by, and serving at the will of the city council. The city council may increase or decrease the number of members from time to time but in no event shall the membership exceed nine members or be less than five members. (Ord. 556 § 1, 2017)

2.70.030 Qualifications of members.

- A. In addition to the qualification requirements set forth in Section 2.06.040 of this code, a minimum of three of the members shall be finance professionals and shall have a verifiable background in finance and/or securities, preferably with knowledge and/or experience in markets, financial controls and accounting for securities.
- B. For those applying for the professional position, background information will be requested and potential candidates must agree to a background check and verification by the city manager or designee. (Ord. 556 § 1, 2017)

2.70.040 Powers and duties.

- A. The principal functions of the FAC are:
 - 1. Review at least annually the city's investment policy and recommend appropriate changes;
 - 2. Review at least quarterly the treasury report and note compliance with the investment policy and adequacy of cash and investments for anticipated obligations;
 - 3. Receive and consider other reports provided by the city treasurer;
 - 4. Meet with the independent auditor after completion of the annual audit of the city's financial statements, and receive and consider the auditor's comments on auditing procedures, internal controls, and findings for cash and investment activities;
 - 5. Review at least annually the revenue derived from the one percent transactions and use tax instituted by voters in November 2016 to ensure these funds are used to provide services, programs and capital projects in the city of La Quinta;
 - 6. Serve as a resource for the city treasurer on matters such as proposed investments, internal controls, use of or change of financial institutions, custodians, brokers and dealers.
- B. The FAC will report to the city council after each meeting either in person or through correspondence at a regular city council meeting. (Ord. 556 § 1, 2017)

2.70.050 References to the investment advisory board.

If any other chapter(s) or section(s) in this code refers to the investment advisory board, that chapter(s) or section(s) shall be deemed to refer to the financial advisory commission established by the ordinance amending Chapter 2.70 of this code. (Ord. 556 § 1, 2017)

HOUSING COMMISSION

2.80.010 General rules regarding the housing commission.

Except as set out below, see Chapter 2.06 for general provisions. (Ord. 516 § 6, 2013)

2.80.020 Number of members.

The housing commission ("commission") shall consist of five members appointed by, and serving at the will of the La Quinta housing authority ("authority"). (Ord. 516 § 6, 2013)

2.80.030 Qualifications of members.

In addition to the qualification requirements set forth in Section 2.06.040, and pursuant to California Health and Safety Code Section 34290, the commission shall be comprised of the following:

- A. One member shall be a tenant of the authority;
- B. One member shall be a tenant of the authority who shall be over sixty-two years of age, if the authority has tenants over that age; and
- C. Three members shall be city residents. (Ord. 516 § 6, 2013)

2.80.040 Powers and duties.

- A. The commission shall have the authority and the duty to review and make recommendations on all matters to come before the authority prior to authority action, except emergency matters and matters that the commission, by resolution, excludes from commission review.
- B. Before a matter is acted upon by the authority, the matter shall be submitted to the commission for its review and recommendations.
- C. Within thirty days after a matter is submitted to the commission for its review and recommendation, the commission shall make and file its report thereon with the authority. If the commission does not report upon the matter within thirty days after its submission by the authority, the commission shall be deemed to have waived its review and recommendations concerning the matter and the authority may thereafter take action on the matter without the report of the commission. (Ord. 516 § 6, 2013)

2.80.050 Compensation.

Each commissioner shall be entitled to a per diem payment for attendance at not more than one commission meeting per month at a rate of fifty dollars per meeting. (Ord. 516 § 6, 2013)

2.80.060 Disclosure of interest by commissioners.

- A. In addition to complying with the Political Reform Act as set forth in Section 2.06.080, no member of the commission shall acquire any direct or indirect interest in any housing project or any property included or planned to be included in any project, nor shall he or she have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If he or she owns or controls a direct or indirect interest in any such property, he or she shall

immediately make a written disclosure of it to the authority and such disclosure shall be entered upon its minutes. Failure to disclose his or her interest constitutes misconduct in office.

- B. Nothing contained in this section or any provision of the Housing Authorities Law shall be construed as precluding a tenant of the authority from serving as a commissioner of the commission, provided that the fact of such tenancy is disclosed to the authority in writing and entered upon its minutes immediately upon assuming office; nor shall any provisions of this section be construed as in any manner prohibiting the right of such tenant commissioner to exercise his or her full powers vested in his or her office. (Ord. 516 § 6, 2013)

ARTS AND COMMUNITY SERVICES COMMISSION

2.95.010 General rules regarding the community services commission.

Except as set out below, see Chapter 2.06 for general provisions. (Ord. 516 § 7, 2013)

2.95.020 Number of members.

The arts and community services commission (“ACSC”) shall consist of five (5) members appointed by, and serving at the will of the city council. The city council may increase the number of members from time to time but in no event shall the membership exceed seven (7) members or be less than five (5) members. If the code refers to the former “community services commission” or “CSC” as an abbreviation thereof, such reference shall mean the ACSC established and governed by this chapter. (Ord. 610 § 2, 2024, Ord. 516 § 7, 2013)

2.95.030 Qualifications of members.

In addition to the qualification requirements set forth in Section 2.06.040, applicants for the ACSC shall exhibit expertise, experience, knowledge, or similar assets that may be useful in serving on this ACSC.

Every effort will be made to ensure that a wide cross-section of community residents, interests and viewpoints, including providers, recipients and professionally-related occupations are represented, including artists and/or individuals with knowledge or appreciation of the literary, performing, and/or visual arts. Community service organizations, public and private, such as law enforcement, recreation, public health, gang prevention, childcare, and senior services, for example, may be represented. (Ord. 610 § 2, 2024, Ord. 516 § 7, 2013)

2.95.040 Purpose and objectives.

The general purposes of the ACSC are to encourage the development of a planned and orderly approach to the delivery of leisure and community services in the city, to advise the city council with respect to the city’s development of cultural arts, including cultural events and activities, and to promote the literary, performing, and visual arts.

Cultural arts as used in this section may involve cultural and arts-related disciplines and activities, including, but not limited to, the following:

- A. Performing art, such as drama, music, and dance.
- B. Visual arts, such as painting, sculpture, photography, graphics, video art, applied art, and public art.
- C. Literary arts, such as literature, poetry, and journalism.
- D. Communications arts, such as film, television, radio, and technology.

The ACSC shall also maintain and implement the La Quinta art in public places program subject to approval of the city council.

The objectives of the ACSC are to serve in an advisory capacity to the city council to identify community needs for all matters pertaining to social services, community programs, public art, and public recreation as listed in detail in the ACSC Road Map, maintained by the Community Services Department, as may be amended from time to time. The Commission Road Map focuses on the following three (3) main categories:

A. Art

1. Recommend services and programs pertaining to cultural arts, including but not limited to, literary, performing and visual arts, thereby promoting cultural enrichment and art appreciation within the community.
2. Recommend funding opportunities for cultural programs and activities.
3. Work with city staff to develop a list of potential sites for public art.
4. Work cooperatively with city boards, commissions, committees, and other organizations to promote art and cultural activities within the city.
5. Maintain a list of pre-qualified artists for the city.

B. Events

1. Recommend public events, including lifestyle, contracted and signature city events.
2. Review and assess city recognition and acknowledgement programs.
3. Identify opportunities to establish a youth commission or board.

C. Recreation

1. Recommend recreation services and programs, including programs for outdoor amenities and public spaces, such as city owned parks, and biking and hiking trails.
2. Facilitate coordination with local recreation and service organizations, including non-profit agencies and outdoor groups. (Ord. 610 § 2, 2024, Ord. 516 § 7, 2013)

2.95.050 Powers and duties.

The powers and duties of the ACSC shall be advisory to the city council and the ACSC shall provide recommendations to the city council in the following areas:

1. Research and solicitation of grants, donations, loan programs, and other available funding mechanisms for cultural arts.
2. Assess and review parks and recreation facility operations.
3. Recommend recreation and social activities and programs.
4. Promote community services programs and events.
5. Serve as stewards of the public interest and community.
6. Assess and review park and community service masterplan updates, if assigned by the city council.
7. Foster mutual understanding and respect among racial, religious, cultural and nationality groups.

(Ord. 610 § 2, 2024, Ord. 516 § 7, 2013)

2.95.060 Committees.

The ACSC may, from time to time, establish committees composed of ACSC members, citizens and/or interested people, charged with the responsibility of implementing certain designated projects subject to ACSC and city council approval. At least one (1) member of the ACSC shall also be a member of each committee. (Ord. 610 § 2, 2024, Ord. 516 § 7, 2013)

RESOLUTION NO. 2019 – 027

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LA QUINTA, CALIFORNIA, ADOPTING
PERSONNEL POLICY FOR APPOINTED
OFFICIALS**

WHEREAS, pursuant to accepted practices many cities follow, it is in the best interest of the City to adopt regulations applicable to all persons who are appointed by the City Council to serve on any boards, commissions, or committees established by the City (collectively, "Appointed Officials"); and

WHEREAS, this resolution approves a separate manual specific to Appointed Members; and

WHEREAS, substantively, the regulations applicable to Appointed Officials are also applicable to City employees pursuant to the City's Personnel Policies and Procedures approved by Council on June 18, 2019; and

WHEREAS, all prior resolutions approving personnel policies for Appointed Officials are hereby superseded by the Appointed Officials Personnel Policy attached hereto as "Exhibit A."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

SECTION 1. The City Council hereby adopts regulations that govern Appointed Officials as set forth in the attached City of La Quinta Appointed Officials Personnel Policy, as "Exhibit A" incorporated hereto by this reference.

SECTION 2. This resolution supersedes all prior resolutions adopting personnel policies applicable to Appointed Officials.

SECTION 3. This resolution shall go into effect upon adoption.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this 2nd day of July, 2019, by the following vote:

AYES: Council Members Fitzpatrick, Peña, Radi, Sanchez, Mayor Evans


NOES: None

ABSENT: None

ABSTAIN: None


LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:


MONIKA RADEVA, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:


WILLIAM H. IHRKE, City Attorney
City of La Quinta, California



CITY OF LA QUINTA

APPOINTED OFFICIALS PERSONNEL POLICY

The following regulations are applicable to all persons who are appointed by the City of La Quinta City Council to serve on any boards, commissions, or committees established by the City of La Quinta (collectively, "Appointed Officials").

1.0 EQUAL EMPLOYMENT, DISCRIMINATION, HARASSMENT, AND ANTI-BULLYING POLICY

The City prohibits any form of discrimination or harassment on the basis of membership in one or more protected categories as defined below, and as may be amended by State and Federal law. The City will NOT tolerate any unlawful harassment or discrimination. Violation of this Policy may result in censorship or removal from an appointed office or position.

Protected categories include race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability, or any other category protected by law.

Appointed Officials are prohibited from harassing or discriminating against applicants, officers, officials, employees, or contractors because of: (1) an individual's membership in a protected category; (2) the perception that an individual is a member of a protected category; or (3) the individual's association with a person who is perceived to be a member of a protected category.

Any form of retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this policy will be subject to appropriate sanctions.

1.0.1 Definitions

1.0.1.1 Harassment: Unwelcome conduct based on membership in a protected category that unreasonably interferes with an individual's job performance, or creates an intimidating, hostile or offensive work environment. Behavior that constitutes harassment may include, but is not limited to:

- a. Unwanted sexual advances, requests for sexual favors and other acts where submission is made a term or condition of employment or appointment, or where submission to or rejection of the conduct is used as the basis for employment decisions.
- b. Speech, such as epithets, derogatory comments or slurs, based on a protected category. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
- c. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, or leering.
- d. Visual acts, such as displaying derogatory posters or cartoons, or sending emails, pictures or drawings that are derogatory or sexually explicit.

1.0.1.2 Discrimination: Treatment or consideration of, or making a distinction in favor of or against, an individual based on membership in a protected category. Discrimination in employment applies to all aspects of employment, including hiring, firing, compensation, transfer, promotion or layoff, recruitment and testing, training and apprenticeship programs, fringe benefits, pay, retirement plans, and disability leave, as well as other terms and conditions of employment or appointment.

1.0.1.3 Retaliation: Any adverse conduct taken because an individual has reported harassment or discrimination, or has participated in the complaint and investigation process described herein. "Adverse conduct" includes, but is not limited to: taking sides because an individual has reported harassment or discrimination, shunning and avoiding an individual who reports harassment or discrimination, real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination, or taking negative employment action.

1.0.2 Policy Dissemination

1.0.2.1 All Appointed Officials shall be informed of the City's harassment and discrimination policy and complaint process prior to their need to know, and on a regular biennial basis. Also, said policy and complaint process shall be readily available to all Appointed Officials, employees, contractors and members of the general public utilizing the City's facilities and services. All Appointed Officials shall receive training on harassment and discrimination prevention.

1.0.2.2 All new Appointed Officials shall be given a copy of the harassment and discrimination policy and complaint process upon appointment.

1.0.2.3 Appointed Officials are required to complete training on their role in preventing harassment and discrimination in the workplace. Such training shall meet the requirements of AB 1825 and AB 1661, as those laws may be amended.

1.0.3 Complaint Process

1.0.3.1 An individual who believes they are a victim of harassment or discrimination may make a complaint verbally or in writing with the City Manager without fear of reprisal. Where the City Manager is the alleged harasser, an Appointed Official should bring the matter to the attention of the City Attorney.

1.0.3.2 Upon receipt of notification of a harassment or discrimination complaint, the City Manager or designee shall:

- a. Authorize and supervise the timely investigation of the complaint and/or investigate the complaint. The investigation may include interviews with: (i) the complainant; (ii) the accused harasser, or the individual alleged to have committed discriminatory action(s); and (iii) other persons who have relevant knowledge concerning the allegations in the complaint.
- b. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- c. Report the findings as to whether harassment or discrimination occurred to appropriate persons, including the complainant.
- d. If the allegations are sustained, recommend or take appropriate remedial action to ensure that the behavior does not continue.

1.0.3.3 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents, or participating in investigatory interviews. Said person shall be advised of this right prior to the commencement of such discussions.

1.0.3.4 The City takes a proactive approach to potential policy violations and will conduct an investigation if it becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

1.0.3.5 Individuals also may file complaints about sexual harassment or other illegal discrimination with the California Fair Employment and Housing Commission (San Francisco Office: 1390 Market Street, Suite 410, San Francisco, California 94102; Telephone: 415-557-2325), or with the California Department of Fair Employment and Housing (San Bernardino Office: 1845 S. Business Center Drive, #127, San Bernardino, California 92408-3426; Telephone: 909-383-4711).

1.0.4 Confidentiality

1.0.4.1 Every possible effort will be made to ensure the confidentiality of complaints made under this policy. Complete confidentiality cannot be guaranteed, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

1.0.4.2 An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the City Manager or City Attorney. Any individual who discusses the content of an investigatory interview may be subject to discipline or other appropriate sanction permitted by law, including but not limited to censorship or removal from an appointed office or position.

1.0.4.3 The City will not disclose or release a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

1.0.4.4 Anti-Bullying: Every individual has the right to be treated with respect. Bullying is the use of verbal and/or physical aggression with the intention of intimidating or harming another individual. It can include any intentional written, visual, verbal, or physical act, when the act harms the individual or damages his or her property; has the effect of interfering with an employee's ability to work; is severe or pervasive; and/or creates an intimidating or threatening environment. Bullying occurs in many forms including, but not limited to, tormenting, taunting, making abusive comments, using threatening gestures, pushing, shoving, punching, unwanted physical contact or any use of violence, graffiti, name-calling, sarcasm, spreading rumors, and/or teasing, etc. Such conduct can also occur via use of electronic or telephonic communications, such as the internet, email and chat room misuse, mobile threats by text messaging or calls, or misuse of cameras and video equipment.

1.0.4.5 Any individual who believes they have been the subject of bullying should bring the matter to the attention of the City Manager

immediately, and provide a full and accurate report of the underlying facts. Where the City Manager is the alleged bully, an Appointed Official should bring the matter to the attention of the City Attorney. In all cases, individuals are free to report such problems directly to the City Manager. Upon notification of a bullying complaint, the City Manager or designee shall promptly conduct an investigation of the complaint and supervise and/or investigate the complaint and take action as deemed appropriate.

2.0 WORKPLACE VIOLENCE

2.0.1 The City does not tolerate any act or behavior which can be perceived as threatening, hostile, and/or violent. No individual shall make any threat, either physical or verbal, against a city employee or official. Appointed Officials should immediately report any threats or incidents of violence to the City Manager. The City Manager or designee shall investigate incidents of violence or threats of violence.

2.0.2 The Workplace Violence Safety Act, Section 527.8 to the California Code of Civil Procedure, allows employers to seek temporary restraining orders (TRO) and injunctions to protect employees who have been the subject of actual or threatened unlawful violence in the workplace.

3.0 USE OF ELECTRONIC EQUIPMENT AND SYSTEMS

These policies were created to ensure compliance with applicable law including, without limitation, the California Public Records Act ("PRA"); to protect the public welfare; to regulate Appointed Officials' electronic communications in the course of their service; to identify the circumstances when electronic communications must be preserved; and to support appropriate City business practices.

3.0.1 Definitions as applicable to this policy:

3.0.1.1 "City Accounts and Devices" includes all City owned, maintained, issued, or controlled communication accounts, email addresses, devices, cell phones, computers, media, social media, messengering services, and any other form of communication account or device.

3.0.1.2 "City Business" is to be given a broad interpretation in accordance with the PRA. Appointed Officials should consult the City Clerk's Office or the City Attorney's Office if any clarification is needed regarding whether a record pertains to City Business before deleting the record.

3.0.1.3 "Private Accounts and Devices" includes all communication accounts, email addresses, devices, cell phones, computers, media, social media, messengering services, and any other form of communication account or device not City owned, maintained, issued, or controlled.

3.0.2 Public Records

In addition to all applicable Federal, State, and local laws and regulations, the following provisions shall apply to the use of personal accounts, devices, social media, and all other forms of media by Appointed Officials for communications regarding matters of City Business:

3.0.2.1 In general, all communications regarding City Business by Appointed Officials must be done on official City Accounts and Devices, such as Appointed Officials' assigned email address. In general, all communications regarding City Business by Appointed Officials that do not have assigned City Accounts and Devices must be done via a professional Business Account and Device.

3.0.2.2 Except in situations that are beyond the control of an Employee, all communications regarding City Business that are not from or to an official City Account and Device, or not otherwise exempt from disclosure under the PRA, need to carbon copy ("CC") or blind carbon copy ("BCC") the City Records email.

3.0.2.3 All communications and records regarding City Business—even on private accounts and devices—are public records. The owner of the private account and device containing the public records is the custodian of those records, and is subject to all laws applicable to custodians of public records. Possible forms of these public records include, but are not limited to, emails, text messages, voicemails, call logs, instant messenger communications, social media posts and communications, or any other form of communication.

3.0.2.4 Responsibility for maintaining custodianship of public records on private accounts and devices may be transferred to the appropriate City employee responsible for the subject area by emailing the record to the responsible employee, and including a detailed description of the record in the body of the email. If a particular type of record cannot be easily forwarded to the responsible employee's email, then screen shots adequately capturing the image of the record may be sent to the responsible employee's email address; however, in such circumstances, the images must be clear and complete, and a detailed explanation of the record and the content of the record must be provided in the body of the email so that the record can be found in a relevant search. Failure to comply with these requirements will result in the individual remaining the custodian of the public record.

3.0.2.5 All public records on private accounts and devices must be retained unless custodianship has been transferred to the City in accordance with this Policy and the City's Records Retention Schedule.

3.0.2.6 Upon leaving office, all Appointed Officials must provide a declaration in the form required by the City declaring that they have

provided the Clerk's Office with all records regarding City Business under the PRA within three days from the date of leaving office.

3.0.2.7 Failure to comply with the requirements of this Policy may result in public censorship or removal from an appointed position.

3.0.2.8 These requirements are State law requirements, and they survive the Termination of any individual's appointment or office with the City.

3.0.2.9 Failure to comply with the custodianship requirements for public records in accordance with the PRA may result in personal liability, civil penalties, and criminal prosecution. Destruction of a public record is a felony pursuant to Government Code section 6200.

3.0.3 Personal Use

3.0.3.1 Although limited and incidental personal use of electronic communications may be acceptable, City Business accounts and communication devices remain public property and are to be used for public purposes. Users may use City Business accounts and devices for incidental personal use that does not interfere or conflict with City Business. Incidental means infrequent usage. Personal use of the City's Information Systems is at the users' own risk and may be accessed, reviewed, copied, deleted or disclosed by the City.

3.0.3.2 Prohibited uses of City-provided communication equipment and software, or personal equipment used on City Business, include, but are not limited to, the following:

- a. Uses that violate any local, State, or Federal law;
- b. Uses violating any part of an MOU or City Policy;
- c. Uses relating to a user's private commercial activities including, without limitation, advertising and consulting;
- d. Accessing and distributing computer games;
- e. Fundraising or public relations activities outside the scope of City Business;
- f. Political activities;
- g. Religious activities;
- h. Unauthorized access to systems, software or data;
- i. Creating or propagating viruses;
- j. Disrupting services;
- k. Intentionally destroying or damaging equipment, software, or data;
- l. Use of non-business software, e.g. entertainment software or applications;
- m. Threats;
- n. Harassment or bullying;
- o. Defamation;

- p. Slander; and
- q. Access to, or communication of, material or graphic images which are pornographic, violent, offensive, threatening, disturbing, obscene or profane.

3.0.3.3 Social networks and related electronic discussion groups are specialized resources on the internet for sharing information with other professionals. Appointed Officials are prohibited from publishing official positions or opinions of the City, or publishing statements which could be construed as positions or opinions of the City, via the internet, text or e-mail without prior authorization. All authorized participation in such forums must include the following disclaimer: "Views expressed by the author do not necessarily represent those of the City of La Quinta." Failure to include the required disclaimer may result in revocation of access privileges.

4.0 FRAUD IN THE WORKPLACE POLICY

The City is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the Policy of the City to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the City and, when appropriate, to pursue legal remedies available under the law.

4.0.1 "Fraud" is defined as an intentional deception, misappropriation of resources or the manipulation of data to gain financial or other benefits. Fraud and other similar improprieties include, but are not limited to:

- a. Claim for reimbursement of expenses that are not made for the exclusive benefit of the City;
- b. Forgery or alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, etc.);
- c. Misappropriation of City assets (funds, securities, supplies, furniture, equipment, etc.);
- d. Improprieties in the handling or reporting of money transactions;
- e. Authorizing or receiving payment for goods not received or services not performed;
- f. Misrepresentation of information on documents; or
- g. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of City-owned software.

4.0.2 It is the City's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of length of service or relationship with the City.

4.0.3 The City Manager or designee, in conjunction with the City Attorney, has the primary responsibility for the investigation of all Fraud as defined in this Policy.

4.0.4 Individuals will be granted whistle-blower protection when reporting any acts of suspected Fraud in accordance with this Policy. When informed of a suspected impropriety, neither the City nor any person acting on behalf of the City shall:

- a. Take adverse action or threaten adverse action against the reporting individual;
- b. Impose any penalty upon the reporting individual; or
- c. Intimidate or coerce the reporting individual.

4.0.5 The City will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of City losses from the offender, or other appropriate sources.

5.0 TRAVEL AND EXPENSE POLICY

5.0.1 Responsibility

5.0.1.1 The expenditure of travel and expense funds shall be in accordance with appropriations in the annual adopted budget for Appointed Officials.

5.0.1.2 Personal and City travel must not be commingled in such a manner as to increase allowable expense or otherwise affect adversely the interest of the City.

5.0.2 Travel Authorization

5.0.1.1 Appointed Official travel requires prior written authorization by the City Manager. The City Form, "Travel Request and/or Advance," shall be used to document authorization, and may be obtained in the Finance Department.

5.0.1.2 Travel trips of one day or less shall not require a pre-approved "Travel Request and/or Advance" if no advance is requested, but the second part of the Form covering conference update reporting must be completed, if applicable, upon return.

5.0.3 Travel Expenses. Appointed officials may provide their own funding and file claims for reimbursement, or may apply for an advance of public funds by utilizing the "Travel Request and/or Advance" Form. All requests for advance of travel funds are to be submitted through the approving authority to the Finance Department at least five (5) working days before the intended date of departure. All advances must be properly accounted for based on actual and necessary expenses incurred, upon termination of travel for which the advance

was made. Advance payments do not constitute approval to spend the entire amount advanced. Only actual and necessary expenses, as further limited by the specific provisions of this Policy, will be paid from City funds.

5.0.4. Transportation. Appointed Officials should attempt to travel by the means most economical to the City, consistent with scheduling needs and cargo space. In selecting a particular method of transportation, consideration shall be given for the total cost to the City which will result, including actual transportation costs. In the event that a more expensive transportation form is used, the cost borne by the City will be limited to the cost of the most economical, direct, efficient and reasonable transportation form, unless otherwise approved. Government and group rates must be used when available.

5.0.4.1 Air Travel and Automobile Rental

- a. Coach Class Air Travel. Reimbursement shall be made for coach air travel if the cost of such air travel is competitive with other passenger airlines' coach airfares.
- b. Rail Travel. Reimbursement shall be made for coach rail travel if the cost of such rail travel is competitive with other coach rail travel fares.
- c. Taxi/Ride-hailing Service. Charges for taxi/Uber/Lyft service are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances. Portions of taxi charges that are related to excessive tips (i.e., in excess of 15%) will not be reimbursed.
- d. Shuttle Service. Charges for shuttle service are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances.
- e. Bus Fare. Charges for bus service are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances.
- f. Vehicle Rental. Charges for vehicle rental are reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances. When determining the type of rental car to be used, consideration should be given to the economic standards set forth in this policy and the appropriate use and stewardship of City funds.
- g. Chartered Travel. Use of chartered travel shall be reimbursable if such transportation is the most economical, practicable and efficient mode of transportation available under the circumstances.
- h. Airport parking may be used during travel on official City Business and is reimbursable with receipts.

5.0.5. Lodging. Appointed Official lodging expenses will be reimbursed or paid when travel associated with training or related activities reasonably requires an overnight stay. Lodging shall be obtained at the most economical rate available for safe, clean, convenient, and quality accommodations. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. Travelers must request government rates, when available.

5.0.6 Meals. Meals are allowable at actual costs, including reasonable tips and room service charges not to exceed \$75 per day.

5.0.6.1 Expense claims for meals shall include the following information:

- a. Date expense incurred;
- b. Name of the Appointed Official; and
- c. Purpose of the meeting.

5.0.6.2 Itemized meal receipts are required.

5.0.7 Other Allowable Expenses. The following expenses shall be permissible, subject to other provisions of this policy to the extent that they are actual and necessary:

- a. Incidental transportation expenses, such as ferry fares; bridge, toll road and vehicle parking fees;
- b. Telephone, facsimile charges, and business center use for official City Business; and
- c. Reasonable fees and tips paid to waiters, porters, baggage handlers, bellhops, hotel maids, and other service personnel.

5.0.8 Non-Allowable Expenses. Personal expenses are not allowable, and will not be reimbursed. These may include, but are not limited to:

- a. Fines for traffic violations;
- b. Private automobile repairs;
- c. Expenses of any persons accompanying the person subject to this Policy on the trip;
- d. Purchase of personal items;
- e. Fitness/Health Facilities; and
- f. Alcohol.

5.0.9 Settlement of Expenses. Appointed Officials are responsible for the accurate preparation of their claims, and the responsibility of omission or commission cannot be shifted to another individual. A "Travel Expense Report" (obtainable in the Finance Department) substantiated by receipts which verify the claimed expenditures as being an actual expense, must be submitted to

the City Manager within ten (10) days of the expense being incurred, or the end of the trip, whichever is later. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Appointed Official. All expenses are subject to verification that they comply with this Policy.

Pursuant to state law, Travel Expense Reports are public records.