

CITY OF INDIAN WELLS

**CITY COUNCIL
POLICY MANUAL**

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- TITLE 2 ADMINISTRATIVE**
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TITLE 1

INFORMATION

Adopted: October 3, 1991
RE-ADOPTED: NOVEMBER 15, 2012

TITLE 1 INFORMATION

Chapters:

1.01 Mission, Vision and Value Statements

CHAPTER 1.01 MISSION, VISION AND VALUE STATEMENTS

Sections:

- 1.01.010 Mission Statement.
- 1.01.020 Vision Statement.
- 1.01.030 Value Statement.

1.01.010 MISSION STATEMENT.

Create an unsurpassed quality of life for our residents and guests by providing superior public safety, exceptional service and outstanding amenities that will further enhance our image as a prestigious community.

1.01.020 VISION STATEMENT.

Indian Wells is a globally distinguished residential and resort community offering an extraordinary environment, activities and events and is known for its alluring and distinctive hotels, restaurants, golf, tennis and natural amenities.

Indian Wells is known and respected as a forward thinking, innovative and well managed community that supports the interest of the community and its neighboring communities meeting public needs without undue intrusion into individual lives.

Indian Wells supports a unique and friendly atmosphere for its residents, guests and neighbors and recognizes its responsibility to support appropriate human services.

Indian Wells is dedicated to its economic and environmental sustainability.

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Indian Wells accomplishes the widest range of opportunity for its residents and guests through working with others to achieve outstanding cultural, recreational and commercial activities.

1.01.030 VALUE STATEMENT.

The City of Indian Wells is dedicated to:

1. Fiscal accountability and responsibility.
2. Open and inclusive government.
3. Highest professional standards and ethics.
4. Exceptional customer services and civility.
5. Effective and efficiency without undue bureaucracy.
6. Continuous improvement in the organization and staff.
7. Team work and individual development to foster success.
8. Attraction and retention of outstanding talent in its staff and appointed officials.

TITLE 2

ADMINISTRATIVE

Adopted: October 3, 1991
Re-Adopted: November 15, 2012
Amended: March 20, 2014

TITLE 2 ADMINISTRATIVE

Chapters:

- 2.01 Policy Manual Purpose
 - 2.02 Form of Government
 - 2.03 Council/Manager Plan
 - 2.04 City Manager's Duties
 - 2.05 City Attorney's Duties
 - 2.06 Priority of Resources
 - 2.07 Use of City Personnel, Equipment or Resources
 - 2.08 Code of Ethics for all City Officials & Employees, Consultants and Contracted Personnel
 - 2.09 Political Reform Act; Conflict of Interest
 - 2.10 Distribution of City-Controlled Tickets to City Officials
 - 2.11 Council Communication
 - 2.12 Press Relations
 - 2.13 Council Financial Matters
 - 2.14 Civility Guidelines
 - 2.15 City's Non-Discrimination Policy
 - 2.16 Dress Code for City
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CHAPTER 2.01 POLICY MANUAL PURPOSE

Sections:

- 2.01.010 Purpose.
- 2.01.020 Overview of City Documents.
- 2.01.030 Orientation of New Council Members.
- 2.01.040 Indian Wells Housing Authority.
- 2.01.050 Other Agencies.

2.01.010 PURPOSE.

The City Council (hereafter referred to as the "Council") shall adopt a City Council Policy Manual by resolution detailing the rules of order, policies and procedures by which the Council, City Manager and City Attorney shall conduct Council business and activities. The policies and procedures, contained herein, are established so that expectations and

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practices can be clearly articulated to guide council members in their actions. All elected officials and city staff are obligated to follow the policies and procedures contained in this policy and procedure manual.

In the event of any conflict between these policies and procedures and any existing ordinances, resolutions, agreements or contracts, the existing ordinances, resolutions, agreements or contracts shall prevail. This policy and procedure manual shall take precedence over adopted Administrative Policies that have not been approved through the meet and confer process.

(a) Amending and Updating the Policy Manual.

The Council shall determine its own policies and procedures and amend them from time to time and/or adopt new ones by resolution. Substantive amendments and updates shall be adopted and incorporated by resolution.

(b) Corrections Not Requiring a Resolution.

The City Clerk shall update the Table of Contents and information sections, nouns or personal pronouns, not changing the substantive matters, on an as needed basis, and shall not require a resolution or action of the Council and shall be considered an administrative act.

2.01.020 OVERVIEW OF CITY DOCUMENTS.

This policy and procedures manual provides a summary of important aspects of Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the Council. Many other laws, policies, plans and documents exist which bind the Council to certain courses of action and practices. A summary of some of the most notable documents that establish Council direction is provided below.

(a) Municipal Code.

The Municipal Code contains local laws and regulations adopted by ordinance. The administrative chapter of the code addresses the role of the Council, Mayor and Mayor Pro-Tem. The Code also describes the organization of City Council meetings and responsibilities, as well as, the appointment of certain resident committees and advisory commissions. In addition to these administrative matters, the Code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, building standards, and revenue and finance issues. The Municipal Code is available on the City's website "www.cityofindianwells.com".

(b) California Government Code.

The State Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the municipal code to ensure there is broad awareness of such requirements.

(c) Council Goals and Objectives.

The Council sets both long-term goals and short-term objectives for the City. The goal-setting process includes a review of the previous year's goals and objectives including progress toward completion and updating. The budget is then written with the objective of working toward completion of those goals and objectives.

(d) Annual Budget.

The annual budget is set for the fiscal year, beginning July 1 and ending June 30, and is the primary tool and road map for accomplishing the goals and objectives of the City. By adopting the annual budget, the Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. The budget also provides a description of city services and the resources used to provide those services, and contains both a broad overview, as well as, descriptions of programs and services organized for convenience by lead department.

(e) General Plan.

The State-mandated General Plan addresses the City's long-range planning needs relative to land use, transportation, economic development, open space and housing, and provides a policy framework for various matters that fall within these areas.

(f) Five Year Capital Improvement Plan.

The five year Capital Improvement Plan serves as a guide for determining priorities, planning, financing and construction of capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of city services.

(g) Annual Financial Audit.

The annual financial audit includes the financial statements of the City for a fiscal year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial audit also includes statements for the various groups of funds and a consolidated group of statements for the City as a whole. The Council has the responsibility of hiring an independent auditor, and for reviewing and approving the audit.

(h) Disaster Preparedness Plan.

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the City Manager directs all disaster response activities. The Council may be called upon during an emergency to establish policies related to a specific incident. The chain of command is as follows: 1) the City Manager is the Director of Emergency Services and 2) the City Manager may appoint an Assistant Director of Emergency Services.

(i) Administrative Policies and Practices.

The City Manager's administrative policies and practices are attached as Appendix A.

2.01.030 ORIENTATION OF NEW COUNCIL MEMBERS.

It is important for council members to gain an understanding of the full range of services and programs provided by the City. As new members join the Council, the following will be provided in a timely manner.

(a) The City Manager will host an orientation program to distribute materials outlining City policy and protocol.

(b) The City Manager will facilitate a meeting with the City Attorney for conflict-of-interest training, review of current legal matters, review of parliamentary procedures, and other legal matters.

(c) The City Manager will arrange meetings with key Department Heads for the new council member to be briefed on current projects within each department and to tour City facilities.

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(d) The City Manager's executive secretary will arrange a meeting for a briefing on various aspects of City Hall, including, but not limited to, travel procedures, e-mail, electronic media, etc.

(e) The City Manager will provide information for attendance of the League of California Cities' New Mayors and Council Members Academy.

A publication that provides additional useful information is the *Mayors and Council Members Resource Guide* published by the League of California Cities. The Guide contains general information on the role and responsibilities of council members and on the specific requirements and laws that govern Council actions. (Attached as Appendix B)

2.01.040 INDIAN WELLS HOUSING AUTHORITY.

The Policy and Procedure Manual shall also apply to the Indian Wells Housing Authority and for purposes of this document, the terms City, Council, and Housing Authority Board shall be considered interchangeable.

2.01.050 OTHER AGENCIES.

The Policy and Procedure Manual shall also apply to all other agencies administered by the City, such as the Fire Access Maintenance District No. 1. The term "City" shall be considered interchangeable with these other agencies on which the Council acts as a legislative body.

**CHAPTER 2.02
FORM OF GOVERNMENT**

Sections:

- 2.02.010 Overview.
- 2.02.020 California Charter City.
- 2.02.030 Duties of Council.
- 2.02.040 Council Goals.
- 2.02.050 Council Attendance Policy.
- 2.02.060 City Representation.
- 2.02.070 Council Non-Participation in Administration.
- 2.02.080 Role in Disaster.
- 2.02.090 Finance Authority.
- 2.02.100 Indian Wells Housing Authority.
- 2.02.110 City Council Policy Manual.

2.02.010 OVERVIEW.

The powers of a city council in the State of California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by State or Federal law. Specifically, *"the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California."* (California Government Code)

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with the decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of the Council do not reflect any bias against council members who held a minority opinion on an issue.

The Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal actions. It is the position of Indian Wells City Councils that it will only take positions on direct municipal interests.

2.02.020 CALIFORNIA CHARTER CITY.

The City of Indian Wells is a Charter City of the State of California operating under the Council/Manager Plan. The Council/Manager Plan and the City Manager's Duties chapters (2.03 and 2.04 respectfully) shall specifically define how the Council and City Manager interact and perform their respective duties and responsibilities.

As a charter city, Indian Wells has supreme authority in the area of municipal affairs subject to constitutional limitations and State laws relating to matters of statewide concern. A charter allows a city to tailor its organization and elective offices, taking into account the unique local conditions and needs of the community. A charter also transfers the power to adopt legislation affecting municipal affairs from the state legislature to the city adopting it. A city operating under a charter can acquire full control over its municipal affairs. These affairs are unaffected by the general laws passed by the state legislature on the same subject matters. This, in effect, gives the local voters more control over their local government and the affairs of the city. However, a city operating under a charter is still subject to the general laws, as passed by the state legislature, on affairs that are not municipal in nature, and are of statewide concern (e.g., California Vehicle Code). The City Charter may only be amended by the majority of Indian Wells' voters at a general or special municipal election.

2.02.030 DUTIES OF COUNCIL.

The Council is the legislative authority that creates and enacts the policies and ordinances under which the City operates. The Council acts on all legislative matters of the City, considering, approving or adopting all ordinances, resolutions, contracts and matters requiring policy decisions. Ultimately, the Council provides leadership through policy development and establishes the current practices and future direction of the City. The Council also sets priorities for the City, and determines the type and level of programs and services provided by the City.

The Council plays the primary role in defining the forces of change that are shaping the community; this direction is set through policies expressed in the adopted plans for the community, such as the General Plan, through ordinances, like Zoning and Subdivision codes, as well as, through approvals of the budget, the five year capital improvements program and the staff's annual work program.

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The Council has the following duties and responsibilities:

(a) Appointment of City Manager and City Attorney.

The Council shall appoint the City Manager and City Attorney. The City Manager shall also serve as the City Clerk. The City Manager shall administer and make all other staff appointments and the City Attorney shall administer all legal staff and contracts for legal services.

(b) Establishment of and Appointments to Advisory Bodies.

The Council may establish Commissions, Committees and Boards, and by majority vote make appointments of the members of all Commissions, Committees and Boards. It is important to note that appointed resident advisory bodies are usually subject to the open meeting laws commonly known as the Brown Act. The Council can solicit opinions directly or through its' Commissions, Committees and/or Boards.

In addition, the Council may form resident ad hoc committees to address a specific issue of interest or task. The ad hoc committee ceases to exist as soon as its task is completed. The Mayor may assign two council members to the ad hoc committee; however, the Council shall ratify the ad hoc committee, specify the role and its membership by a majority vote.

The Council may also form Council ad hoc committees to prepare policy alternatives and implications or address issues of interest for Council deliberation. Council ad hoc committees will normally not have direct dealings with staff operations, and may not speak or act for the Council. Unless otherwise stated, an ad hoc committee ceases to exist as soon as its task is complete. The Council shall ratify the Council ad hoc committees, specify the role and its membership by a majority vote.

(c) Annual Evaluation of Appointed Officials.

The Council shall perform an annual review of the City Manager and City Attorney.

2.02.040 COUNCIL GOALS.

Council members are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal setting are the tools that enable a Council to define their vision and determine methods for accomplishing their goals. Council members are elected to provide leadership in setting goals and in formulating policies. The Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs. Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the City Manager's direction, staff can provide assistance in analyzing the City's needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the City.

The Council should establish City-wide goals that address short and long range needs of the community. Goal setting requires time, commitment and a well-defined process. Every year, usually in January, the Council meets with the City Manager and the various department directors in a goal setting/priority projects session to review progress on goals previously set, and defines new goals and objectives for the City. The advantages of engaging in the goal setting process are:

- (a) Goal setting gives the Council a basic framework for action. By setting goals and then deciding those that are most important, the Council is defining what it wants to achieve over a given period of time. Otherwise, the Council may find itself floating from issue to issue, crisis to crisis.
- (b) Goal setting helps the Council spend its time more efficiently. When goals to be accomplished are clearly defined, the Council can allocate time and resources efficiently.
- (c) Goal setting allows every council member a chance to share their individual goals and priorities and for the Council to work out any differences. The Council then has a list of goals to which everyone is committed.
- (d) Goal setting gives the City Manager clear guidelines to get the job done. Goals give the City Manager clear direction for what the Council is trying to accomplish as a group. Without clearly defined goals, the City Manager may get conflicting signals from the Council and not meet the Council goals.

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(e) Goal setting gives the Council and staff important budget guidelines. Knowing which programs and issues are the highest priorities will enable staff to allocate funding when preparing the budget for Council approval.

(f) Goal setting gives the Council an evaluation tool. When goals and priorities are set, the Council has valuable data to determine how well the Council and the City Manager did in achieving the agreed upon goals and priorities.

2.02.050 COUNCIL ATTENDANCE POLICY.

Under State law, if a council member is absent without permission from all regular City Council meetings for sixty (60) days consecutively from the last regular meeting they attended, their office becomes vacant and shall be filled as any other vacancy (Government Code §36513(a)).

Any council member, who has called the Mayor or the City Manager before noon on the day of the meeting to advise of their absence, may request to be excused by the Council.

If a council member intends to be absent from the City for more than 24 hours, they shall notify the Council's Executive Secretary of such absence and its duration.

2.02.060 CITY REPRESENTATION.

Council members are viewed as representatives of the City at all times. The conduct of council members is a direct reflection on the City and members should conduct themselves accordingly. Except where specifically authorized by Council action or for purely ceremonial purposes, no council member should make any statement or appearance or indicate in any way that he or she is representing the City.

2.02.070 COUNCIL NON-PARTICIPATION IN ADMINISTRATION.

In order to uphold the integrity of the Council-Manager form of government and to provide proper checks and balances, members of the Council shall refrain from becoming directly involved in the administrative affairs of the City, unless directed by a majority of the Council to participate in a specific policy or project.

2.02.080 ROLE IN DISASTER.

The Council should refer to the City's Disaster Preparedness Plan for specifics, but generally the Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the City Manager or Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police sub-station, to provide policy guidance and to receive information in an emergency. Should the Council not be available during an emergency, State law specifies a hierarchy of others who may serve in place of the Council.

The general duties of the Council during a disaster or emergency are: 1) proclaim and/or ratify a local emergency; 2) establish executive level policies and pass important resolutions for the management of the emergency; 3) ensure that the Director of Emergency Services (City Manager or his designee) has clear policy direction; 4) obtain briefings from the Director of Emergency Services and provide information to the public and media; 5) support a multi-agency disaster response; and 6) host and accompany VIPs and government officials on tours of the emergency/disaster.

2.02.090 FINANCE AUTHORITY.

The Council shall also serve as the Financing Authority Board. The City Manager shall serve as the Board's Executive Director and Secretary. The City Attorney shall serve as the Authority's Legal Counsel.

2.02.100 INDIAN WELLS HOUSING AUTHORITY.

The Council shall also serve as the Indian Wells Housing Authority Board. The City Manager shall serve as the Board's Executive Director and Secretary. The City Attorney shall serve as the Authority's Legal Counsel.

2.02.110 CITY COUNCIL POLICY MANUAL.

The Policy Manual shall provide the general guidelines on how the Council, Commissions, Committees, Boards and Staff shall conduct City business.

**CHAPTER 2.03
COUNCIL/MANAGER PLAN**

Sections:

- 2.03.010 Introduction.
- 2.03.020 Council's Functions.
- 2.03.030 City Manager's Functions.
- 2.03.040 Council-Manager Relationship.
- 2.03.050 Council-City Attorney Relationship.
- 2.03.060 Distribution of Information.
- 2.03.070 Roles and Information Flow.
- 2.03.080 Dissemination of Information.
- 2.03.090 Magnitude of Information Request.
- 2.03.100 Restrictions on Political Involvement by Staff.

2.03.010 INTRODUCTION.

The City of Indian Wells adopts and uses the Council/Manager Plan form of local government to combine the strong policy leadership of elected officials in the form of a Council, and with the strong managerial and administrative abilities of a qualified professional City Manager. The Plan establishes a representative government system in which the entire Council determines the policies and services of the community, and the City Manager effectively and efficiently implements the policies and delivery of these services.

In theory, the distinction between policy and administration has been that policy is the process of determining *what* is to be done, while administration is the process of determining *how* to do it. A policy is what the Council defines it to be. However, the day-to-day operation of the various departments is administration. In reality, a fine line exists between policy and administration; any issue that is perceived as important or controversial can become a "policy" matter.

The Council has the final say in major decisions such as adoption of the budget or selling a bond issue. While it has a dominant role in policy matters, the City Manager, staff and citizens play a prominent role in the development of policies. The Council, City Manager, and staff analyze City needs, identify available resources, and suggest courses of action, but the Council has the final say on matters that affect services.

2.03.020 COUNCIL'S FUNCTIONS.

The Council is the legislative body; its members are the community's decision makers. Authority is centralized in the elected Council collectively and not in individual members of the Council. The Council approves the budget and determines the public services to be provided and the taxes and fees to pay for these public services. It focuses on the community's goals, major projects and such long term considerations as community growth, General Plan and land use, development standards, capital improvements, financing and strategic planning, rather than the administrative details. The Council hires a professional City Manager to carry out the administrative responsibilities and supervises the City Manager's performance.

2.03.030 CITY MANAGER'S FUNCTIONS.

The City Manager is hired to serve the Council and the community, and to bring the benefits of education, training and experience in administering the City's projects, programs, and public services on behalf of the Council. The City Manager prepares a recommended budget for the Council's consideration; recruits, hires, and supervises the City's personnel, contractors and consultants; serves as the Council's chief advisor; and implements the Council's policies and programs and public services in an effective and efficient manner. The City Manager provides or supervises the delivery of complete and objective information, provides options and alternatives and analyzes long and short-term consequences on various City policies and on public services, finances, growth and land uses, development standards, and other community programs and needs. The City Manager provides professional advice on policy matters, intergovernmental affairs and economic development. The City Manager negotiates or supervises the negotiation of all City contracts and agreements and, except for changes made by or at the request of the Council, is ultimately responsible for the content of such contracts and agreements.

The City Manager follows the direction of the entire Council and not individual members of the Council or public, and serves at the sole discretion of the Council.

2.03.040 COUNCIL-MANAGER RELATIONSHIP.

The employment relationship between the Council and the City Manager reflects the fact that the City Manager is the Chief Executive Officer of the City. The City Manager has an employment agreement with the Council. Regular communication between the Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Council members should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one

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or more council members. Further, council members should avoid involving themselves in matters regarding individual City employees or related affairs.

The Council is to evaluate the City Manager on an annual basis to ensure that both the Council and City Manager are in agreement about organizational performance and priority goals based upon mutual trust and common objective. The City Manager's performance is evaluated in the following areas: leadership, teamwork, job knowledge, attitude, accountability, empowerment, communication, problem-solving skills, quality of service, safety/risk taking, implementation and administration of adopted Council policy.

As in any professional relationship, it is important that the City Manager keep the Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the Council. The City Manager communicates with the Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual council members and written memoranda and e-mail. Communication must be undertaken in such a way that all council members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback.

2.03.050 COUNCIL-CITY ATTORNEY RELATIONSHIP.

The City Attorney is the legal advisor for the Council, City Manager and departments. The general legal responsibilities of the City Attorney are to 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

It is important to note that the City Attorney does not represent individual council members or staff, but the City's interest as a whole. Accordingly, with the exception of conflict of interest inquiries, in questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council.

2.03.060 DISTRIBUTION OF INFORMATION.

It is essential that every council member have the same information from which to form decisions and actions. Any information distributed to one council member shall also be distributed to all council members. Voluminous documents may be referenced and made available upon request.

2.03.070 ROLES AND INFORMATION FLOW.

It is the intent of staff to ensure all council members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the Council as a whole. This is necessary to protect staff from undue influence and pressure from individual council members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

(a) Council Roles.

The whole Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. If a council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, the council member must prevail upon the Council to do so as a matter of Council policy.

Should a council member become dissatisfied about a department, they should always talk it over with the City Manager, not the department head. Concerns about a department or any employee must be taken only to the City Manager.

(b) Access to Information.

Individual council members, as well as, the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform the Council when a critical or unusual event occurs about which the public would be concerned.

To ensure proper responsiveness, council members are asked to "cc" both the department head and the City Manager on all correspondence with staff. There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and

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after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the Council. Certain aspects of police affairs (access to restricted or confidential information related to crimes) may not be available to council members.

Council members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission and/or committee minutes. Council members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a council member has questions on any agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time research a response for the meeting.

(c) Staff Roles.

The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions, and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the City Manager any communication with a council member, other than social communication. Staff is also directed to report to the City Manager any attempts by individual council members to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance; provided that, the request is not of a magnitude, either in terms of workload, of more than two (2) hours total staff time, or policy, which would require that it would be more appropriately assigned to staff through the direction of the whole Council. If a request by an individual council member is determined to take over two hours or more of staff time to complete, that request will be included on a Council agenda for Council discussion and direction.

2.03.080 DISSIMINATION OF INFORMATION.

In addition to regular, comprehensive memoranda written by the City Manager directly to Council concerning all aspects of City operations (exclusive of confidential personnel issues), all council members receive copies of all correspondence received by the City Manager that will assist them in their policy-making role. The City Manager also provides other documents to the Council on a regular basis, such as status reports, executive summaries, and access to agendas of all City commission and committee meetings.

In cases where a staff response to an individual council member request involves written material that may be of interest to other council members, the City Manager will provide

copies of the material to all other council members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

2.03.090 MAGNITUDE OF INFORMATION REQUEST.

Any information, service-related request, or revised policy position perceived as necessary by an individual council member, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual council member in writing to the Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendize the request for further consideration. The City Manager will seek necessary clarification as to whether the Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

2.03.100 RESTRICTIONS ON POLITICAL INVOLVEMENT BY STAFF.

Local governments are non-partisan entities. Professional staff, as reflected with the principals of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. The support of the Council in these matters is requested. A council member asking staff to sign petitions or similar items can create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the Council. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

**CHAPTER 2.04
CITY MANAGER'S DUTIES**

Sections:

- 2.04.010 Appointment of City Manager.
- 2.04.020 City Manager Code of Ethics.
- 2.04.030 Compensation.
- 2.04.040 Extended Absence or Disability.
- 2.04.050 Corporate Surety Bond.
- 2.04.060 Duties and Responsibilities.
- 2.04.070 Removal.

2.04.010 APPOINTMENT OF CITY MANAGER.

The City Manager shall be appointed by the majority of the Council and shall hold office at the pleasure of the Council. The City Manager shall be chosen by the Council based on his/her executive and administrative qualifications, abilities, with special reference to the Manager's actual experience in or his/her knowledge of accepted practices in respect to the duties of the Manager's office hereinafter set forth. The City Manager need not have residency in the City.

The Council shall enter into an employment agreement with the City Manager outlining his/her compensation, health and welfare benefits, terms and conditions of employment and other items deemed desirable to be included in an agreement.

2.04.020 CITY MANAGER CODE OF ETHICS.

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests, as outlined in the Code of Ethics, Rules of Conduct and Guidelines described by the International City Management Association (ICMA) (Attached as Appendix C). The ICMA shall determine any violation of the ICMA Code of Ethics, Rules of Conduct and Guidelines.

2.04.030 COMPENSATION.

The City Manager shall receive such compensation as the Council shall, from time to time, determine and fix by resolution. In addition, the City Manager shall be reimbursed for all actual and necessarily expenses incurred in the performance of the Manager's official duties, including while traveling on business pertaining to the City under the direction of the Council. Reimbursement shall be made upon an itemized accounting of such expenses.

2.04.040 EXTENDED ABSENCE OR DISABILITY.

In the case of extended absence or disability of 60 days or more, the City Manager, or the Council may designate some duly qualified person to perform the duties of the City Manager during the period of extended absence or disability. The City Manager shall designate an Acting City Manager during normal absences such as vacations, short term illness, conference attendance, etc.

2.04.050 CORPORATE SURETY BOND.

The City shall furnish a corporate surety bond for the City Manager to be approved by the Council in such sum as to be determined by the Council.

2.04.060 DUTIES AND RESPONSIBILITIES.

The City Manager shall be the Chief Administrative Officer of the City, under the direction and control of the Council in accordance with the Council/Manager Plan. The City Manager shall be responsible for the efficient administration of all affairs of the City which are under his control. In addition to these general powers as administrative head, he will have the authority as follows:

See that all laws, ordinances and resolutions of the City are duly enforced and that all franchises, permits and privileges granted by the City are faithfully observed.

Control, order and give directions to all heads of departments, subordinate officers and employees of the City, except the City Attorney, Planning Commission, and any board, commission or committee heretofore or hereafter established by the City Council; transfer employees from one department to another; and conduct studies and effect such administrative reorganization of departments and operational units as may be indicated in interest of efficient, effective and economical conduct of the City's business.

Except as to the City Attorney and members of appointed commissions, committees or boards, the City Manager shall appoint or promote, and when necessary for the good of the service, demote, suspend or remove any employee(s) of the City. The City Manager may at his discretion choose to consult with the Council on the appointment or service of Department Heads.

Attend all meetings of the Council, unless excused there from by the Council, except when his removal is under consideration by the Council.

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Authority to establish administrative policies and to authorize Department Heads to implement administrative procedures as may be indicated in the interest of efficient, effective, and economical conduct of the City's business. It shall be the duty of all subordinate officers and employees to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the City.

Attend, upon his own volition or upon direction of the Council, the meetings of the Planning Commission and any commission, committee, board or other government agencies established. Provided that nothing contained in this section shall be deemed to grant to the City Manager the power to control or give directions to any commission, committee, or board heretofore or which may hereafter be appointed by the Council.

Negotiate, supervise and cooperate on the performance of contracts and franchises with governmental agencies, private contractors or any other service or agency having a contract or franchise with the City.

Recommend to the Council adoption of such measures, including ordinances and resolutions as he may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.

Keep the Council, at all times, fully advised as to the financial condition and needs of the City. He shall prepare and submit to the Council the proposed annual operating and capital budgets.

Prepare and update personnel rules, procedures and classification plans and establish proper administrative policies and directives and handle all negotiations, grievances, and personnel actions. He shall provide, advise, recommend and delegate the preparation of a resolution or a Memoranda of Understand, if requested, as wells as, pay and benefit schedules for represented and unrepresented employees.

Approve and sign contracts for any special and professional services if the service has been included in the City budget, up to twenty-five thousand dollars (\$25,000). Also, approve, with the advice of the City Attorney, the bonds and contract of contractors bids and professional services when such bonds are required.

The City Manager shall execute documents specified in California Government § 40602 whenever it is convenient for the City Manager to do so and provided such documents have been approved by the Council for execution by resolution, motion, minute order or other appropriate action.

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Authorize the purchases of all supplies for all of the departments or divisions of the City and execute all administrative contracts and agreements. No expenditure shall be submitted or recommended to the City Council, except on report or approval of the City Manager.

Investigate the affairs of the City, and any department or division thereof, and any contract or the proper performance of any obligations running to the City. In addition, investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the City and to see that all contracts, franchises, permits and privileges made or granted by the City are faithfully performed and observed.

Devote his entire working time to the duties of his/her office and the interests of the City without other outside employment or services, except as may be provided in an employment agreement or approved by the Council. Also, perform such duties pertaining to public recreation as may be directed by Council.

Exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the Council and not specifically delegated to a particular board or officer.

Represent the City in negotiations, discussions of administrative and policy questions, and working relationships with the County, State and Federal government; provided that any contracts negotiated shall be subject to approval by the Council.

Provide leadership for civic activities designated to benefit the residents of the City when so authorized by the Council, such as the League of California Cities, Rotary, etc.

Perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance or resolution or other action of the City Council.

The City Council and its members shall deal with the administration service solely through the City Manager, except for the purpose of inquiry, neither the City Council nor any members thereof, shall give orders, direction or request information from any subordinates of the City Manager, either publicly or privately.

The City Manager shall take his direction from the Council only when sitting in a duly convened meeting of the Council and no individual council member shall give any direction to the City Manager.

The City Manager shall provide periodic reports keeping the Council informed of his/her activities and involvement with individual council members.

2.04.070 REMOVAL.

The City Manager may be removed consistent with the applicable provisions of law and the City Manager's employment agreement.

**CHAPTER 2.05
CITY ATTORNEY'S DUTIES**

Sections:

- 2.05.010 Appointment of City Attorney.
- 2.05.020 Extended Absence or Disability.
- 2.05.030 Corporate Surety Bond.
- 2.05.040 Duties and Responsibilities.
- 2.05.050 Removal.

2.05.010 APPOINTMENT OF CITY ATTORNEY.

The City Attorney shall be appointed by the Council on the basis of legal knowledge, administrative qualifications, experience and understanding of municipal government and applicable State and Federal laws. The City Attorney is responsible directly to the Council, although the City Attorney shall take direction from the City Manager on a day-to-day basis. The City Attorney may be an individual or a firm and may be an employee of the City or a contractor of legal services. If a firm is selected, an individual shall be designated as the City Attorney and shall be the primary contact with the firm for all legal matters. The City Attorney, if a member of a firm, may designate other members of the firm to perform specific assignments but shall remain responsible for the quantity and quality of all legal work performed by the firm. The Council shall enter into an agreement with the City Attorney, or his/her firm as applicable, defining the scope of services and outlining the terms and conditions for total compensation. The City Attorney's performance shall be reviewed periodically as provided by the legal services agreement.

2.05.020 EXTENDED ABSENCE OR DISABILITY.

In the case of the City Attorney's extended absence or disability of 60 days or more, the Council may designate some duly qualified person to perform the duties of the City Attorney during the period of extended absence or disability. In the event that the City Attorney is a firm, the Council shall designate an attorney from said firm. The City Attorney shall designate an Acting City Attorney during normal absences such as vacations, short-term illness, attending conferences, etc.

2.05.030 CORPORATE SURETY BOND.

The City may furnish reasonable errors and omissions insurance for the City Attorney or require the firm to provide a reasonable errors and omissions insurance in a sum to be determined by the Council.

2.05.040 DUTIES AND RESPONSIBILITIES.

It is important to note that the City Attorney does not represent individual council members, but rather the Council as a whole. Accordingly, with the exception of conflict of interest inquires, in questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council.

The duties and responsibilities of the City Attorney, pursuant to City, State and Federal laws, shall be to act as the legal counsel to the City by giving legal advice, assistance and representation in criminal and civil legal matters to the Council, officers and employees of the City and by giving opinions concerning their actions, duties and powers. The City Attorney shall represent the City and its officials, officers and employees in all legal matters and shall generally direct the work of the City Attorney's Office. The City Attorney shall coordinate, cooperate and assist the City Manager in the general administration of the City. The City Manager shall retain the administrative authority in all City matters. The general duties of the City Attorney include but are not limited to the following:

(a) Legal Counsel.

Unless special counsel is appointed for a specific mater, the City Attorney will serve as the general legal counsel and advisor to the Council and City Manager on all items before the City or requested by the Council or City Manager. Appointment of special counsel shall be subject to approval by the Council after consultation with the City Attorney and approval of the City Manager.

(b) Litigation.

The City Attorney acts as attorney for the City in civil litigation or criminal actions initiated by or brought against the City and/or its elected officials, appointed officials, officers or employees.

(c) Attendance at Meetings.

The City Attorney attends meetings of the Council, boards, commissions, committees, joint powers agencies that require legal counsel or advice. The City Attorney attends other meetings, conferences and seminars as directed by the Council or City Manager. Decisions regarding the attendance of the City Attorney at meetings of bodies other than the Council shall be determined by the City Manager.

(d) Opinions.

The City Attorney submits oral and written legal opinions when requested by the Council or City Manager; and keeps the City apprised of court decisions and opinions or State and Federal legislation that may affect the City.

(e) Preparation of Documents.

The City Attorney directs the drafting or review of ordinances, resolutions, contracts, agreements, settlements, other legal documents and proposed legislation.

(f) Control Over Office.

The City Attorney generally supervises the City Attorney's Office and budget and develops the short and long term goals and objectives for the Office and legal affairs of the City. The City Attorney shall also participate in budgeting for outside special counsel. It is the practice of the City to provide office staff while at City Hall.

(g) FPPC Activities.

The City Attorney provides updates and advises the Council or City Manager on rules, regulations or opinions issued by the California Fair Political Practices Commission, and advises on all matters of conflicts of interest brought to his attention. Time permitting, and in those cases where the City Attorney can advise that there may exist a conflict of interest, any conflict of interest advice given to one member of the Council, Planning Commission or other City commission, committee or board shall be shared with the other members of the council or that commission, committee or board.

(h) Risk Management.

The City Attorney provides support and advice on all risk management, liability, personnel and insurance matters brought to the City Attorney's attention in cooperation with the Southern California Joint Powers Insurance Authority, of which the City is a member, and with the City's Risk Manager.

(i) Council and City Attorney Relationship.

The Council shall deal with all legal matters relating to the City only through the City Attorney. The Council and its members shall not give orders or direction to any subordinate of the City Attorney. Only the Council or the City Manager may direct the City Attorney, but the Council, City Manager, and the City Clerk may request legal opinions or research.

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Department heads may also request legal opinions or research and shall keep the City Manager informed of such requests.

If a council member has a simple legal question, not requiring more than two hours of legal work, or an individualized City-related legal issue which can be addressed by the City Attorney in two hours or less, and is within the terms of the retainer, the council member may contact the City Attorney directly and obtain the assistance they desire. Issues requiring more than two hours of legal work by the City Attorney requested by a council member may not be addressed by the City Attorney until same has been approved by a majority of the Council, and authorization for work outside the retainer is approved, acting in an appropriately noticed City Council meeting.

2.05.050 REMOVAL.

Subject to any contract entered into with the City Attorney to the contrary, the following procedure shall be followed in the removal of the City Attorney: 1) the removal of the City Attorney or firm shall be only a majority vote of the entire Council; 2) in the case of the intended removal by the Council, the City Attorney or firm shall be given a written notice of at least thirty (30) days before the effective date of removal; 3) the Council, City Attorney and if consented to by the Council and City Attorney, the City Manager shall first meet and attempt to negotiate a mutually agreeable resolution to their differences including resignation or retirement; and 4) Removal shall be in conformance with any employment agreement or contract.

**CHAPTER 2.06
PRIORITY OF RESOURCES**

Sections:

- 2.06.010 Strategic Planning.
- 2.06.020 Priority of Resources.
- 2.06.030 Special Services and Projects.

2.06.010 STRATEGIC PLANNING.

In order to provide effective management of resources, the Council shall utilize a Strategic Plan and Goals to carry out and execute the Mission, Vision and Values of the City. In order to communicate the Council's focus and direction to the City Staff and community regarding its major priorities, the Council will also periodically establish goals and objectives via the Strategic Planning process. While participation by members of the City's management staff in the Strategic Planning process shall be permitted, the ultimate determination of the City's Goals and Objectives shall be the Council's sole responsibility. When making decisions, the Council will endeavor to keep the current Strategic Planning Goals and Objectives as the primary focus of its activities.

2.06.020 PRIORITY OF RESOURCES.

To assure the health and safety of the public, compliance with Federal, State and local laws, adherence with the adopted budget, goals and objectives of the Council's Strategic Plan, and provide for the orderly, effective and efficient management of the City and its resources, the Council hereby establishes the following order of priorities for the commitment of City time and business:

(a) Legally Mandated Programs.

Perform all legally mandated programs, projects and services as are established by Federal, State or local law.

(b) Essential Public Safety Administration.

Provide essential services such as policy, road repair, flood protection and building safety. Comply with all adopted rules, regulations, contracts or agreements. Provide for the necessary administration of these programs such as personnel administration, financial accountability and public records.

(c) Day-to-Day Operations.

Respond to basic day-to-day operation requirements such as answering phones, staffing counters, responding to correspondence and working with outside agencies. Process and respond to applications for permits and services.

(d) Strategic Plan and City Budget Goals and Objectives.

Carry out the goals and objectives of the Council's Strategic Plan, as well as, the general services, goals and objectives approved with the City's budget.

2.06.030 SPECIAL SERVICES AND PROJECTS.

Respond to requests for service and projects by the Council, commissions, committees, boards, outside agencies, internal staff requests and the general public.

**CHAPTER 2.07
USE OF CITY PERSONNEL, EQUIPMENT OR RESOURCES**

Sections:

- 2.07.010 Overview.
- 2.07.020 Non-City Business.
- 2.07.030 City Manager Authorization.
- 2.07.040 Individual Councilmember's Requests.
- 2.07.050 Interaction of Council with Staff.
- 2.07.060 Council Business.

2.07.010 OVERVIEW.

The City has a great many complex services, programs and projects being carried out at the direction of the Council. The orderly management and control of these programs, and projects are essential to the effective and efficient accomplishment of these efforts. The Council's role is to provide policy direction and the City Manager is to organize and carry out the policies. Effective management and control require the Council and professional staff to maintain their needed roles. The following rules and procedures are designed to help assure the clear direction and efficiency of City operations.

2.07.020 NON-CITY BUSINESS.

State law prohibits the use of City personnel for any personal use or personal business activity not related to City business by any elected or appointed official.

2.07.030 CITY MANAGER AUTHORIZATION.

The use of City personnel for outside activities related to City business, such as JPA's or community groups, by an individual council member shall be authorized by the City Manager, and at his discretion, by the Council. Prior to volunteering or encouraging the use of staff for an issue of a Council committee, ad hoc committee, neighborhood meeting, regional board, or the board of another jurisdiction, a council member will confer with the City Manager, the latter of whom shall determine if it conforms to Council policy or if it is necessary to present the request for staff use to the Council at a City Council meeting. The City Manager shall keep the Council informed of all special use of City staff and his/her determination vis-à-vis the requested use of staff.

2.07.040 INDIVIDUAL COUNCIL MEMBER'S REQUEST.

Council members shall make their requests for services or information to the City Manager and not directly to individual member of the staff, except for department heads. The use of City staff to respond to an individual council member's request of any purpose that exceeds more than two hours of total staff time must be approved by the majority vote of the Council. The individual council member may make their request orally or in writing to the City Manager. The City Manager shall provide an estimate of the cost and how the request affects the Council's goals and projects. This request will then be considered by the Council at a City Council meeting. Irrespective of the amount of staff time required to respond to each council member's request, individual council member's requests should be limited to 3 requests per week.

2.07.050 INTERACTION OF COUNCIL WITH STAFF.

Council members are to work through the City Manager, City Attorney, or department heads on all issues, concerns and questions. This is to allow the department heads, with the proper education, training, experience and knowledge of the issues, laws and Council's policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts.

2.07.060 COUNCIL BUSINESS.

All communication with the City, the Council or individual council members shall be considered the business of the Council. The Council will receive copies of all such communication and any response should be the response of the Council. Any response by an individual council member shall be identified as an individual response and not reflective of any position of the City or the Council.

**CHAPTER 2.08
CODE OF ETHICS FOR ALL CITY OFFICIALS, EMPLOYEES,
CONSULTANTS AND CONTRACTED PERSONNEL**

Sections:

- 2.08.010 Ethics Policy, AB 1234 Ethics Training.
- 2.08.020 Waiver.
- 2.08.030 Reporting of Improper Activities.
- 2.08.040 Violations of the Code of Ethics.
- 2.08.050 Administration.
- 2.08.060 Conduct of Profession and Management Exempt Employees.

2.08.010 ETHICS POLICY, AB 1234 ETHICS TRAINING.

Elected and appointed officials and employees of the City of Indian Wells at all levels are guardians of the public trust. City officials and employees are required to be impartial and responsible in the fulfillment of their duties. The citizens and customers of the Indian Wells expect and must receive the highest standard of ethics from all those in public services, regardless of personal consideration.

The City Manager is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA) (See Appendix C). It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by the ICMA.

State law (California Government Code § 53235, *et seq.*) requires public officials to complete two (2) hours of training in ethics principles and laws every two years. In addition to council members, the City requires the training of its Planning Commission, Architecture and Landscape Committee, its City Manager, its department heads, its mid-managers when they staff a commission or committee, and all resident committee members who serve on various city committees. The City provides yearly training sessions that satisfy the requirement. Alternatively, the League of California Cities offers AB 1234 training, often in conjunction with League conferences or other training workshops, and on-line training is offered through the Institute for Local Government and the Fair Political Practices Commission. Certificates of course completion are kept on file by the City Clerk's office.

(a) Responsibilities of Public Service.

City officials and employees are obligated to uphold the Constitution of the United States and the Constitution of the State of California and to comply with Federal, State, and local laws and City policies. Recognizing the special responsibilities of serving the City and its citizens and customers, City officials and employees are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow City employees with respect, courtesy, concern and responsiveness. The conduct of City officials and employees in both their official and private affairs should be above reproach to assure that their City position is not used for personal gain.

2.08.020 WAIVER.

This policy is not intended to supersede, negate or otherwise invalidate any statute, ordinance or laws and regulations of the State or Federal government.

2.08.030 REPORTING OF IMPROPER ACTIVITIES.

The City has a responsibility to conduct its affairs ethically and in compliance with the law. City employees and persons in City service are expected and encouraged to promptly raise questions and concerns regarding possible violations of City policy or local, State or Federal law with their immediate supervisor or another management employee within the employee's department.

It is the policy of the City to prohibit the taking of any adverse employment action against those who in good faith report or participate in investigations into complaints of alleged violations of City policy or local, State or Federal law in retaliation for that reporting or participation. No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with that person's duty to disclose alleged violations of City policy or local, State or Federal law.

2.08.040 VIOLATIONS OF THE CODE OF ETHICS.

In addition to any other penalty as provided by law, employees who violate the Code of Ethics will be subject to disciplinary action, up to and including termination. The violation of this Code of Ethics by a City official, elected or appointed, constitutes official misconduct.

2.08.050 ADMINISTRATION.

The Council and the City Attorney shall administer this Code of Ethics for all elected and appointed officials.

2.08.060 CONDUCT OF PROFESSIONAL AND MANAGEMENT EXEMPT EMPLOYEES.

All professional and management exempt employees shall also conduct themselves in conformance with the Code of Ethics, Rules of Conduct and Guidelines described by the ICMA (See Appendix C). The ICMA shall determine any violation of the ICMA Code of Ethics, Rules of Conduct and Guidelines.

**CHAPTER 2.09
POLITICAL REFORM ACT; CONFLICT OF INTEREST**

Sections:

- 2.09.010 Political Reform Act; Conflict of Interest.
- 2.09.020 Identifying Conflicts.
- 2.09.030 General Rules.
- 2.09.040 Conflict of Interest Forms.
- 2.09.050 Legal Opinions.
- 2.09.060 Prohibition Against Appearing Before the City Following End of Service.
- 2.09.070 Disclosure of Campaign Contributions; Prohibition Against Campaign Contribution Influence.
- 2.09.080 Failure to File.

2.09.010 POLITICAL REFORM ACT; CONFLICT OF INTEREST.

The Political Reform Act of 1974 (“PRA”) is the principal law in California governing conflicts of interest for public officials. The Fair Political Practices Commission (“FPPC”) is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules. The FPPC has interpreted the PRA in regulations found in California Code of Regulations Section 18110 *et seq.*

The PRA prohibits public officials from making, participating in the making, or in any attempting to use their official position to influence a decision in which they know or have reason to know they have a financial interest. A “public official” is defined as including every member, officer, employee or consultant of the State or local government agency (Government Code §82048). The FPPC has promulgated an eight-step test for determining when disqualification is required. A public official has a conflict of interest and must abstain if a decision will have a reasonably foreseeable material financial effect on certain economic interests, unless that effect is indistinguishable from the effect on the public generally. FPPC regulations provide guidance for most of the terms used in the PRA, as well as, standards for determining if each element of the PRA’s prohibitions has been satisfied. Some address standards for determining if a decision has a material financial effect on a business entity or on various types of interests in real property.

Determining the application of conflict of interest laws in particular circumstances requires complicated analysis. Accordingly, the City Attorney encourages each council member to contact the City Attorney with any questions regarding the application of these laws. If the determination is that there is a conflict of interest, the council member shall abstain from any participation in the decision. In addition, the council member shall disclose the reason for the abstention before discussion on the matter begins and the council member shall

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leave the Council Chambers until the matter is voted upon. If the council member has a remote interest that does not require disqualification, the council member shall disclose the interest at the beginning of discussion on the matter. The disclosure of the interest or conflict shall be made a part of the record of the meeting.

The other law that governs conflicts of interest is Government Code §1090 which is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different than those in the Political Reform Act. A council member having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating § 1090 are severe. If a council member believes that he or she may have any financial interest in a contract that will be before the Council, the member should immediately seek advice from the City Attorney or the member's personal attorney.

City officials and employees should avoid the appearance of conflicts of interest in order to ensure that City decisions are made in an independent and impartial manner. Every elected official, officer, appointee, employee, consultant, or contract personnel of the City shall disclose completely the nature and extent of any interest, direct or indirect, which conflicts with his/her responsibility or duty.

There are a number of other restrictions placed on Council actions that are highlighted in the League of California Cities' Mayors and Council Members Resource Guide (See Appendix B). Such restrictions include prohibitions on secrecy and discrimination, as well as, assurance that all City funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual council members.

2.09.020 IDENTIFYING CONFLICTS.

It is the responsibility of each council member to identify, disclose and declare his or her conflict before the matter is heard by the Council. If possible, the conflicted council member should notify the City Clerk's office prior to the Council meeting at which the matter will be heard to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each council member. The City Clerk's office assists only in the filing of conflict of interest forms and does not provide any interpretations of the FFPC regulations.

2.09.030 GENERAL RULES.

Council members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organization responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, council members declaring a conflict of interest shall recuse

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themselves and leave the Council Chambers. In accordance with the law, council members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in the decision, unless otherwise permitted by law.

City officials and employees shall not use the prestige or influence of the City office or employment for private gain or advantage of himself/herself or another, unless so specified by contract or approved by the Council.

City officials and employees shall not use City time, City funds or City facilities, equipment or supplies for personal use, or personal gain, or for campaign related political activities, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

City officials and employees shall not use confidential information acquired by or available to them in the course of their employment with the City for personal gain or for personal, non-City business related reasons. City officials and employees shall uphold the public's right to know, and in accordance with the Brown Act, uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies. Any official or employee, who is aware of a breach of confidentiality, is expected to bring for that information to the appropriate officials in a timely manner.

City officials and employees shall not accept money or other consideration, or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, gratuities or favors of any kind which be perceived or interpreted as an attempt to influence their actions with respect to City business.

No employee shall engage in any work, employment or occupation outside City employment, which is detrimental to City service, which prevents or impedes the efficient performance of their duties in City employment, or which is in any way in conflict with their employment with the City. Unless so specified by contract or approved by the Council.

All offers or discussions of offers to City employees of future employment outside City service must be reported immediately to the employee's supervisor whenever such discussions occur, with, or when such offer is made by, any person, firm or organization presently dealing with the City concerning matters directly within the employees' current areas of decision-making responsibilities. It shall be within the supervisor's discretionary powers to relieve said employee from further decision-making responsibilities in relationship to said person, firm or organization if he or she determines that the offer of employment or discussions of an offer of employment would impair the employee's

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independence or judgment or could be construed by others as a bid for favorable treatment.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter do all of the following:

- (a) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of the residence is not required.
- (b) Recuses himself/herself from discussing and voting on the matter, or otherwise acting in violation of the Political Reform Act.
- (c) Leave the Council Chambers until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar portion of the agenda in which case the conflicted public official(s) will abstain from the vote for the conflicted matter.
- (d) Notwithstanding paragraph (c), a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself or herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:
 - 1) An interest in real property that is wholly owned by the official or members of his/her immediate family.
 - 2) A business entity wholly owned by the official or member of his/her immediate family.
 - 3) A business entity over which the official exercise sole direction and control, or over which the official and his/her spouse jointly exercise sole direction and control.

City elected and appointed officials, employees, consultants, and contract personnel shall not represent or appear on behalf of the private interest of a third party in matters pertaining to or before the City. Nor shall members of commissions, committees or boards appear before their own bodies or before the Council on behalf of the private interests of a third party on matters related to the areas of service of their bodies.

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Council members shall represent the official policies or positions of the Council, commission, committee or board to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body of the City, nor will they allow the inference that they do.

2.09.040 CONFLICT OF INTEREST FORMS.

The Political Reform Act (Gov. Code §8100, *et seq.*) requires each local government agency to adopt and promulgate a conflict of interest code. The City has adopted a Conflict of Interest Code for the City of Indian Wells by Ordinance No. 261, amended from time to time by the Council.

Annual disclosure statements are required of all council members, designated commissioners, committee members and senior staff which indicate potential conflicts of interest, including sources of income, ownership of property and receipts of loans and gifts. Council members and the City Manager often serve on the governing boards of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items. The forms are filed toward the beginning of the calendar year for the prior year. The disclosure forms are a public record.

2.09.050 LEGAL OPINIONS.

When a question arises regarding an alleged conflict of interest or Code of Ethics violation, requests for legal opinions from the California Fair Political Practices Commission or the City Attorney shall be approved by the Council.

2.09.060 PROHIBITION AGAINST APPEARING BEFORE THE CITY FOLLOWING END OF SERVICE.

For a period of one (1) year after leaving office, State law prohibits council members and city managers from acting as agent or representative for any other person by appearing formally or informally, orally or in writing, before the City, the Council, City staff or any of its commissions or committees if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance of, amendment to, award of, or vocation of a permit, license, grant or contract, or the sale or purchase of goods or property (Government Code §87406.3).

2.09.070 DISCLOSURE OF CAMPAIGN CONTRIBUTORS; PROHIBITION AGAINST CAMPAIGN CONTRIBUTION INFLUENCE.

If a council member receives political campaign contributions from any contributor which in the aggregate exceed ninety-nine dollars (\$99.00) within forty-eight (48) months prior to a City Council meeting at which the Council considers, either by discussion or vote, a matter directly involving that contributor, the council member shall orally disclose for inclusion in the minutes of that Council meeting that the council member has received said campaign contributions, shall identify by name the contributor and the specific agenda item for which the announcement is made. The City Clerk shall thereupon include in the minutes of that Council meeting the foregoing information. For purposes hereof, a matter shall be deemed to involve a contributor if it is reasonably foreseeable by the recipient council member that either (a) the contributor, or a member of the contributor's immediate family, personally could receive a financial benefit in the form of income, gift, or increased value of personal assets, as a result of the Council discussion or vote, or (b) the contributor is a member of the board of directors of a charitable or similar organization that has qualified for status under Internal Revenue Code Section 501(c) ("subject organization") and the Council discussion or vote pertains to such organization. The Chief Deputy City Clerk shall provide to council members a current list of members of the board of directors of subject organizations prior to any applicable City Council meeting.

Council members shall not allow either the receipt or the size of campaign contributions to influence, in any manner, any decisions made by the Council.

2.09.080 FAILURE TO FILE.

If a member of a commission, committee or board fails to file a financial disclosure form, if required by the City's conflict of interest code, in the manner and at the time required by law, that office shall become vacant and so declared by the Council.

**Chapter 2.10
DISTRIBUTION OF CITY-CONTROLLED TICKETS TO CITY OFFICIALS**

Sections:

- 2.10.010 Purpose and Application of Policy.
- 2.10.020 Definitions
- 2.10.030 General Provisions.
- 2.10.040 Ticket Administrator.
- 2.10.050 Official Duties and Ceremonial Roles.
- 2.10.060 Specific Governmental or Public Purpose for Ticket Distribution.
- 2.10.070 Tickets Distributed at the Behest of a City Official.
- 2.10.080 Public Purposes Related to BNP Paribas Open.
- 2.10.090 Public Purposes Related to City Sponsored Events.
- 2.10.100 Disclosure Requirements.

2.10.010 PURPOSE AND APPLICATION OF POLICY.

The purpose of this Policy is to ensure that all Tickets distributed by the City are issued in furtherance of a valid governmental and/or public purpose of the City as required under Section 18944.1 of the Fair Political Practices Commission (“FPPC”) regulations. This Policy applies to Tickets which provide admission to an Event. This Policy shall be applicable to every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) under state law or the City’s current Conflict of Interest Code.

This Policy only applies to the benefits the City Official receives by the admission, and are not applicable to any other item of value provided. This Policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy. This Policy also does not apply to Tickets provided directly to or earmarked for the City Official or a certain class of City Officials.

2.10.020 DEFINITIONS.

Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may be amended from time to time) and the FPPC regulations (Title 2, Division 6 of the California Code of Regulations, section 18110 *et seq.*, as the same may be amended from time to time).

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“City” shall mean and refer to the City of Indian Wells and any other affiliated agency created or activated by the Indian Wells City Council.

“City Official” shall mean and refer to every member, elected officer, appointed officer, employee or consultant of the City, as that term is defined by Government Code Section 82048 and FPPC Regulation 18701. This term shall include, without limitation, any City board, commission or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700). For the purposes of this Policy, this term shall also include a spouse serving a public purpose by accompanying a City Official to an Event and thereby serving as an ambassador of the City.

“Event” shall mean an event, show or performance for entertainment, amusement, recreational or similar purpose for which a Ticket is required to gain admission.

“FPPC” shall mean and refer to the California Fair Political Practices Commission.

“Immediate Family” shall mean and refer to spouse and dependent children as defined in Government Code section 82029.

“Policy” shall mean and refer to this “Ticket Distribution Policy”.

“Spouse” shall mean a husband or wife, domestic partner, or similar significant other.

“Ticket” shall mean and refer to a “ticket and/or pass” to an Event.

“Ticket Administrator” shall mean and refer to the City Manager or his/her designee.

2.10.030 GENERAL PROVISIONS.

- 1) No Right to Tickets: The use of a Ticket is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- 2) Limitation on Transfer of Tickets: Tickets distributed to City Officials pursuant to this Policy shall not be transferred to any other person, except to members of such City Official's immediate family or no more than one guest solely for their attendance at the event. Under no circumstances may either the City Official or a member of his or her immediate family sell or further transfer any Ticket provided under this Policy.
- 3) Return of Tickets: Any City Official may return any Ticket unused to the City for redistribution pursuant to this Policy.

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- 4) Prohibition Against Sale of or Receiving Reimbursement for Tickets: No individual who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.
- 5) No Earmarking of Ticket Given to City: No Ticket gratuitously provided to the City by an outside source and distributed by the City to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for use by a particular City Official or a specific class of City Officials.
- 6) Limitation on Use: Any ticket or pass is deemed to serve a public purpose if distributed to a City Official, other than an elected official, for the City Official's personal use in order to support general employee morale, to encourage retention, or to reward public service, if the ticket or pass is acquired by the City: (i) pursuant to a contract to use public property, (ii) because the City controls the event, or (iii) by purchase at fair market value. For purposes of this paragraph, "personal use" means use by the City Official, his or her family, or no more than one guest. Nothing in this section limits the receipt, distribution and behest of tickets or passes by elected officials for any of the other public purposes stated in Section 2.10.060.

2.10.040 TICKET ADMINISTRATOR.

- a) Designation of Ticket Administrator: The City Manager or his/her designee shall be the "Ticket Administrator" for purposes of implementing the provisions of this Policy.
- b) Authority: The Ticket Administrator has the sole authority, in his or her discretion, to establish procedures for the distribution of Tickets supplemental to and in accordance with this Policy. All requests for tickets from City Officials which fall within the scope of the Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- c) Implementation of Policy: The Ticket Administrator or his or her designee is hereby designated as having primary responsibility for distributing Tickets in his or her discretion to a reasonable number of City Officials in a manner that will best serve the City's interests and to persons whose attendance at a particular Event serves a specific governmental or public purpose.

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- d) Revoking/Suspending Ticket Privileges: The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of Tickets in accordance with this Policy.
- e) Attendance: If available, the Ticket Administrator shall attend all events to which the City obtains control of Tickets as the City's primary staff representative.

2.10.050 OFFICIAL DUTIES AND CEREMONIAL ROLES.

Tickets provided to City Officials as part of their official duties, or Tickets provided so that the City Official can perform a Ceremonial Role must be reported on FPPC Form 802.

2.10.060 SPECIFIC GOVERNMENTAL OR PUBLIC PURPOSE FOR TICKET DISTRIBUTION.

The City Council has determined that there are certain times where a City Official's attendance serves a valid public purpose which benefits the City. The following is a list of the type of reasons which meet this requirement. The list is intended to be illustrative rather than exhaustive. The City may provide Tickets to or at the behest of a City Official for Events which serve any of the following public or governmental purposes:

- a) Promote, evaluate, and provide management and/or official oversight of City-controlled, sponsored or supported events, activities, or community programs at City venues, including but not limited to evaluation of the venue, quality of performance and compliance with City policies, agreements and other requirements.
- b) Support sponsorship agreements involving Events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts or sponsors providing the necessary opportunities to meet and greet visitors, dignitaries, residents and guests.
- c) Where the City, as a form on consideration for a written contract, has required that a certain number of Tickets be made available for City use.
- d) Promote local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.
- e) Enhance City recognition, visibility, and/or profile on a local, state, national or worldwide scale.

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- f) Foster open government by City Official appearances, participation and/or availability at business and/or community events.
- g) Improve intergovernmental relations by encouraging the members of the City Council, City staff, and their guests, where appropriate, to attend functions and events with the public officials of other entities, thereby fostering an open dialogue and better understanding of intergovernmental issues.
- h) Increase public exposure to, and awareness of, the various public recreational, cultural, community and education facilities available to the public within the City.
- i) Promote business activity with the City and/or highlight the achievements of local residents and businesses.
- j) Promote business growth and development within the City, including economic development and job creation opportunities.
- k) Facilitate outreach and recognition programs for veterans, teachers, emergency services, medical personnel, community organizations and other civil service occupations.
- l) Encourage or reward significant academic, athletic, or public service achievements by Indian Wells students, residents or businesses.
- m) Promote community resources and private facilities, including charitable and nonprofit organizations facilities, available for use by City residents.
- n) Promote, support and/or show appreciation for programs and services rendered by non-profit organizations benefiting Indian Wells residents.
- o) Encourage volunteers to become members of City commissions, committees and boards and reward volunteer public service.
- p) Attract and retain highly qualified employees in City service, recognize or reward meritorious service by a City employee, and/or promote enhanced City employee performance or morale.
- q) The following is a non-exclusive list of specific business, community and nonprofit Events in the City, where a City Official's presence has been determined to serve a valid public purpose. This list is not intended to be exhaustive, but is merely illustrative of the types of Events where the distribution of tickets has been clearly authorized:

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1. BNP Paribas Open
2. Desert Town Hall Lecture Series
3. Indian Wells Arts Festival
4. Doctor George Car Show

2.10.070 TICKETS DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL.

Only the following City Officials shall have the authority to behest tickets: City Council Members, City Manager and Department Heads.

Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in section 2.10.060 above. If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets so distributed to attend the Event.

2.10.080 PUBLIC PURPOSES RELATED TO BNP PARIBAS OPEN.

Participation by City Officials in the ticketed events and activities hosted by the BNP Paribas Open is important to provide an opportunity for City leaders to be involved in the City's largest special event. By attending the two week long activities, including the tournament, City Officials have the ability to meet and greet residents and visitors to the City. Moreover, City Officials are accountable for the funding and support that the City contributes to the BNP Paribas Open, and therefore some level of attendance during the tournament is necessary for City Officials to provide suggested improvements to Desert Champions LLC management staff and City staff that will enhance and improve the overall event and its economic and public impact on the City.

2.10.090 PUBLIC PURPOSES RELATED TO CITY SPONSORED EVENTS.

Participation by City Officials in events wherein the City has made a monetary contribution and/or is a named sponsor is important. Such events serve to enhance the image of the City as a world-class destination resort. These events provide the public with access to many distinguished public and civic leaders as well as significant cultural enhancement. The active participation of City Officials at such events serves to attract additional resources and economic opportunities for this community. City Officials at such events represent the City in interacting with dignitaries and they meet and greet residents and visitors to the City. Moreover, City Officials are accountable for the funding and support that the City contributes to these events, and therefore some level of attendance is appropriate for City Officials to monitor and evaluate the effectiveness of the event and suggest ways in which events may be enhanced and improved to maximize the economic and public benefit to the City.

2.10.100 DISCLOSURE REQUIREMENTS.

It shall be the duty of the Ticket Administrator or his or her designee to ensure the City's compliance with Section 18944.1(d) of the California Code of Regulations pertaining to the reporting of the distribution of Tickets by a public agency to officials or officers of the City. The City shall complete a record of a Ticket distributed under this Policy on FPPC Form 802, including all the information as required under Section 19844.1. The form shall be maintained as a public record. The forms shall be maintained as a public record, be subject to inspection and copying under Section 81008(a), and be forwarded to the FPPC for posting on its website.

**CHAPTER 2.11
COUNCIL COMMUNICATION**

Sections:

- 2.11.010 Overview.
- 2.11.020 General Correspondence.
- 2.11.030 Correspondence from Council Members.
- 2.11.040 Use of City Stationery.
- 2.11.050 Proclamations.
- 2.11.060 E-mail.
- 2.11.070 Local Ballot Measures.

2.11.010 OVERVIEW.

Perhaps the most fundamental role of a council member is communication with the public to assess community opinions and needs, and with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a council member. Equally important, when council members are expressing personal views and not those of the Council, the public should be so advised. City letterhead and staff support cannot be utilized for personal or political purposes.

All letters, memoranda, and interactive computer e-mail communications involving council members and members of commissions, committees and boards, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. As such, the public or media can request disclosure of such communications by filing a records request with the City Clerk's office.

2.11.020 GENERAL CORRESPONDENCE.

The City Manager shall respond to or request staff to respond to correspondence from the public to council members, and provide copies of the original correspondence and staff response to each council member. A council member may elect to respond to a specific correspondence in lieu of staff, on their own behalf rather than the City's. Correspondence addressed to specific council members will be copied to all council members, unless it is personal in nature.

With respect to invitations to events, the council members may coordinate reservation or responses with the Council's Executive Secretary.

2.11.030 CORRESPONDENCE FROM COUNCIL MEMBERS.

Council members may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, staff will draft the letter that transmits the City's position, with review by the City Manager. Correspondence sent on behalf of the Council is placed on official City letterhead and is signed by the Mayor or the City Manager.

2.11.040 USE OF CITY STATIONERY.

Council members responding on their own behalf will use their personal stationery. City stationery may be used by council members for official City correspondence only which represents the City's position.

2.11.050 PROCLAMATIONS.

Ceremonial proclamations are often requested of the City in recognition of an event or individual. As part of the Mayor's ceremonial responsibilities, the Mayor is charged with administration of proclamation, in conjunction with the Council's Executive Secretary, as long as the proclamation meets values currently or previously recognized by the Council. Individual council members do not issue proclamations. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion.

2.11.060 E-MAIL.

While electronic mail facilitates efficient communication by, to, and with council members, their use also raises important legal issues to which council members must pay special attention. First, the Brown Act prohibits council members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the Council. "Technological devices" as defined under the Brown Act include phones, faxes, computer email, public access cable TV and video.

Second, be aware that most e-mails sent by or to council members probably are public records under the Public Records Act. Even though it does not create paper, sending an e-mail is more similar to mailing a letter than placing a telephone call. The information in the e-mail is stored on the computer network until deleted, and may continue to exist on the City's network back-up system even after being deleted. As a result, e-mails can become

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records of the City maintained in the course of business, and thus available for public disclosure und the Public Records Act.

Finally, be aware of the prohibition of using the City's e-mail system for political reasons.

2.11.070 LOCAL BALLOT MEASURES.

At times, initiatives that affect Council policy may be placed on the ballot. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statues prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcomes of elections. What the City can do is distribute information for the purpose of informing the public of the facts of an issue.

2.11.080 ELECTION PERIOD PROHIBITION.

If the Mayor, Mayor Pro Tem or council member is seeking re-election, and are engaged in their City Council roles, they should not be placing photos or likenesses in City buildings during the election period, which is sixty (60) days prior to Election Day. It may be perceived as an unfair advantage over the other candidates.

2.11.090 RESPONSE TO RHETORICAL E-MAILS.

It is the policy of the City Council not to respond to rhetorical e-mails. The Council does encourage residents and other interested parties to pose questions requesting factual information or requests for public records.

**CHAPTER 2.12
PRESS RELATIONS**

Sections:

- 2.12.010 Official Position of the City.
- 2.12.020 Press Releases.
- 2.12.030 Dealing with the Media.
- 2.12.040 Council Members Speaking on Their Own Behalf.
- 2.12.050 Staff Communication to City Manager.
- 2.12.060 City Manager Communication to City Council.
- 2.12.070 Confidential Issues.

2.12.010 OFFICIAL POSITION OF THE CITY.

In responding to inquiries from the media, the Council and staff shall represent the official position of the City and shall limit their comments to stating the facts and circumstances, without personal opinions or conclusions.

2.12.020 PRESS RELEASES.

All press releases pertaining to the City or the Council shall be issued on City letterhead on behalf of the entire Council. Press releases pertaining to the City or the Council can be released by Mayor with prior authorization from the Council acting at a City Council meeting. The City Manager, or designee, is authorized to make press releases pertaining to City activities and events of public importance as he determines necessary and appropriate to keep the public informed. When the City issues a press release, the Mayor is consulted in terms of any council member quotes or references. All press releases shall immediately be distributed to the Council.

2.12.030 DEALING WITH THE MEDIA.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the Council. When the City Manager or department heads are contacted, they will express the position of the Council.

Council members, the City Manager and department heads are authorized to respond to the media. Staff shall refer the media to the Director of Marketing and Community Relations.

2.12.040 COUNCIL MEMBERS SPEAKING ON THEIR OWN BEHALF.

The Council maintains open lines of communication with the media providing any council member the ability to speak with the media on issues. When speaking to the media, the council member will clarify whether they are speaking on behalf of the Council or themselves. No member shall hold themselves out as representing or speaking on behalf of the Council on any matter unless, prior thereto, the Council by majority vote taken during a duly noticed Council meeting, has authorized said member to act and/or speak on behalf of the entire Council. If a council member does not feel knowledgeable about an issue when questioned by the media, they should direct the member of the media to the City Manager. It is recommended that council members advise the City Manager when media contact occurs.

2.12.050 STAFF COMMUNICATION TO CITY MANAGER.

All staff members responding to the media shall advise the City Manager of the nature of the inquiry and their response.

2.12.060 CITY MANAGER COMMUNICATION TO CITY COUNCIL.

The City Manager shall keep the entire Council informed and provide to the extent practicable, and information to the Council on major issues that the City Manager believes are controversial or on issues that may cause controversy, concern or confusion, prior to giving the information to the media or as soon as practical following the communication.

2.12.070 CONFIDENTIAL ISSUES.

State law prohibits the discussion of any items that are discussed at or the subject of a closed session to any member of the public, including the media, unless the Council approves the disclosure of the matter by a majority vote of the Council or is otherwise prohibited by State law.

**CHAPTER 2.13
COUNCIL FINANCIAL MATTERS**

Sections:

- 2.13.010 Council Compensation.
- 2.13.030 Expenditure Allowance.
- 2.13.040 Expenditure Guidelines.

2.13.010 COUNCIL COMPENSATION.

Council member compensation is set by Charter Amendment. The City Charter may only be amended by the majority of Indian Wells' voters at a general or special municipal election.

2.13.020 EXPENDITURE ALLOWANCE.

The annual city budget includes funding for council members to undertake any official City business. The City budgets funds for certain activities and reimburses for other activities. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol nor are meals for individuals other than council members. Donations to organizations are not eligible. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year.

2.13.030 EXPENDITURE GUIDELINES.

It is important to note that 1) State law (AB1234) requires the council members to announce their travel for an City business at the first Council meeting following their return, and reimbursement will not be provided until such an announcement is made; 2) any expense must be related to City business; 3) public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes.

City budgetary practices and accounting controls apply to expenditures within the Council budget, and are detailed in the City's adopted Fiscal Procedures Manual. (Enclosed as Appendix D) Reimbursement requests, including all associated receipts, should be made through the City Manager's office. Expenditure records are public information. Any questions arising as to the proper application or interpretation of the adopted fiscal procedures policy will result in the City Manager conferring with the Mayor.

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2.13.040 GOLF BENEFITS FOR COUNCIL MEMBERS AND THEIR SPOUSES.

Past, current and future Council Members and their spouses shall not receive the privilege of free golf at the Golf Resort during their term of office or thereafter.

**CHAPTER 2.14
CIVILITY GUIDELINES**

Sections:

- 2.14.010 Overview.
- 2.14.030 Commitment to Civil Behavior.
- 2.14.040 Pledge of Civility.

2.14.010 OVERVIEW.

As referenced in the Institute for Local Governments – Tips for Promoting Civility in Public Meetings (Attached as Appendix E) – the context of democratic debate, civility is about how people treat each other. Civility involves the display of respect for those who have positions with which one disagrees. Even though disagreement and confrontation play a necessary role in governance and politics, the issue of *how* one expresses that disagreement. The key is to focus on the strengths and weakness of proposed solution to community problems – not to engage in personal attacks against those who favor different solutions.

2.14.020 COMMITMENT TO CIVIL BEHAVIOR.

The Council commits to civil behavior by maintaining a cohesive, productive working environment by:

1. Supporting the City's mission.
2. Bringing City related concerns, issues and conflicts to the whole Council for discussion.
3. Offering alternative solution(s) when addressing a problem or issue.
4. Showing respect to each other as elected officials.
5. Promoting civility during Council meetings and tolerating nothing less.
6. Maintaining the confidentiality of material discussed during closed session. Similarly, not disclosing the content or substance of confidential or privileged communications relating to City business.
7. Limiting the length of comments during Council meetings and not repeating points that have been already stated by other council members.

2.14.030 PLEDGE OF CIVILITY.

The manner in which we govern ourselves is often as important as the positions we take.

The city's collective decisions will be better – and truer to our mission – when differing views have had the opportunity to be fully vetted and considered.

All those who appear before the Council or any commission, committee or board have the right to be treated with respect, courtesy and openness. The City values all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the City interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

**CHAPTER 2.15
CITY'S NON-DISCRIMINATION POLICY**

Sections:

- 2.15.010 Background.
- 2.15.020 Purpose.
- 2.15.030 Policy.
- 2.15.040 Mandatory Workshops.

2.15.010 BACKGROUND.

Non-toleration of race, sex, age, or ethnic origin discrimination or harassment in any form is and has been the policy of the City. The United States Constitution grants equal protection of the law to all citizens. This Council recognizes that prejudice ferments strife and unrest and adversely affects the interests of employees, the City and the public in general. Discrimination or harassment has resulted in the denial of complete citizenship and individual liberty to many citizens of this country. It is the intent of the Council to reaffirm its policy of not tolerating discrimination or harassment.

2.15.020 PURPOSE.

The purpose of this policy is to place in the City Council Policy Manual and to reaffirm the official position of the City to the effect that discrimination will not be tolerated at any level of City government by this Council. It is the purpose of this policy to protect and safeguard the right and opportunity of all persons to live free of discrimination; to promote racial equality; to eliminate the effects of racial inequality and prejudice when it is found; and to assure that there shall not be any decision, policy, program, or act of administration, at any level of City government, that is inconsistent with this policy.

2.15.030 POLICY.

The City, in its government, shall not tolerate discrimination.

2.15.040 MANDATORY WORKSHOPS.

As required by State law, workshops on harassment shall be mandatory for all City employees and council members.

**CHAPTER 2.16
DRESS CODE FOR CITY**

Sections:

2.16.010 Dress Code.

2.16.010 DRESS CODE.

The Mayor, Council, Management and Staff represent the City at all times. Their dress, personal hygiene and appearance shall reflect a professional image and shall be appropriate for any specific event, meeting, activity, etc. They shall maintain an appropriate and civil image at all times. Business or professional attire for that position is required. Casual day means business casual, for field personnel no change in attire allowed on casual days.

**CHAPTER 2.17
ATTORNEY-CLIENT PRIVILEGED INFORMATION**

Sections:

2.17.010 Release of Attorney-Client Privileged Information

2.17.010 RELEASE OF ATTORNEY-CLIENT PRIVILEGED INFORMATION.

Attorney-client privileged information includes all information transmitted in confidence between the City Attorney's Office, on the one hand, and the City, Mayor, Council, Department Heads, and Staff, on the other hand. The release of attorney-client privileged information is prohibited without the prior approval of the Council. Prior to the release of any attorney-client privileged information, the person considering the release must apprise the Council of the nature and scope of the release and obtain the Council's formal approval. Under special circumstances where it is not feasible or advisable to obtain Council approval due to the Council's meeting schedule or other good cause, the City Manager may alone authorize release of attorney-client privileged information, provided that the City Manager then promptly informs Council of such release.

TITLE 3

LEGISLATIVE

**Adopted: October 3, 1991
Re-Adopted November 15, 2012
Amended: March 20, 2014**

TITLE 3 LEGISLATIVE

Chapters:

- 3.01 Open Meetings - Brown Act
 - 3.02 Meeting Agendas
 - 3.03 Conduct of Meetings
 - 3.04 Rules of Decorum for Members of the Public at Meetings
 - 3.05 Rotation and Duties of the Mayor and Mayor Pro-Tem
 - 3.06 Roles and Responsibilities of Council Members
 - 3.07 Commissions, Committees and Boards
 - 3.08 Outside Organizations, Regional Authorities and City Committees
 - 3.09 Ad Hoc and Standing Committees
 - 3.10 Filling Vacant Council Positions
 - 3.11 Preparation of City Council Meeting Minutes
 - 3.12 Adoption of Ordinances
 - 3.13 Adoption of Resolutions
 - 3.14 Rules of Conduct for Council Members
-

CHAPTER 3.01 OPEN MEETINGS - BROWN ACT

Sections:

- 3.01.010 Policy.
- 3.01.020 Posting Agendas for Regular and Special Meetings.
- 3.01.030 Closed Sessions.

3.01.010 POLICY.

The Council shall comply with the provisions of the Ralph M. Brown Act, the Open and Public Meeting Law (Attached as Appendix F) and all State and Federal laws affecting the conduct of such meetings. Because the Brown Act is such an important part of local government operations, a few specific requirements of the law are highlighted herein.

(a) Applicability.

The intent of the Brown Act (the "Act") is to ensure that deliberation and acts of local public agencies are conducted in open and public meetings. The Act applies to the Council, all advisory commissions, committees and boards, and Council appointed subcommittees, except if comprised entirely of two council members. Staff cannot promote actions that would be in violation of the Act.

(b) Meetings.

All meetings shall be open and public. A Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received. Discussions also qualify as a meeting. Social functions, such as receptions and dinners, do not fall under the Act unless City business is discussed.

Serial meetings take place when any council member or City staff contact more than two council members for the purpose of deliberating or acting upon an item pending before the Council. This restriction does not apply to the public or media who may contact council members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to council members immediately after their election and prior to their swearing-in ceremony.

(c) Agendas.

Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet other various requirements. Exceptions to this rule are outlined in section 3.03.020 of this policy manual.

(d) Public Input.

The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. See Chapters 3.03 and 3.04 for more specifics.

(e) Public Disruptions.

A portion or all of the public may be removed if willful disruption makes conducting the meeting "infeasible"; the media may remain unless they participate in the disruption. See Chapter 3.04 Rules of Decorum for Member of the Public at Meetings for specific details.

(f) Correspondence.

All writing or documents distributed for discussion or consideration at a public meeting are considered public records.

(g) Special Meetings.

Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and the Council 24 hours in advance of the meeting.

(h) Other Provisions.

The Act provides many other restrictions and requirements. This chapter is intended merely as a summary and overview of the Act, and nothing in this chapter supersedes the provisions of the Brown Act.

3.01.020 POSTING AGENDAS FOR REGULAR AND SPECIAL MEETINGS.

For every regular meeting, the City Clerk or his/her designee shall post an agenda in the locked bulletin boards outside the entrance to City Hall (44-950 Eldorado Drive), at Ralph's Shopping Center (74-895 Highway 111) and at the Chamber of Commerce (45-200 Club Drive, Suite B), seventy-two (72) hours in advance of the meeting. For special meetings the agenda shall be posted twenty-four (24) hours in advance of the meeting. All agendas shall also be posted on the City's web site within the required timeframe.

The agenda will include the following: the time and location of the meeting; a description of each item of business to be transacted at the City Council meeting that adequately informs the public as to the items under consideration and includes the contemplated Council action; includes a section providing an opportunity for members of the public to address the Council; and includes an affidavit of posting declaring the date and place where the agenda was posted.

The City attempts to well publicize matters of significant public interest that appear on a City Council agenda, as well as, all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested parties.

3.01.030 CLOSED SESSIONS.

The Act authorizes closed sessions for specifically enumerated topics of labor negotiations, litigation, property negotiations and personnel matters. In general, the California Supreme Court has acknowledged that “the public need for access to information must be balanced against the public’s right to the efficient administration of public bodies.” (*Regents of University of California v. Superior Court*, 20 Cal. 4th 509, 526 (1999)) Thus most sunshine laws explicitly recognize that “the administrative process cannot be conducted entirely in the public eye.” In the Court’s words: “The ringing rhetoric of the open meeting acts jibes poorly with political reality. Taken to its logical extreme, openness may actually diminish the number and quality of public exchanges, increase divisiveness, and limit the flow of relevant information and the depth of critical collective scrutiny.” *Id.* at 544.

Government Code Section §54963(a), adopted by the State legislature in 2002, prohibits any person from disclosing “confidential information that has been acquired by being present in closed session authorized by [the Act] to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.” The Act defines “confidential information” in this context as “a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.”

The Act permits addressing violations of the rule against disclosure of confidential information “by the use of such remedies as are currently available by law, including, but not limited to:

- 1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.
- 2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
- 3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.” (Gov. §54963)

**CHAPTER 3.02
MEETING AGENDAS**

Sections:

- 3.02.010 Meeting Schedule.
- 3.02.020 Purpose of the Agenda.
- 3.02.030 Criteria for Matters Covered.
- 3.02.040 Development of Agenda.
- 3.02.050 Placing Items on Agenda.
- 3.02.060 Removal of Items on the Agenda.
- 3.02.070 Continuing of Agenda Items.
- 3.02.080 Communications Received After Agenda Distribution.
- 3.02.090 Order of Business on Agenda.
- 3.02.100 Listing of Council Members Names.
- 3.02.110 Distribution of Lengthy Supporting Material.

3.02.010 MEETING SCHEDULE.

The Council approves and follows a fiscal year calendar that reflects its priorities and coincides with the budgeting process, beginning on July 1. Project priorities should be ranked for the following fiscal year, in order to reflect the commitment of resources required. Other Council priorities are overlaid on the calendar on as needed basis.

Regular meetings are held in the City Council Chambers, 44-950 Eldorado Drive, on the first and third Thursday of every month at 1:30 p.m., with special study session and closed session convened preceding the meeting, as needed, or a closed session following the meeting, if no study session was held. From time to time, the Council will hold study sessions, usually before the regular Council meeting, but on occasion, dedicated study sessions are held on non-Council dates. The purpose of study sessions is to give the Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Regular Council and study session meetings are open to the public and are videotaped when held in the Council Chambers. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the Council is taken in a study session.

No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday. Other meetings throughout the year may be cancelled as well. The City Council meeting schedule for the calendar year is posted on the City's website.

3.02.020 PURPOSE OF THE AGENDA.

The purpose of an agenda is to provide a framework within which an open, public meeting can be conducted and to comply with all legal requirements for actions of the Council. An agenda should set the stage for the Council to conduct business; present items or proposals for council members to consider matters on which action is required; provide well organized information on which council members can base their decisions; facilitate the deliberations and actions of the Council and make it easier for them to conduct the business which has been brought before them; provide guidelines which allow for efficient conduct of the meeting; and provide an appropriate means for public comments and inquiry of the Council.

3.02.030 CRITERIA FOR MATTERS COVERED.

The Council shall consider only ordinances, resolutions, motions, proclamations, presentations, or matters which affect the conduct of the business of the City or its corporate powers or duties as a municipal corporation and the Council shall consider only ordinances, resolutions, or motions supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of said State or nation when such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City or its officers or employees as such. Communications on matters not meeting these criteria shall be provided to the Council on an information basis only.

3.02.040 DEVELOPMENT OF AGENDA.

The Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid members and staff with planning and scheduling. A tentative "future agenda items" calendar that reflects an estimate of when various items will be scheduled over the next calendar year is made available to the Council. A complete agenda packet is available to the public on the City's website no later than noon on the Monday preceding the meeting. A tentative Council calendar is also available on the City's website showing the Council meeting dates and planned agenda items for at least two (2) meetings in advance.

Subject to the need for flexibility as determined by the City Manager, it is the practice for Staff to submit reports for the upcoming meeting on the Wednesday two weeks preceding the meeting. Given this agenda development schedule, it is difficult for staff to prepare a comprehensive staff report when the Council requests, at a Council meeting, that a report be prepared for consideration at the next meeting.

Staff requires at least one week to prepare a report requested by the Council, necessitating the item be scheduled two meetings out. Complex staff reports will require more time to prepare and an estimated time of completion can be provided to the Council. The ability to schedule new agenda items depends on the nature of item, the complexity of the item, the other agenda items that are already scheduled, and the amount of staff time available.

3.02.050 PLACING ITEMS ON AGENDA.

A council member may request an item be considered on a future agenda, verbally during a City Council meeting or by informing the City Manager; this does not include reconsideration of an item by the minority, see section 3.03.160 for the specifics of reconsideration of a council action. The request will be agendized at the next regularly scheduled meeting for initial consideration by the Council, with a memo report identifying the council member requesting the item. If a majority of the Council agrees to consider the item, then the matter is scheduled for further consideration on an upcoming meeting agenda and a staff report may be prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the Council prior to authorizing the work or scheduling the item as appropriate.

A member of the public may request that an item be placed on a future agenda during public comments or by submitting a written request to the City Manager. Upon approval of a majority of the Council, the item will be agendized and a staff report may be prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the Council prior to authorizing the work or scheduling the item as appropriate.

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote, and are very rare. Non-agendized items are matters that come to the attention of the City after the agenda is posted. Non-agendized items may be added to the agenda only if the Council makes findings that 1) the need to consider the item arose after the posting of the agenda, and 2) there is a need to take immediate action at this meeting of the Council. These findings must be approved by a 4/5 vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

3.02.060 REMOVAL OF ITEMS ON THE AGENDA.

Any council member who requested an item be placed on the agenda can remove the item from the agenda 1) any time prior to the posting of the agenda or 2) at the City Council meeting during the approval of the final agenda. The requesting council member may also request the item be "continued" and considered at a future City Council meeting.

3.02.070 CONTINUING OF AGENDA ITEMS.

The majority of the Council can continue an item on the agenda due to applicant scheduling issues, staff requiring additional time to research an issue, or when insufficient time is available to address the matter thoroughly.

3.02.080 COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION.

All writings, documents, or electronic communications relating to any item on the agenda received after distribution of the Council agenda packet and prior to the Council meeting, shall be distributed by the City Clerk to the entire Council, made available for public inspection during normal business hours at City Hall in the agenda binder located in the lobby, and posted on the City's website.

Residents providing writings or documents to the Council during the meeting should present ten (10) copies to the City Clerk for distribution and placing in the official record.

3.02.090 ORDER OF BUSINESS ON THE AGENDA.

Regular business of the Council shall be taken up for consideration in substantially the following order. The Council may, at any time, by simple majority of those present, vote to consider items in a different order.

- (a) Approved Format.** The approved format includes:
- A. Call to Order, Pledge of Allegiance, and Roll Call
 - B. Approval of Final Agenda
 - C. Approve Council Minutes
 - D. Proclamations and Presentations
 - E. Public Comments and Response to Prior Public Comments
 - F. Public Hearings
 - G. Ordinances
 - H. Consent Calendar
 - I. General Business
 - J. Successor Agency Items

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- K. City Manager Reports and Staff Comments
- L. Council Member Reports & Comments
- M. City Attorney Reports & Comments
- N. Recess to Closed Session
- O. Adjourn to Next Meeting Date

(b) Description of Approved Format Categories.

The following further defines the purpose and subject of the various sections of the agenda.

"A". Call to Order, Pledge of Allegiance, and Roll Call. The determination that a quorum is present and the official opening of the City Council meeting for business, those in attendance are asked to join the Council in reciting the Pledge of Allegiance, the City Clerk, or designee, takes roll.

"B". Approval of the Final Agenda. The determination that all items to be discussed by the Council during the meeting are listed on the agenda. If non-agendized or emergency items exist that must be added to the agenda, or removal of any items, this is the time to add/remove them to the agenda in accordance with the City's rules and procedures and applicable State and Federal laws.

"C". Approve Council Minutes. The official review, modification, and approval of the official minutes of prior City Council meetings.

"D". Proclamations and Presentations. The time for individuals or groups, to make their presentations to the Council and for official recognition of individuals, groups, or events by proclamations. Requests for Presentations of information to the Council must be submitted to the City Clerk's office in advance of the agenda deadline. The City Manager shall request approval from the Mayor as to the appropriateness and scheduling of such presentations. Upon approval by the Mayor, the City Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda.

"E". Public Comments and Response to Prior Public Comments. A block of time is available at the beginning of the City Council meeting to receive general public comments about issues not on the agenda. Public comments are limited to three-minutes by policy of the Council. The Council can act to extend or further limit the public time limit for any item or the entire meeting as circumstances warrant. Speaker blue cards are requested, they should be filled out and given to the City Clerk prior to the public comments section of the agenda. The speakers will be called upon in the order received by the City Clerk. Speakers should return to their seat after their comments and not continue to stand at the podium.

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Comments on agenda items will not be heard until the appropriate item is called. Individuals desiring to speak, once called upon by the Mayor, are to address the Council from the speaker podium after giving their name and city of residence. Speakers shall be recognized not more than one time for each agenda item, unless this limitation is waived by the majority of the Council. Debate and rebuttal shall not be allowed by the speakers. At the close of the speakers' comments, the Mayor or the Council may ask Staff to respond to the speaker's comments. Thereafter, the Mayor or the Council shall make one of the following three determinations: 1) the subject(s) raised do not require investigation or response; 2) the subject(s) raised should be referred to staff for investigation and/or response; 3) the subject(s) raised should be placed on the agenda for the next meeting for consideration/action by the Council.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from council members, the applicant comments, if any, and then the public comments are heard. After the Mayor has announced the public comments portion is done, or a motion has been made, or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority of the Council.

No action or discussion shall be taken on any item not appearing on the posted agenda, except that council members may briefly respond to comments made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. In addition, on their own initiative, or in response to questions posed by the public, council members may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the body at a subsequent meeting concerning any matter. See Chapter 3.04 Rules of Decorum for Members of the Public at Meetings for more specifics.

Staff will respond to questions posed by the public at the prior City Council meeting's Public Comments' section during the "Response to Prior Public Comments" section of the agenda at the subsequent City Council meeting, unless staff needs more time for research, in that case staff will state when the response will be given.

"F". Public Hearings. Public Hearings can be legislative or quasi-judicial and may require the presentation of items which includes Staff Reports, public testimony, and questions and comments regarding public hearing items. Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions also can involve changes in existing law to govern future situations. Public hearings usually require adoption of an ordinance, resolution or other action by the Council. Once the Mayor has closed the public hearing, no member of the public shall be permitted to address the Council or staff from the audience, without first securing permission to re-open the public

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hearing by a majority of the Council to hear new information. See section 3.03.090 of the policy manual for more specifics.

"G". Ordinances. Ordinances are the laws of the municipality. Approval of an ordinance requires a first reading, or introduction, and a second reading, or adoption with at least five days between readings. The passage of an ordinance requires the affirmative votes of at least three council members. See Chapter 3.12 Adoption of Ordinances.

"H". Consent Calendar. Those items on the Council agenda which are considered routine by the Council and enacted in one motion, e.g., Treasurer's Month End Investment Report, bid awards, resolutions setting hearings, final maps and various leases, agreements, and other routine items, are listed on the "Consent Calendar" and will appear in the Council minutes in their proper form (i.e. resolution accepting grant deed or easement, award of bid, etc.).

Council members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Council members may also request that any item listed under the Consent Calendar be removed from the calendar for separate discussion and action. A member of the public may also request that a consent item be removed for separate discussion and action. Items that are removed or "pulled from the consent calendar" for discussion will typically be heard after the other consent calendar items are approved unless the majority of the Council chooses an earlier or later time.

Council members are encouraged to contact the City Manager or the responsible department head prior to the City Council meeting to provide notification of the item(s) to be removed. This practice allows for the management of staff attending the meeting.

"I". General Business. All policy items requiring action of the Council that do not require public hearings and are not routine in nature and not eligible for the Consent Calendar.

"J". City Manager Reports/Staff Comments. The City Manager reports on items of interest, status reports on significant projects, updates on events or meetings, and provide acknowledgement to citizens or individuals. Department Heads may also make a brief reports on their activities.

"K". Council Member Reports and Comments. The Council uses this time to make announcement of meetings and activities of the Council Members, information of general interest received from external organizations and governmental agencies, and other items of community interest. Council members shall govern themselves as to the length of their comments. The Mayor has the responsibility to assist council members in

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keeping their comments brief. See section 2.13.030 for reporting requirements in relation to City business travel.

"L". City Attorney Reports and Comments. The City Attorney may make announcements regarding closed session agenda items and may make a brief report on his/her own activities.

"N". Closed Sessions. The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. Typically, closed sessions will be scheduled prior to the public portion of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, closed sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to a closed session on the advice of the City Attorney.

If a closed session is included on the agenda, the description of the item must identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session. During closed session, the Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the Council during a closed session are required. There shall be no closed session during any special emergency meeting.

Council members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than council members, the City Attorney or City Manager.

When a council member has a conflict of interest in a Closed Session matter, that Member shall not receive confidential information that he/she would otherwise be given, will not participate in discussions on that item, and recuse themselves from the closed session.

"O". Recess or Adjournment. The recess of the Council meeting to a date certain or the adjournment of the meeting until the next regularly scheduled meeting.

3.02.100 LISTING OF COUNCIL MEMBERS NAMES.

The order of presenting council members names follows seniority in the order that council members rotate into the position of Mayor. The first name listed is the Mayor, followed by the Pro Tem. Thereafter, council member names are list by the rotation for Mayor as outlined in Chapter 3.05 Rotation and Duties of the Mayor and Mayor Pro Tem.

3.02.110 DISTRIBUTION OF LENGTHY SUPPORTING MATERIAL.

Supporting agenda material which is too lengthy to be included in the Council agenda packet, such as EIR's, will be either 1) provided under separate cover or 2) placed in the Council office for review.

**CHAPTER 3.03
CONDUCT OF MEETINGS**

Sections:

- 3.03.010 Parliamentary Procedure.
- 3.03.020 Types of Meetings.
- 3.03.030 Quorum.
- 3.03.040 Seating Arrangement of the Council.
- 3.03.050 Teleconference of City Council Meetings.
- 3.03.060 Agenda Requirement for Action Taken.
- 3.03.070 The Presiding Officer.
- 3.03.080 Parliamentarian.
- 3.03.085 Public Comment Period.
- 3.03.090 Public Hearings.
- 3.03.100 Disclosure of Material Facts and Communications Received.
- 3.03.110 Discussion Rules.
- 3.03.120 Motions.
- 3.03.130 Voting Procedures.
- 3.03.140 Council Member Comment Period.
- 3.03.150 Appeals; Continuances.
- 3.03.160 Reconsideration of a Council Action.
- 3.03.170 Privilege.
- 3.03.180 Interpretation of Policy.

3.03.010 PARLIAMENTARY PROCEDURE.

Parliamentary procedure is a set of rules that regulate and standardize how the Council conducts its business. It is the policy of the Council that, unless otherwise required by State law or other regulation, all City Council meetings shall be conducted under Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (Attached as Appendix G). However, no ordinance, resolution, or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Council to observe or follow such rules.

Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in Rosenberg's Rules of Order are incorporated into this document, except to the extent they are modified by this document.

Rosenberg's Rules of Order simplifies "Robert's Rules of Order" for the smaller 5-member bodies, yet retains the basic tenets of order. Rosenberg's Rules of Order is built on a foundation supported by the following four pillars:

- 1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and participate.
- 3) Rules should be user friendly. The rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body.

In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

3.03.020 TYPES OF MEETINGS.

The different types of meetings described below are governed by different requirements.

(a) Regular Meetings.

The Council shall conduct its regular meetings at the time and place established by ordinance. Regular meetings are currently held on the first and third Thursday of each month at 1:30 p.m. at the City Hall Council Chambers.

At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the Council.

Notice requirements of the Brown Act are complied with for all meetings; minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

(b) Special Meetings.

A special meeting, workshop, study session, or Town Hall Meeting may be called at any time by the Mayor or by the majority of the Council. Written notice must be given at least 24 hours prior to the special meeting to all council members and to the media who have previously requested same in accordance with applicable provision of the Government Code. Such notice is not necessary for any member who submits a written waiver of notice to the City Clerk at or before the time set for the meeting, or for any member who is

actually present at the special meeting. No business other than that officially noticed may be discussed.

At all special meetings, public comments on the agenda items must be permitted before or during consideration of the agenda items.

(c) Special Emergency Meetings.

A special emergency meeting may be called by the Mayor, City Manager or by a majority of the Council where there exists 1) a work stoppage, crippling disaster or other activity which severely impairs public health or safety; 2) such other circumstances specified by state law as authorizing the conduct of an emergency meeting.

Any emergency meeting shall be called, noticed and conducted only in accordance with the procedures set forth in State law. The special meeting provisions apply to emergency meetings, except for the 24-hour notice.

(d) Adjourned Meetings.

The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members, or a quorum, are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered to each council member at least three (3) hours after the adjourned meeting.

A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held promptly, but no later than twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(e) Closed Sessions.

Part or all of a regular or special meeting, or one which has been adjourned, may be closed to the public in accordance with applicable provisions of the Government Code. Notice is required, even if no action is taken. The Council may meet in Closed Session at locations other than the Council Chambers. The Council in a closed session can consider only matters covered in its agenda description. Closed sessions are by definition confidential. The welfare

of the City rests on the seclusion and confidentiality of discussing matters properly subject to closed session discussion, including legal and personnel matters and negotiations to develop strategies and actions in connection therewith which are in the best interests of the City. The premature disclosure of information from a closed session could cause severe and costly harm to the City. Any employee willfully breaching the confidentiality of a closed session will be subject to disciplinary action. Any elected or appointed official willfully disclosing confidential information disclosed during a closed session in violation of the Brown Act shall be subject to the remedies specified in the Brown Act and to public censure by the Council.

3.03.030 QUORUM.

Three-fifths of the council members constitute a quorum.

3.03.040 SEATING ARRANGEMENT OF THE COUNCIL.

The Mayor is seated at the center of the dais, and the Mayor Pro Tem is seated immediately adjacent to the Mayor. The Mayor, with the approval of individual council members, shall establish the seating arrangement for City Council meetings.

3.03.050 TELECONFERENCE OF CITY COUNCIL MEETINGS.

In the event that any member of the Council elects to use teleconferencing as a means of participating in any meeting of the legislative body, he/she may do so provided the Council is informed in time for proper Brown Act compliance.

The teleconferenced meeting or proceeding shall comply with all provisions of law and include the following requirements 1) all votes taken during a teleconferenced meeting shall be by roll call; 2) the agenda for any teleconferenced meeting shall be posted at any teleconference location to be utilized, subject to the same time and content regulations applicable to non-teleconferenced meetings; 3) a teleconferenced meeting shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Council; 4) any teleconference location to be utilized shall be identified in the notice and agenda of the meeting or proceeding; 5) any teleconference location to be utilized shall be accessible to the public and the public shall be provided an opportunity to address the legislative body directly; 6) any member of the Council wishing to use teleconferencing, shall be required to notify the City Manager within sufficient time to allow the Council to meet the requirements of posting the agenda 72 hours prior to the time set for the meeting, and shall be responsible for making sure all other requirements for use of teleconferencing as well as all other applicable provisions of law are adhered to at the teleconferenced site; and 7) the City will pay for any local or long distance charges.

3.03.060 AGENDA REQUIREMENT FOR ACTION TAKEN.

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

"Discussion", as used herein, shall mean any conversation between council members or between council members and audience other than questions for clarification, provision of reference to Staff or other resources for factual information, or a request for Staff to report back to the Council.

(a) Non-Agenda Matters Raised During Public Comments.

With regard to matters not on the agenda, the members of the Council may ask questions of persons who raise such matters during the Public Comment period or otherwise, and the Mayor should handle such matters as provided, but such questions should be limited to informational purposes and the Council should avoid discussions of the merits or giving directions regarding such subjects.

No action or discussion shall be taken on any item not appearing on the posted agenda, except that council members may briefly respond to comments made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. In addition, on their own initiative, or in response to questions posed by the public, council members may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the body at a subsequent meeting concerning any matter. See Chapter 3.04 Rules of Decorum for Members of the Public at Meetings for more specifics.

(b) Non-Agenda Matters Raised During Council Member Reports and Comments.

With regard to matters raised by members of the Council under Council Member Reports and Comments, such matters should normally be placed on a subsequent agenda and the Mayor should handle such matters without discussion by the Council. Council members may ask a question for clarification, provide a reference to Staff or other resources for factual information, or request Staff to report back to the Council at a subsequent meeting concerning any matter.

(c) Exceptions to Agenda Requirement for Action Taken.

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

(c)(1) Emergency Situation.

Upon a majority determination that an "emergency situation", as that term is defined by State law, exists.

(c)(2) "Need to Take Action" Arises Subsequent to the Agenda Posting.

Upon a determination by a two-thirds (2/3) vote of the Council, or if less than two-thirds (2/3) of the members are present by a unanimous vote of those members present, that there is a need to take immediate action and the need came to the attention of the City subsequent to the agenda posting. For the purposes of this subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the Council.

(c)(3) Documentation of "Need to Take Action".

The mere failure of any person to notify the Council or staff of a pre-existing situation requiring Council attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the Council makes a determination pursuant to this subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

3.03.070 THE PRESIDING OFFICER.

The Mayor is the Presiding Officer and acts as chair at City Council meetings. As Presiding Officer, the Mayor calls City Council meetings to order, announces the order of business as detailed on the agenda, states motions, calls for a vote and announces the results, facilitates and monitors discussions, maintains order, and enforces the Council's rules and parliamentary procedures.

In the absence or incapacity of the Mayor, the Mayor Pro Tem serves as Presiding Officer. When the Mayor and Mayor Pro Tem are absent at any City Council meeting, the next most senior member of the Council as determined by years of service on the Council or, if equal, by the number of votes received in the municipal election in which they were elected shall serve as the Presiding Officer.

(a) Authority to Rule Out of Order.

The Mayor shall have the authority to rule any speaker out of order, including speakers during the Public Comment period, if the subject raised is not within the subject matter jurisdiction of the Council, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing or if the speaker becomes disruptive to the proceedings and conduct of the meeting. See Chapter 3.04, Rules of Decorum for Members of the Public at Meetings.

(b) Authority to Conduct Meeting in an Orderly Manner.

The Mayor shall have the responsibility for the conduct of meetings in an orderly manner. To prevent the obstruction of business, and in carrying out this responsibility, the Mayor shall have the authority to give the floor to any member of the Council or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, and to order any persons willfully interrupting the meeting to be removed from the room. All persons are expected to conduct themselves with civility and courtesy at all times.

(c) Motion to Appeal the Ruling.

Any determination made by the Mayor may be appealed by the making of a Motion to Appeal the Ruling by any other member of the Council. The Presiding Officer's determination will stand unless a majority of the Council votes in favor of the Motion to Appeal the Ruling, in which case the ruling of the Mayor will be overridden. The Motion to Appeal the Ruling is debatable, and the Mayor may participate in the debate and the voting on the motion. A vote upon a Motion to Appeal the Ruling is purely a procedural matter and shall not constitute "action taken" on any substantive question.

3.03.080 PARLIAMENTARIAN.

The City Attorney, as the Council's chief legal officer, shall decide all questions of interpretations of these rules and any other questions of a parliamentary nature which may arise at City Council meetings.

3.03.085 PUBLIC COMMENT PERIOD.

Every agenda posted for any regular or special meeting shall contain an item consisting of an opportunity for the public to address the Council on items of interest to the public within the Council's subject matter jurisdiction. In addition to receiving comment from the public during the Public Comment period, the Mayor shall have the discretion to recognize persons from the audience who wish to address the Council on a particular agenda item, at the time that item is considered by the Council. See Section 3.02.090 E Public Comments and Responses to Prior Public Comments for specifics and Chapter 3.04 Rules of Decorum for Members of the Public at Meetings.

3.03.090 PUBLIC HEARINGS.

Matters which are required to be heard in a noticed public hearing shall be conducted by the Mayor in such a manner as to afford due process.

(a) Time for Consideration.

Matters noticed to be heard by the Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

(b) Continuance of Public Hearings.

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

(c) Opening the Public Hearing.

When a matter for public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing, the Mayor shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.

(d) Public Testimony.

The Mayor shall thereupon inquire if there are any persons present who desire to address the Council on the matter.

(d)(1) Recognition and Time Limitations.

Any person desiring to speak or present evidence should provide the City Clerk with a Public Speaker Card and upon being recognized may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.

Applicants and appellants, especially in land use matters are given more time to speak. Whenever any group of persons wishes to address the Council or committee on the same subject matter, it shall be proper for the Mayor/Chair to request that a spokesperson be chosen by the group to address the body and, to limit the number of persons so addressing the body in order to avoid unnecessary repetition.

(d)(2) Content and Form of Public Testimony.

All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

(e) Questions by Council Members.

Members of the Council who wish to ask questions of the speakers, or each other, during the public hearing portion, may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony during which members are encouraged not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public hearing.

(f) Closing the Public Hearing.

Upon closing of the public hearing by the Mayor, no additional public testimony shall be solicited or received by the Council without reopening the public hearing. The Council may ask further questions of speakers, applicants or appellants during deliberation for clarity purposes only. To receive new testimony, the hearing must be reopened.

3.03.100 DISCLOSURE OF MATERIAL FACTS AND COMMUNICATIONS RECEIVED.

It is the duty of each council member to publicly disclose "material facts" and "communications" that are relevant to a matter under consideration by the Council which have been received from a source outside of the public decision-making process. "Material fact" means a fact that is relevant for a council member to make an informed and knowledgeable decision and which would likely influence the decision of the council member. A fact is also material if the failure to disclose the fact will substantially mislead

any council member from making an informed and knowledgeable decision. "Communications" includes but is not limited to, text message, e-mail, telephone call or conversation with a resident or any person that is relevant to the matter under consideration.

3.03.110 DISCUSSION RULES.

To assist the Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

(a) Obtaining the Floor.

A council member or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the Mayor and limited to the issue before the Council. Cross-exchange between council members and the public should be avoided.

(b) Questions to Staff.

A council member shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. If a council member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

(c) Interruptions.

Once recognized, a council member is considered to have the floor, and another council member may not interrupt the speaker except to make a point of order or point of personal privilege. In such circumstance, the council member holding the floor shall cease speaking until the point of order or privilege is resolved.

Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

(d) Discussion.

A council member should not speak more than once on a particular subject until every other council member has had the opportunity to speak. Council members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.

(e) Tabling Procedure.

Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to “continue” an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

(f) Right of Protest.

A council member is not required to state reasons for dissenting vote.

3.03.120 MOTIONS.

The following procedures shall apply to making motions:

(a) Making a Motion.

Any council member, including the Mayor, may bring a matter of business properly before the Council by making a motion. Any member, including the Mayor, except the member making the motion, may second a motion. Once a motion is seconded, it shall be re-stated by the Mayor and opened for discussion and debate.

(b) Calling for the Question.

The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote, unless otherwise declined by motion and vote. A council member may move to “call for the question” on an item which is being considered. If the motion carries, the item is no longer debatable and the Council must vote on it.

(b)(1) Consensus of Opinion.

If it appears that there is a consensus of opinion among the council members on the matter to be voted upon, the Mayor may state the consensus of the Council and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the Council.

(b)(2) No Consensus of Opinion.

On items that do not require a formal vote, if there does not appear to be an obvious consensus of opinion among the Council on a matter to be voted upon, a voice vote of the council members shall be taken.

(b)(3) Abstention Votes.

Except in the cases of a described conflict of interest, in the event that one less than the necessary number of "aye" votes has been cast, then an "abstain" vote shall constitute concurrence and the Clerk shall set forth in the minutes that the matter was passed pursuant to this rule.

(b)(4) Declaration of Result.

After every vote the Mayor shall declare the result and on all but consensus votes, shall note, for the record, the number of votes for or against the question.

(c) Related Motions.

Once a main motion is properly brought before the Council and seconded, related motions may be employed in addressing the main motion.

(c)(1) Form and Precedence.

These motions take precedence over the main motion and, if properly made and seconded, must be resolved before the main motion can be acted upon. If a main motion is pending, no related motion except as stated below, may be made and any such motion may be declared out of order by the Mayor.

(c)(2) Categories of Related Motions.

Related motions fall into two categories: Subsidiary Motions and Motions of Privilege, Order, or Convenience. Despite the pendency of a main motion or a Subsidiary Motion thereto, any member of the Council or the Mayor may make a Motion of Privilege, Order, or Convenience, which once made takes precedence.

3.03.130 VOTING PROCEDURES

If voting is by voice vote, the Mayor shall declare the result and note for the record all "aye" votes, all "no" votes and any abstentions. The Council may also vote by roll call vote or visual display. Regardless of the manner of voting, the results reflecting all "ayes", "noes" and "abstentions" must be clearly set forth for the record.

Council members may declare general consensus at the discretion of the Mayor, if there are no negative votes or objections.

Upon the request of any council member, a roll call vote will be taken and recorded.

A tie vote is equivalent to a motion that has failed. The Mayor may publicly explain the effect of the tie vote for the audience or may direct a staff member to do so.

3.03.140 COUNCIL MEMBER COMMENT PERIOD.

In addition to receiving comment from the public, there is a specific item on the agenda for receiving general comments, announcements, and/or suggestions from council members. These matters may not be discussed and if they do not concern an item on the agenda, shall be handled by the Mayor according to the same procedures set out for Public Comment. No action may be taken on such matters without their being placed on a subsequent agenda. See section 2.13.030 for reporting requirements in relation to City business travel.

3.03.150 APPEALS; CONTINUANCES.

Any person appealing an action of a City Commission or City Staff to the Council has a right to one (1) postponement of the initial hearing scheduled on the appeal. After exhaustion of this right, the appeal shall be considered withdrawn. This procedure shall not limit the ability of the Council to continue a hearing which has commenced to a subsequent meeting to receive additional public testimony or information from City Staff.

3.03.160 RECONSIDERATION OF A COUNCIL ACTION.

Provided that no intervening right will be prejudiced, a council member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the decision which is the subject of the motion was made or at the next following meeting on the condition that it's placed on that meeting agenda. After a motion for reconsideration is acted upon, no other similar motion to reconsider may be made on that matter without unanimous consent of the Council.

A reconsideration motion made by a member of the Council voting in the minority shall not be allowed except when made more than one (1) year after the date of the original action.

3.03.170 PRIVILEGE.

The right of any council member to address the Council on a question of privilege shall be limited to cases, that would interfere with the normal comfort of the meeting (i.e., too hot or cold, too noisy, etc.) or that would not be considered appropriate conduct of the meeting. A council member wishing to invoke the privilege must state the basis therefore and once doing so may interrupt another speaker if the Mayor recognizes the "privilege."

3.03.180 INTERPRETATION OF POLICY.

This policy shall be liberally construed to effectuate its purpose and no ordinances, resolutions, proceedings, or other actions of the Council shall be invalidated or the legality thereof otherwise affected by any failure or omission of the Council to comply with, observe, or follow the rules and procedures stated in this Policy Manual.

**CHAPTER 3.04
RULES OF DECORUM FOR MEMBERS OF THE PUBLIC AT MEETINGS**

Sections:

- 3.04.010 Purpose.
- 3.04.020 Public Meeting Decorum.
- 3.04.030 Addressing the Council and Committees.
- 3.04.040 Public Presentations at Meetings.
- 3.04.050 Values of Respect.
- 3.04.060 Enforcement of Order.

3.04.010 PURPOSE.

This policy establishes rules of decorum for members of the public attending and/or addressing the Council or committee at a meeting held in the Council Chambers or conference room. The policy is intended to facilitate the conduct of public meetings in an open and orderly manner and in an environment safe for all persons in attendance.

All persons are expected to conduct themselves with civility and courtesy at all times. All persons giving comments shall speak directly to the Council and address issues, not individuals.

3.04.020 PUBLIC MEETING DECORUM.

Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session, and refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting; refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.

Appropriate attire, including shoes and shirts are required in the Council Chambers and conference room at all times. No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and conference room, except as otherwise pre-approved by City Staff.

3.04.030 ADDRESSING THE COUNCIL AND COMMITTEES.

Persons wishing to speak on an agenda item or during public comments are asked to complete a speaker blue card and submit the card to the City Clerk or other staff at the meeting. Speakers should discuss topics related to City business on the agenda, unless

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they are speaking during public comments. Speaker's comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Commissioners, Committee Members, or staff in conversation will not be honored. Abusive language is inappropriate and not allowed. Speakers and any other member of the public will not approach the dais during the meeting without prior consent from the Mayor/Chair. Speakers should return to their seat after their comments and not continue to stand at the podium.

When the Mayor/Chair has recognized you, come forward to the podium and state your name and city of residence for the record. Any documents used by the speaker shall be given to the City Clerk for distribution to the Council. A three-minute limit is the policy of the Council; however, the time limit is at the discretion of the Council/Committee.

Applicants and appellants, especially in land use matters are given more time to speak. Whenever any group of persons wishes to address the Council or committee on the same subject matter, it shall be proper for the Mayor/Chair to request that a spokesperson be chosen by the group to address the body and, to limit the number of persons so addressing the body in order to avoid unnecessary repetition.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from council members, the applicant comments, if any, and then the public comments are heard. After the Mayor has announced the public comments portion is done, or a motion has been made, or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority of the Council.

Speakers are encouraged to submit written public comments to the City Clerk preferably 24 hours prior to the distribution of the agenda packet. The written public comments will be included in the agenda packet, enabling the speaker to summarize his/her written comments within the three-minute time limit at the meeting. Any written comments on an agenda item received by the City Clerk prior to the meeting will be distributed to the Council or committee and then included in the official record of the meeting.

3.04.040 PUBLIC PRESENTATIONS AT MEETINGS.

The Mayor may establish reasonable time restrictions on presentations from members of the public that take into consideration the complexity of the subject matter, the number of other members of the public wishing to address the Council, and the number of other items on the agenda to which the Council must attend. Members of the public who wish to utilize electronic media in the presentations must coordinate in advance with the City Clerk's office. The City Manager may establish reasonable rules on the public's use of electronic media, to minimize the disruption of Council meetings as well as the burden on City staff,

including the requirement of advance notice and/or submission of presentation data to ensure all compatibility issues are resolved before the Council meeting.

3.04.050 VALUES OF RESPECT.

The Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the Council include:

- 1) Discussion should focus on policy matters.
- 2) Personal criticism of elected officials or other individuals is discouraged.
- 3) Proper decorum should be displayed as other members express their views.
- 4) Treat member of the public equally, applying rules in fair and consistent manner.

3.04.060 ENFORCEMENT OF ORDER.

The Police Chief or his designees acts as the Sergeant-At-Arms. Any council member may request the Mayor to enforce the rules of protocol. Upon motion and majority vote, the Mayor shall be required to do so.

**CHAPTER 3.05
ROTATION AND DUTIES OF THE MAYOR AND MAYOR PRO TEM**

Sections:

- 3.05.010 Rotation of Mayor and Term of Office.
- 3.05.020 Duties and Responsibilities of the Mayor.
- 3.05.030 Council Expectations of the Mayor.
- 3.05.040 Staff Time Allocation.
- 3.05.050 Rotation of Mayor Pro Tem.
- 3.05.060 Duties and Responsibilities of the Mayor Pro Tem.

3.05.010 ROTATION OF MAYOR AND TERM OF OFFICE.

The City of Indian Wells has a council/manager form of City government. All five (5) members of the Council are elected at large to four (4) year terms. The Council has instituted automatic annual rotation of the Mayor and Mayor Pro Tempore to permit as many council members as possible the opportunity during their membership on the Council to occupy the position of Mayor and Mayor Pro Tempore. This automatic rotation cannot be amended or repealed without first obtaining the approval of the voters at a general or special municipal election. See Municipal Code section 2.08.160 – Appointment of Mayor and Mayor Pro Tempore for specifics.

The next Mayor in the rotation is sworn in during the December reorganization meeting for a one (1) year term. The Mayor remains as one member of the Council and has no rights or authority different from any member of the Council.

3.05.020 DUTIES AND RESPONSIBILITIES OF THE MAYOR.

As reflected in the Municipal Code, the Mayor is to preside at all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council or by the vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the titular head of the City for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, resolutions, and other documents that have been adopted by the Council and require an official signature; except when the City Manager has been authorized by Council action to sign said documents. In the event the Mayor is unavailable, the Mayor Pro Tem's signature may be used.

Traditionally, the Mayor and Mayor Pro Tem have also been assigned by the Council to consult and coordinate with the City Manager in the development of agendas for City Council meetings. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full Council. The staff maintains a "Future Agenda Items" calendar that tentatively programs when matters will likely be considered at future meetings.

The Mayor also acts as spokesperson for the Council when appropriate media or external organization requests are made and will represent the Council's official position.

The Mayor issues proclamations, makes declarations, and extends official recognition of groups or events.

3.05.030 COUNCIL EXPECTATIONS OF THE MAYOR.

Council Members expectations of the Mayor are as follows:

- As presiding officer, maintains order, decorum and the fair and equitable treatment of all speakers in front of the Council.
- Keeps discussion and questions focused on the specific agenda item under consideration.
- Makes parliamentary ruling with advice from the City Attorney. Chair rulings may be overturned if a council member makes a motion as an individual and the majority of the Council votes to overrule the chair.
- Leads the Council into an effective, cohesive working team.
- Determines theme and venue for annual State of the City event.
- Recommends Council ad-hoc committees and members, as appropriate, for formal Council approval at a City Council meeting.
- Serves as the liaison between the Council and the City Manager and City Attorney in regards to employee relations.

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- Serves as the official City delegate to the League of Cities annual conference.
- The Council may designate the Mayor to administer counseling, verbal reprimands and written warning to commission, committee or board members, and call for investigations of commission, committee or board member conduct.
- Reviews all mail addressed to Mayor.

3.05.040 STAFF TIME ALLOCATION.

The Mayor receives additional use of staff time beyond the standard 2-hour rule only for the following:

- State of the City
- Town Hall meetings
- Welcome speeches at events
- Preparation for media interviews
- Promotional or official Mayoral correspondence
- Advertorials (Palm Springs Life)
- Crisis communications

All other requests of staff time, over two hours, by the Mayor will follow the procedure as outlined in sections 2.03.070 and 2.07.40 of this manual.

3.05.050 ROTATION OF MAYOR PRO TEM.

The Council has instituted automatic annual rotation of the Mayor and Mayor Pro Tempore to permit as many council members as possible the opportunity during their membership on the Council to occupy the position of Mayor and Mayor Pro Tempore. This automatic rotation cannot be amended or repealed without first obtaining the approval of the voters at a general or special municipal election. See Municipal Code section 2.08.160 – Appointment of Mayor and Mayor Pro Tempore for specifics.

The next Mayor Pro-Tem in the rotation is sworn in during the December reorganization meeting for a one (1) year term. The Mayor remains as one member of the Council and has no rights or authority different from any member of the Council.

In the event of a premature vacancy in the office of Mayor, the Mayor Pro-Tem shall become Mayor for the remaining portion of the outgoing Mayor's term as Mayor. In the event of a vacancy in the office of the Mayor Pro-Tem, the next council member in rotation will be the new Mayor Pro-Tem.

3.05.070 DUTIES AND RESPONSIBILITIES OF THE MAYOR PRO-TEM.

The Council has specified that the Mayor Pro-Tem shall perform the duties of the Mayor during the Mayor's absence or disability.

The duties and responsibilities of the Mayor Pro-Tem are as follows: 1) In the Mayor's absence, acts as the presiding officer at all City Council meetings assuring all meetings are conducted in an orderly manner, and in accordance with legal requirements, 2) acts as the ceremonial head or representative of the City at various civic affairs, 3) acts as spokesperson for the Council, 4) acts as signatory to all documents requiring Council execution, 5) issues proclamations, makes declarations, and extends official recognition of groups or events.

**CHAPTER 3.06
ROLES AND RESPONSIBILITIES OF COUNCIL MEMBERS**

Sections:

3.06.010 Overview.

3.06.020 Former Council Members.

3.06.010 OVERVIEW.

All members of the Council, including those serving as Mayor and Mayor Pro Tem, have equal votes. No council member has more power than any other council member, and all should be treated with equal respect.

Council members are expected to:

Fully participate in Council meetings and other public forums while demonstrating respect, consideration and courtesy to others.

Prepare in advance of Council meetings and be familiar with issues on the agenda.

Be respectful of other people's time, stay focused and act efficiently during public meetings.

Represent the City at ceremonial functions at the request of the Mayor.

Provide contact information to the Council's Executive Assistant in case an emergency or urgent situation arises while the council member is out of town.

Participate in scheduled activities to increase team effectiveness and review Council procedures.

3.06.020 FORMER COUNCIL MEMBERS.

Past members of the City Council who speak to the current Council about a pending issue should disclose who they are speaking on behalf of, whether an individual or organization.

**CHAPTER 3.07
COMMISSIONS, COMMITTEES AND BOARDS**

Sections:

- 3.07.010 Introduction.
- 3.07.020 Council Relationship with Commissions, Committees and Boards.
- 3.07.030 Role of Ex-Officio Member.
- 3.07.040 Staff Involvement with Advisory Bodies.
- 3.07.050 Work Plan.
- 3.07.060 Requests for Work Outside the Adopted Work Plan.
- 3.07.070 Minute Preparation.
- 3.07.080 Appointment of Resident Members.
- 3.07.090 Attendance.
- 3.07.100 Decorum and Order.
- 3.07.110 Membership of Current Commissions, Committees and Boards.
- 3.07.120 Policy for Selection and Appointment of Resident Members.
- 3.07.130 Simultaneous Service Prohibition.
- 3.07.140 Annual Review of Commission, Committee and Board Relevance.

3.07.010 INTRODUCTION.

The Council shall establish such commissions, committees and boards as it deems appropriate to provide policy advice. Committees may be either standing committees, or ad hoc committees established by the Council from time to time. Each commission, committee, and board shall be advisory only, unless otherwise specified in the resolution or motion establishing the commission, committee or board, and shall be established by a specific resolution or motion with its purpose, duties, and number of members defined by the resolution or motion. In addition, the Council periodically appoints persons other than council members to certain outside organizations or regional authorities listed in Section 3.08.100. The provisions of this chapter shall also apply to such outside organizations and regional authorities. (Resolution No. 1992-195, 12/17/1992)

3.07.020 COUNCIL RELATIONSHIP WITH COMMISSIONS, COMMITTEES AND BOARDS.

Council members must recognize that it is important for commissioners and committee members to be able to make objective recommendations on items related to the City. Council members must be certain that any opinions expressed to members of commissions and committees are clearly identified as individual personal opinions, unless official Council action has been taken on the subject in question.

The Council has determined that council members should not lobby commissioners, committee or board members for particular votes. However, council members may attend meetings in their unofficial capacity as residents and request that commissioners, committee or board members consider certain issues during their deliberations, or may do so in unusual instances in their capacity as council members to reflect the views of the Council as a body. Council members should not engage in advocacy before a commission, committee or board on any matter which will likely thereafter come before the council at a public hearing.

Council members choosing to attend commission, committee or board meetings should be sensitive to the fact that they are not participating members of the body. Council members have the rights, and only the rights, of ordinary citizens with respect to commissions, committees or boards – including the right to write to and speak to the commission, committee or board during public comment periods.

3.07.030 ROLE OF EX-OFFICIO MEMBER.

Members of the Council are assigned to serve in an ex-officio capacity to various City committees. The purpose of the ex-officio assignment is to facilitate communication between the Council and the advisory body and to help to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their ex-officio assignment, members will attend committee meetings to observe the activities and maintain communication with the committee.

Ex-officio members should be sensitive to the fact they are non-voting members of the committee. Being an ex-officio member bestows no special right with respect to the commission, committee or board business.

3.07.040 STAFF INVOLVEMENT WITH ADVISORY BODIES.

Staff support and assistance is typically provided to commissions, committees and boards. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and Council. The members of the commission, committee or board are responsible for the functions of the advisory body.

Staff support often includes preparation of an agenda and its' posting in compliance with the Brown Act. Staff also prepares reports providing background on an issue, alternatives, a recommendation, and appropriate support materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

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It is important that advisory bodies wishing to communicate recommendations to the Council do so through approved Council agenda procedures. In addition, if a commission/committee wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the Council.

3.07.050 WORK PLAN.

All programs, projects, funding and staffing requests must be approved by the Council. By March 1 of each year, every commission, committee and board shall develop a work plan which contains their goals and objectives for the coming fiscal year. This work plan shall be transmitted to the Council along with any requests for funding or additional staffing for programs or projects in the coming fiscal year.

3.07.060 REQUESTS FOR WORK OUTSIDE THE ADOPTED WORK PLAN.

Individual members of any commission, committee or board who would like staff to perform research or for the advisory body to review a particular issue over two hours total staff time must gain the approval for such a request from the Council at duly notice public meeting, before any work is planned or done. The annual work plan for the City's commissions, committees and boards are determined by the Council at its goal and objective setting process that precedes the adoption of the budget.

Any request for information and/or research that is outside the adopted work plan and meets any of the following is considered a major study and requires Council approval prior to any staff time being expanded.

- Requires more than 10 staff hours to complete.
- Not a planned budgeted activity.
- Possible change in current policy which was the culmination of extensive public input and/or as a result of committee deliberations.
- New policy research on which there has been no Council discussion or direction or because of its sensitivity would involve more than 10 hours of staff time.

A request for work outside the work plan must be submitted in writing from the Chair of the commission, committee or board to the City Clerk to be placed on a Council agenda. The responsible department will recommend courses of action which consider budgeted workloads and annual work plans to the Council. It is the policy of the Council that such requests must adhere to the following provisions:

1) Approval of the majority of the Council;

2) All requests by commissions, committees or boards for reports or information items that will take longer than five (5) hours, must be written and should be directed to the responsible department with a copy to the City Manager in order that staff work may be properly coordinated. This does not prevent the commission, committee or board from getting written information that may require minor staff time or is already consistent with the commission, committee or board's normal work plan, such staff support should be accommodated.

3) At the City Manager's discretion, the Council may be informed that numerous requests for work outside the adopted work plan represent a workload sufficiently large enough to disrupt the on-going, planned work for which the department is responsible. In these cases, the City Manager will propose to the Council review the Work Plan and for the Council to direct staff where, in the priority list, the new requests for work belong.

3.07.070 MINUTE PREPARATION.

Action minutes will be produced by City staff for all advisory body meeting in a similar format used for Council meetings. Additions or corrections to the minutes are made at the next public meeting of the advisory body upon approval of the majority of the commission, committee or board. Draft minutes of all commission, committees or boards will be provided to the Council in a timely manner.

3.07.080 APPOINTMENT OF RESIDENT MEMBERS.

Resident members of each commission, committee or board, shall be appointed by the Council during a regular or special meeting of the Council. The terms of all appointees shall expire on June 30 (except for certain listed outside organizations or regional authorities whose terms may expire on different dates). Appointees shall take office on July 1 (except for certain listed outside organizations or regional authorities whose terms may commence on different dates).

3.07.090 ATTENDANCE.

Members of each commission, committee and board are expected to make every effort to attend all meetings and be present for the entire meeting. Members are expected to contact the responsible staff member in the event of any absence in a timely manner. Members are allowed two (2) unexcused absences in each twelve month period from the anniversary date of their appointment. The chair of the commission, committee or board shall notify the City Clerk in writing of any member that is in violation of this policy. The City Clerk will then send a letter to the member indicating his/her non-conformance to this

policy stating that with an additional unexcused absence in that same twelve month period, the member's position on the commission, committee or board will be automatically vacated. If an additional unexcused absence occurs within the same twelve month period, the position shall be automatically vacated. The City Clerk shall notify the member, the Council, and the commission, committee or board of the vacancy.

(a) Excused Absences.

The following is a sample of the types of absences that will be excused:

Travel plans
Illness
Family emergency
Work or business conflicts

3.07.100 DECORUM AND ORDER.

Each member of all City commissions, committees and boards has a duty to:

- Represent and work for the common good of the City and not for any private interest.
- Provide fair and equal treatment for all persons and matters coming before the body.
- Read and understand the background and purpose of the items of business before voting.
- Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.
- Faithfully perform all duties of the body.

Each commission, committee and board meeting will also adhere to Chapter 3.04, Rules of Decorum for Members of the Public at Meetings.

The actions of commissions, committees and boards have significant impact on the residents of Indian Wells. Public participation in the democratic process is strongly supported and actively encouraged by the Council. Adherence to this policy will encourage broad public participation while ensuring meetings are conducted in the most professional and courteous manner possible.

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3.07.110 MEMBERSHIP OF CURRENT COMMISSIONS, COMMITTEES AND BOARDS.

Current City standing commissions, committees and boards subject to appointment procedures of this Chapter 3.07 are:¹

Planning Commission	5 Members
Architecture and Landscape Committee	5 Members ²
Marketing Committee	12 Members ³ including 2 Councilmembers
Community Activities Committee	6 Members including 1 Councilmember
Golf Resort Advisory Committee	7 Members ⁵ including 2 Councilmember
Grants-in-Aid Committee	6 Members ⁴ including 1 Councilmember

Current outside organizations or regional authorities subject to appointment procedures of this Chapter 3.07 are:

Joslyn Senior Center Board	Either 1 Council Member or other registered voter
Coachella Valley Mosquito & Vector Control	Either 1 Council Member or other registered voter

¹ The I WIN Commission was deactivated by the City Council on October 19, 1995. The Arts Commission was deactivated by Council on January 19, 1995. Golf Course Committee was formed on December 5, 2002, and disbanded on September 20, 2007. The Golf Resort Clubhouse Committee was formed on April 16, 2009 and was disbanded on December 16, 2010.

² The Architecture and Landscape Committee [ALC] was increased from a membership of 2 Staff and 1 Planning Commissioner on December 16, 1993 to 3 residents and 1 ex-officio Arts Commissioner by the City Council. On January 19, 1995, the number of residents was increased to 5.

³ On January 15, 1998, Council changed the number of Citizens-at-Large on the Advertising and Marketing Committee from 3 to 4. On November 7, 2002 the Council reorganized the Advertising and Marketing Committee to the Marketing Committee and eliminated Citizens-at-Large participation from the Committee.

⁴ The Grants-in-Aid Committee and Arts-in-Public Places Committee were formed on February 19, 2004.

⁵ The Golf Resort Advisory Committee was formed on September 20, 2007.

⁶ The Community Center Ad Hoc Committee was formed on February 4, 2010 and disbanded on December 15, 2011.

3.07.120 POLICY FOR SELECTION AND APPOINTMENT OF RESIDENT MEMBERS.

In order to secure broad and knowledgeable representation on the City's commissions, committees, and boards, it is desirable that a standard policy be formulated for selection to these bodies.

(a) Eligibility Criteria.

All members of a commission, committee or board shall be registered voters of the City, unless an exception is provided for by the Council. Also the membership of such bodies be representative of the entire community insofar as possible, and members on such commissions, committees, and boards shall be willing to serve as a civic responsibility and without compensation.

(b) Term Limitations.

Except for council members whose term on a commission, committee or board shall be one (1) year unless reappointed by the Council, the following provisions apply to appointees. Appointees are limited to two (2) consecutive two-year terms of membership on a specific commission, committee or board, including a partial term. An appointee may not be reappointed to the same commission, committee or board after completion of two consecutive terms, including a partial term. After serving a maximum of two two-year terms (including a partial term), an appointee shall not be reappointed to the same commission, committee or board unless at least one year has elapsed between the expired term limit and the effective date of commencement of the new term. Notwithstanding any provision to the contrary, an appointee shall not be precluded at any time following completion of service on a commission, committee or board from being appointed to another commission, committee or board without the lapse of time between appointments. Term limits will be applied prospectively, commencing with appointments made on or after January 1, 2009. Notwithstanding any provision to the contrary, if a committee is placed on hiatus by City Council action, the appointee's term is considered active and continuous; therefore any period of time the committee is on hiatus is include as part of appointee's term.

(c) Outreach Efforts.

Staff will employ one or more of the following methods of outreach to attract applications from qualified candidates: (1) send letters to persons who previously have applied for a City appointment for any commission, committee or board, and who wish to be notified of open positions, and to other individuals who have expressed interest in notification of such openings (list to be maintained by City Clerk's office); (2) place notice of vacancies in the City's newsletter, and/or in a separate flyer; (3) publish notice of vacancies in a local newspaper; or (4) place notice on the City's website.

(d) Application Process.

Each applicant shall be given an application packet that will include: an informational document including the eligibility criteria for appointment and a description of the role and responsibilities of the commission, committee or board members; frequency, time, and location of meetings; Code of Ethics, Fair Political Practices Commission (FPPC) financial disclosure requirements; and reference to California open meetings law.

The information to be provided by the applicant shall include name, address, telephone number, number of years as a resident in the City, work/professional experience, qualifications for appointment, and reasons for wishing to serve.

(e) Selection Process.

As a part of the selection/appointment process applicable to proposed members other than council members, the Council may interview in open session of a Council meeting, any or all of the individuals submitting applications, as determined by the Council, in its discretion. After candidates, if any, have been interviewed, council members will confer as a group to discuss appointments.

(f) Voting Procedure.

In a regularly scheduled or special Council meeting, the Council shall vote for members, other than council members, by completing ballots listing all the candidates for a particular commission, committee, or board. The City Clerk shall publicly display the ballots for each vote at the Council meeting and include in the minutes the names of all the candidates that appear on the ballot, as well as detail the votes cast by each council member for each commission, committee or board appointment.

(g) Appointment Requirements.

The following requirements apply to the schedule for filling vacancies created by the expiration of a term or vacancies created by a resignation requiring an appointment for the remainder of that term.

(g)(1) Council Appointments List.

Pursuant to Government Code 54972, a "Council Appointments List" shall be prepared annually listing all members of the City's commissions, committees and boards, the dates of their appointment, the expiration date of their terms, and the necessary qualifications for the positions.

(g)(2) Expired Term.

By the first Council meeting in May every year, the City Clerk shall submit to the Council a "Council Appointments List" of vacancies for terms expiring on June 30 of that year on all commissions, committees and boards. The procedure outlined in Section 3.07.120 shall be implemented and applications shall be accepted for a minimum of three (3) weeks following the announcement of the vacancies. Both incumbents seeking reappointment and new applicants must submit an application. Appointments should be made by the second Council meeting in June every year.

(g)(3) Unscheduled Vacancies.

In the event of an unscheduled vacancy on the City's commissions, committees or boards, the City Clerk shall post a special vacancy notice no earlier than twenty (20) days before, nor later than twenty (20) days after the vacancy occurs. Final appointment to the commission, committee or board cannot take place for at least ten (10) working days after the posting of the notice (Gov. Code 54974).

3.07.130 SIMULTANEOUS SERVICE PROHIBITION.

Members shall not serve simultaneously on more than one commission, committee or board. However, a member may be appointed to an additional advisory body as a representative of the commission, committee or board on which the member serves as a non-voting member.

3.07.140 ANNUAL REVIEW OF COMMISSIONS, COMMITTEES AND BOARDS RELEVANCE.

The Council will annually review each of the City's commissions, committees and boards to determine the relevance of their work plan, membership and organization to the accomplishment of the Council's Goals and Objectives. The Council may make such changes as it deems necessary to the work plans, membership and organization of the commissions, committees and boards, on an as-needed basis.

**CHAPTER 3.08
OUTSIDE ORGANIZATIONS, REGIONAL AUTHORITIES
AND CITY COMMITTEES**

Sections:

- 3.08.010 Appointments of Council Members to Outside Organizations, Regional Authorities and City Committees.
- 3.08.020 Procedure for Council Member Assignments.
- 3.08.030 Reporting Responsibilities of Appointees.
- 3.08.040 Representational Responsibilities of Appointees.
- 3.08.050 Current Appointments.
- 3.08.060 Staff Involvement in City Committees.

3.08.010 APPOINTMENTS OF COUNCIL MEMBERS TO OUTSIDE ORGANIZATIONS, REGIONAL AUTHORITIES AND CITY COMMITTEES.

The City of Indian Wells has numerous relationships with outside organizations and regional authorities, such as the League of California Cities and the Coachella Valley Association of Governments (CVAG). The City Council annually assigns, pursuant to the "Draft" system set forth in section 3.08.020, one or more Council Members, as applicable, to serve as the City's representative on the governing bodies of such organizations and authorities. Alternates appointed to these outside organizations have the same authority as the primary appointee when the appointee is absent. Once a council member has been assigned to participate in an outside organization or regional authority, separate approval is not needed to participate in a subcommittee of that organization or regional authority. The Council also annually assigns, pursuant to the "Draft" system set forth in section 3.08.020, council members to serve on City standing committees. Finally, the Council from time to time assigns council members to serve on City ad hoc committees without using the "Draft" system (See Chapter 3.10).

3.08.020 PROCEDURE FOR COUNCIL MEMBER ASSIGNMENTS.

Annually or as vacancies occur, the City Clerk shall present to the Council a list of such outside organizations, regional authorities and City standing committees, and the names of council members currently assigned to them. The Council shall attempt to spread the various council member assignments so that each council member fairly shares the responsibility of representing or conducting business for the City. At the time of assigning council members to such outside organizations, authorities and City standing committees, the Council shall first review the list of all such organizations, regional authorities and City standing committees. The Council shall then review the policies and procedures pertaining

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to the assignment of individual council members to such bodies prior to making assignments (as described below).

The Council shall then vote to assign council members to such outside organizations, authorities and City standing committees. Assignments may thereafter be exchanged by affected council members at any time without need for approval by the entire Council.

The City utilizes what is commonly called the "Draft" system to assign council members to outside organizations, regional authorities and City standing committees. The "Draft" is based on seniority of the council members' consecutive years of service. In the case where two or more council members have been initially elected on the same date, the council member receiving more votes shall be deemed to have seniority. Each council member, in order of seniority, selects one (1) choice of assignment followed in turn by the other council members' choices, until all positions have been filled.

The Mayor shall automatically have priority right to serve on the CVAG Executive Committee. The Mayor and Mayor Pro Tem shall also automatically serve on the Council Standing Personnel Committee and Tee Standing Committee. For purposes of the "Draft", the Mayor and/or Mayor Pro Tem may place their assignment on the CVAG Executive Committee, Personnel Standing Committee and Tee Standing Committee as their selection at any stage or in any of their turns in the "Draft". Ad hoc committees comprised solely of council members are not subject to the "Draft".

Concerning the foregoing council member assignments, council members serve as "non-voting" members on their assigned City commissions, committees and boards, including any ad hoc committee that includes resident members. For those years that there is/are no new council member(s), the Council in its sole discretion can chose to retain the existing assignments for another year, make some modifications to the existing assignments, or utilize the "draft" for council member assignments.

3.08.030 REPORTING RESPONSIBILITIES OF APPOINTEES.

All council members representing the City on outside organizations, regional authorities and City committees should summarize their activities at Council meetings during Council Members' reports. If the City reimburses a council member his/her actual and necessary expenses incurred in such representation, he/she shall give a report on the meetings he/she attended at the expense of the City at the next regular meeting of the City Council.

3.08.040 REPRESENTATIONAL RESPONSIBILITIES OF APPOINTEES.

Council members assigned to outside organizations or regional authorities represent the City's interest, generally as determined by a majority of the Council. Council members are not to represent or vote their own or individual positions on an issue, but that of the City, as articulated, directed or instructed by a majority of the Council. Wherever possible, all significant policy issues shall be brought before the Council for determination and instruction to the assigned council member. The assigned council member shall represent that position until such time as a majority of the Council changes or modifies its position on a policy issue.

3.08.050 CURRENT APPOINTMENTS.

Current assignments to outside organizations and regional authorities are on file in the Office of the City Clerk and posted on the City's website.

3.08.060 STAFF INVOLVEMENT IN CITY COMMITTEES.

City committees may request information from City Staff but shall not direct staff in the performance of their duties or in their recommendations to the Council. All staff involvement with a committee shall be approved by the City Manager so as not to unduly interfere with day to day operations or priorities established by the Council.

The substantial use of staff for purposes not provided in the Council's Strategic Plan must be approved by the Council.

CHAPTER 3.09

COUNCIL STANDING AND AD HOC COMMITTEES

Sections:

- 3.09.010 Establishment of Council Standing and Ad Hoc Committees.
- 3.09.020 Procedure for Council Ad Hoc Assignments.
- 3.09.030 Notice of Standing Committee Meetings.
- 3.09.040 Ad Hoc Committee Meetings.
- 3.09.050 Report of Standing and Ad Hoc Committees.
- 3.09.060 Annual Review of Standing and Ad Hoc Committees Necessity.

3.09.010 ESTABLISHMENT OF COUNCIL STANDING AND AD HOC COMMITTEES.

The Council may establish standing or ad hoc committees of the Council for policy review of a specific area or a specific issue. Ad hoc committees may be established at the time of need. They shall have a specific program of work to perform and shall automatically dissolve once the program of work is completed. Ad hoc committees may be comprised solely of council members, solely non-council members, or a combination of both.

Council standing committees will be used sparingly and ordinarily in an ad hoc capacity, and may not speak or act for the Council. Council standing committees are to help the Council do its job by preparing policy alternatives and implications for Council deliberation.

3.09.020 PROCEDURE FOR COUNCIL AD HOC ASSIGNMENTS.

The Mayor will make the recommendation as to the appointment of members to ad hoc committees, if the assignments are not made at the time the ad hoc committee is formed. The recommended appointments will be agendaized for formal action by the entire Council at the next City Council meeting.

3.09.030 NOTICE OF STANDING COMMITTEE MEETINGS.

An agenda of all Council Standing Committees will be posted seventy-two (72) hours prior to the meeting, as per the Brown Act and the meeting will be open to the public. Generally speaking, no council members, except those appointed to the committee, may attend said meeting as there are Brown Act implications; however, there are exceptions where a non-standing committee member(s) may attend only as observers.

3.09.040 AD HOC COMMITTEE MEETINGS.

Generally speaking, no member of the Council who is not a member of an ad hoc Council committee may attend a meeting of that ad hoc committee; however, exceptions can be made.

3.09.050 REPORT OF STANDING AND AD HOC COMMITTEES.

Standing and ad hoc committees will report on the work of the committee during Council Member Reports & Comments section of the City Council agenda. Whether or not there is agreement between the two members of the standing or ad hoc committee, the report to the entire Council will reflect the position of both members.

3.09.060 ANNUAL REVIEW OF STANDING AND AD HOC COMMITTEES NECESSITY.

The Council will review annually the relevance of the Council's standing and ad hoc committees to the Council's current Strategic Plan Goals and Objectives, and will eliminate those which are determined by a majority of the Council to be no longer necessary.

**CHAPTER 3.10
FILLING VACANT COUNCIL POSITIONS**

Sections:

3.10.010 Procedure for Filling a Vacant Council Seat.

3.10.010 PROCEDURE FOR FILLING A VACANT COUNCIL SEAT.

Under Government Code Section 36512(b), the Council is required to fill a vacant seat by either appointing to fill the unexpired term of the former council member or by calling an election which must be set at the next regularly established election date (not less than 114 days from the Council's call of the election). The Council must make this decision within 60 days after a council member's position becomes vacant.

The following procedure is for handling the resignation of a council member and filling the position for the remainder of the term.

(a) Notice of Intent to Resign.

When applicable, a council member shall submit to the City Clerk in writing notice of intention to resign from office, including the effective date of resignation. The City Clerk shall place the notice on the next available agenda, under General Business.

(b) Determination of Appointment or Election.

The Council shall determine within sixty (60) days following the effective date of resignation of a council member whether the vacancy shall be filled by appointment or by election. If the vacant term has more than one (1) year remaining after the date of the nearest election, the Council's policy is to fill the position by election. If the term of the vacant position has less than one (1) year after the date of the nearest election, the Council shall determine if it wants to fill the vacancy by election or appointment. If the term of the vacant position would have the same election date as the regular Council election, the Council can determine if it will make an appointment or leave the position vacant until the next regular election. There are also various Government and Election Code sections that describe the process of filling a vacancy.

(c) More Than One Vacancy.

If the Council is aware that more than two (2) positions are to become vacant, the Council should make enough appointments to assure that the Council can maintain a quorum.

**CHAPTER 3.11
PREPARATION OF CITY COUNCIL MEETING MINUTES**

Sections:

- 3.11.010 Introduction.
- 3.11.020 Form and Content
- 3.11.030 Standard Format.
- 3.11.040 Official Record.

3.11.010 INTRODUCTION.

The minutes are the concern of the City Clerk until presented to the Council for approval; the Council may then, by motion, make such corrections as conform to fact.

3.11.020 FORM AND CONTENT.

The minutes should be a clear and concise statement of the Council actions, including the motions made and the vote thereon. Except as provided for quasi-judicial proceedings, reasons for making a motion, Council debate, and audience reaction are usually irrelevant and will be omitted.

Whenever the Council acts in a quasi-judicial proceeding such as reassessment, use permit, or other zoning matters, it is necessary to compile a summary of the testimony and Council findings in support of a motion so that the record will accurately reflect the proceedings.

3.11.030 STANDARD FORMAT.

The City Clerk will use one standardized format for minutes to ensure uniformity of minute entries and to save time in composing the record.

3.11.040 OFFICIAL RECORD.

The written minutes of the City Council meeting proceedings shall be the official record of the meetings, the video recordings are supplemental. The written minutes shall be retained by the City permanently, and the video shall be maintained until such time as the Council authorizes disposal after a minimum of 10 years retention.

**CHAPTER 3.12
ADOPTION OF ORDINANCES**

Sections:

- 3.12.010 Definitions.
- 3.12.020 Introduction and First Reading.
- 3.12.030 Second Reading and Adoption.
- 3.12.040 Effective Date and Publication Requirement.

3.12.010 DEFINITIONS.

Ordinances are legislative acts by the Council and establish permanent and enforceable rules. The Council is given the power to pass ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and Constitution of the State of California or the United States. An ordinance is an action that can be repealed or amended only by a subsequent ordinance.

(a) Ordinances.

Except for urgency ordinance, ordinances require two readings, by title only, at separate City Council meetings. An ordinance is introduced during first reading, and given final approval at second reading. Except for urgency ordinances and ordinances relating to an election, taxes or street improvements, ordinances become law thirty (30) days after the second reading.

(b) Urgency Ordinances.

In matters deemed by the Council to warrant immediate action to preserve peace, public safety or health, an urgency ordinance may be adopted at first reading and become effective immediately, as long as they are approved by 4/5ths of the Council.

3.12.020 INTRODUCTION AND FIRST READING.

With the exception of urgency ordinances, all proposed ordinances are placed on the City Council agenda twice. The first reading is to insure that all interested parties are afforded an opportunity to state their respective positions prior to final adoption of ordinances at a subsequent Council meeting.

3.12.030 SECOND READING AND ADOPTION.

After introduction, the ordinance will be placed on the next Council agenda under Ordinance Adoption. Upon request, anyone willing to speak on the proposed Ordinance will be called upon to comment, prior to final adoption of the proposed Ordinance.

3.12.040 EFFECTIVE DATE AND PUBLICATION REQUIREMENT.

If adopted upon second reading, the ordinance shall be published in a newspaper of general circulation and become effective thirty (30) days after final approval, except as to ordinances relating to elections, taxes and streets. The 30 day time frame is known as a referendum period. A referendum period is required by State law and is a time frame in which any citizen can file a petition challenging the legality of a recently adopted ordinance.

**CHAPTER 3.13
ADOPTION OF RESOLUTIONS**

Sections:

- 3.13.010 Definition.
- 3.13.020 Uses of the Resolution.
- 3.13.030 Vote.

3.13.010 DEFINITION.

Resolutions are legislative acts that are not codified and are filed in the City Clerk's office. A resolution expresses the policy of the Council on directing certain types of procedural or administrative actions. It requires only one reading and may be changed by subsequent resolution.

3.13.020 USES OF THE RESOLUTION.

The most important powers of a city are exercised by the Council by the enactment of ordinances. Ordinances require a complicated methodology for approval; they must be published, and a thirty (30) day waiting period for enactment is required. The use of a resolution, or minute action, when proper, saves two important municipal resources -- time and money.

Resolutions may be used in the following situations: 1) the item states the Council's policy position on issues or activities, and 2) the Council's action on an item is being formally documented.

Resolutions may not be used in the following situations: 1) the matter under consideration by the Council amends or repeals an ordinance; 2) the matter before Council does not regulate a person or property, which imposes a penalty by fine, imprisonment or forfeiture; 3) the matter before Council is not expressly required by statutory authority requiring ordinance.

3.13.030 VOTE.

A simple majority vote of a Council quorum will pass or defeat a resolution.

**CHAPTER 3.14
RULES OF CONDUCT FOR COUNCIL MEMBERS**

Sections:

- 3.14.010 Council Conduct and Relationship to Electors.
- 3.14.020 Housing Complaints.
- 3.14.030 Responding to Public Complaints and Inquiries.
- 3.14.040 Council Calendar.
- 3.14.050 Council Stipend.
- 3.14.060 Audits.
- 3.14.070 Council Travel Policy.
- 3.14.080 Council Communication With Staff.
- 3.14.090 Council Budget.
- 3.14.100 Gifts.
- 3.14.110 Public Presentations.
- 3.14.120 Closed Sessions.
- 3.14.130 Annual Review of a) Gift Restrictions b) City Policy Regarding Receipt and Distribution of Tickets and c) City and Campaign Contribution Reporting Requirements.

3.14.010 COUNCIL CONDUCT AND RELATIONSHIP TO ELECTORS.

No council member shall act in such a manner as to call into disrepute the public image of the Council or which is discourteous to or results in the constant interruption of other members of the Council or members of the public. Council members are elected by all of the people to serve as representatives of all of the people. Authority and responsibility for legislative enactments are vested in the Council. California follows the Council type of government where it is the function of the representatives to do that which in their best judgments is proper. California does not follow the "Town Meeting" type of government where the people legislate. Therefore, the Council has authority to limit debate on any subject and to act in good faith regardless of the viewpoints of limited minorities. The purpose of public expression is to inform the public of what the Council is doing.

The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of council members to vote and decide issues, regardless of personal hesitation. There will always be segments of the population dissatisfied with any decision. The purpose of government is to balance legally, fairly, and without favor the limitations, restrictions, or losses that are to be placed upon the individual or several individuals against the good, the benefit, or welfare of or to a majority of the people.

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The electors have delegated to the Council the right, the power, and the duty to act; the same electors have reserved to themselves the rights of 1) petition, 2) election, 3) recall, 4) referendum, 5) initiative and 6) taxpayers' suits. Both the council members and electors must accept the authority or powers given (or reserved) to them and exercise the same accordingly and in good faith.

3.14.020 HOUSING COMPLAINTS.

Council members shall handle complaints from tenants of the City's affordable housing units as follows: 1) Upon receipt of any complaint, the council member should explain to the tenant that under the Sublease Agreement with a management company who is responsible for the day-to-day management responsibilities, and the City Attorney has opined that the City has no authority to resolve the tenant's complaint; 2) the council member should inform the tenant that a management company has been hired and that the City and the council member take every complaint seriously. The council member should direct the complaint to the City Manager, and the City Manager shall thereafter promptly direct the complaint to the appropriate management company representative; 3) following submission of the complaint to the management company, the City Manager or his designee shall follow-up with the management company to insure that they provide a brief written report to the City Manager or his designee regarding the resolution of the complaint. The City Manager shall thereafter forward the written report to council members concerning the resolution of the complaint."

3.14.030 RESPONDING TO PUBLIC COMPLAINTS AND INQUIRIES.

Council members receiving complaints or requests for service concerning routine matters, such as a pothole or inoperative street light, shall refer the inquirer to the appropriate City department. Complaints received by a council member concerning a request for service which the council member knows or learns has already been referred to a City department, shall be referred by the council member to the City Manager for follow up by the City Manager. Complaints received by a council member from a member of the public whose perception is that he/she has been treated poorly by a City staff member shall be referred to the City Manager for his/her investigation and appropriate disposition.

When a council member receives a complaint or inquiry from the public the response to which will likely involve a significant amount of staff work and/or a large financial cost, the council member will inform the City Manager of the complaint or inquiry and will not make any promises to the inquirer regarding the likely disposition of the matter. The City Manager will investigate the complaint or inquiry, and determine if it is appropriate for the City staff to respond to the request, and direct City Staff to respond appropriately. The City Manager shall inform the entire Council of the complaint, who presented it to the City Manager, and the action taken by the City Staff in response to the complaint or inquiry.

3.14.040 COUNCIL CALENDAR.

The responsibility for managing the calendars of the Council and the council members shall be delegated to the City Council's Executive Secretary.

3.14.050 COUNCIL STIPEND.

Council members receive a stipend as set by Charter Amendment.

3.14.060 AUDITS.

City Staff shall informally assist the Council in a periodic accounting of individual expenditures for travel, phone use, etc.

3.14.070 COUNCIL TRAVEL POLICY.

All trips by individual council members not funded specifically in the City Budget shall be taken only following approval by a majority of the Council for the trip. Reimbursement for all travel and meeting expenses incurred by council members shall be in accordance with the City's currently adopted Travel and Reimbursement Policy located within the Fiscal Procedures Manual, pursuant to AB1234 (see Appendix D).

3.14.080 COUNCIL COMMUNICATION WITH STAFF.

Council members shall request research and analytical work or give direction only to the City Manager or the City Attorney, except that requests for general information not involving significant staff time that can be orally provided or copied, may be requested from department heads. Requests which involve Council policy, expenditure of funds, research or analytical work, or use of more than two hour of total staff time shall be submitted to the full Council. To avoid misdirection of requests and inefficient use of staff time, council members shall submit their requests to the City Manager. In the absence of the City Manager or the City Attorney, requests should be made to the Acting City Manager.

Regardless of whether a request for research analytical work or direction shall require more than two hours of total staff time, direction to the City Manager shall be given only by a majority of the Council, acting at a City Council meeting. Requests for information will not burden staff and will be primarily shared with the City Manager at regular meetings between the council members and the City Manager.

3.14.090 COUNCIL BUDGET.

The Council generally has a fixed amount in the City Council Budget. It shall be the policy of the Council to see that each council member generally attempts to stay within approximately one-fifth (1/5) of that entire budget. Expenses from other specific budget programs shall be based on individual need and appropriateness.

3.14.100 GIFTS.

Gifts given to the City shall be managed or distributed by the City Manager. Gifts shall be shared equitably without regard to position or longevity with the City by elected officials, appointed officers, and employees of the City.

3.14.110 PUBLIC PRESENTATIONS.

The City is often asked to make presentations, speeches, announcements, and receive awards and recognition. The Mayor or City Manager shall have the primary responsibility for meeting these public presentation requirements on behalf of the City. Individual council members may represent the City before groups or organizations which have specifically invited them.

3.14.120 CLOSED SESSIONS.

Closed Sessions are by definition confidential. The welfare of the City rests on the seclusion and confidentiality of discussing legal and personnel matters and negotiations to develop strategies and actions in the best interests of the City. The premature disclosure of information from a Closed Session could cause severe and costly harm to the City. Any employee breaching the confidentiality of a Closed Session will be subject to disciplinary action. Any elected or appointed official breaching the confidentiality of a Closed Session shall be subject to public censure by the Council.

From time to time, City staff may provide to council members Closed Session staff reports or documents pertaining to or to be considered in Closed Session (collectively, "Closed Session Documents"). Any and all Closed Session Documents shall be treated as confidential and not subject to public disclosure, unless and until the Council authorizes such disclosure, or such disclosure is required as a matter of law. Council members are encouraged to return to the City Clerk or City Attorney all Closed Session Documents at the conclusion of the applicable Closed Session. However, Council members may, in their individual discretion, retain and use outside of and following the Closed Session any Closed Session Documents for purposes of further consideration and analysis of the Closed Session item; provided, however, that the foregoing restrictions against public disclosure of the Closed Session Documents shall at all times remain in effect. Any and

all Closed Session Documents shall be delivered prior to Closed Sessions by means of "hard copy", and not by means of e-mail or similar internet transmission. Council members shall not reproduce any Closed Session Document and may retain a Closed Session Document only in the "hard copy" form in which it was transmitted to the council member. The City Clerk shall keep and maintain in a segregated confidential file in the office of the City Clerk a copy of each Closed Session Document for future reference by Council Members and other authorized persons who attended an applicable Closed Session, as needed, and shall retain such Closed Session Documents in accordance with the City's Records Retention Policy.

3.14.130 ANNUAL REVIEW OF (a) GIFT RESTRICTIONS, (b) CITY POLICY REGARDING RECEIPT AND DISTRIBUTION OF TICKETS, AND (c) CITY AND CAMPAIGN CONTRIBUTION REPORTING REQUIREMENT.

At the first regular meeting or special meeting of the Council following the annual reorganization, the Council, with the assistance of the City Attorney and City Staff, shall conduct a review of applicable law and City policies pertaining to: (a) the acceptance of gifts, (b) the City's acceptance and distribution of tickets to sports, entertainment, charity and similar events, and (c) reporting by Council Members of campaign contributions at Council meetings when there are agenda items directly involving contributors.

TITLE 4

FINANCIAL

**Adopted: October 3, 1991
Re-Adopted: November 15, 2012**

TITLE 4 FINANCIAL

Chapters:

4.01 Establishment of City Financial Policies

CHAPTER 4.01 ESTABLISHMENT OF CITY FINANCIAL POLICIES

Sections:

4.01.010 Background.
4.01.020 Policy Purpose.
4.01.030 Procedure.

4.01.010 BACKGROUND.

Establishing financial policies has many benefits. One of the most important is that it can help officials view their present approach to financial management from an overall, long-range vantage point. In Indian Wells, policies already exist in budgets, in capital improvement plans, in the general plan, in grant applications, in Council resolutions, in the annual financial report and in administrative practices. When financial policies are scattered among these kinds of documents, are unwritten, or are developed on a case-by-case basis, it is possible that decisions could be made without consideration of other current policy decisions, past policy decisions or future policy alternatives. This kind of policy making can lead to: conflicting policies, inconsistent policies and incomplete policies.

Implementation of the policies will have an effect on the way City funds are utilized. No dollar value can be placed on the long-term effects of the policies. Their implementation, however, will guide the way funds are planned for and used in the multi-years resource allocation plans. Decisions on how to specifically appropriate City funds will remain a function of the budget review and approval process.

4.01.020 POLICY PURPOSE.

The purposes of establishing financial policies are: a) preserving and enhancing fiscal strength and sound fiscal practices, b) providing a process to insure that the fiscal aspects of policy issues are considered in the decision process, c) avoiding decisions which solve a current problem while creating a future financial difficulty, d) making clear the

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inter-relationships between various fiscal decisions, e) establishing the relationship between City goals and policies and their fiscal impacts, and f) having basic fiscal policies expressed in an integrated way by the Council.

4.01.030 PROCEDURE.

Financial policies for the City of Indian Wells shall be set by the following procedure: the Council shall adopt by resolution a set of financial policies to assure the financial strength and accountability of the City; the City Manager shall develop Administrative Directives and general procedures for implementing the Council's financial policies.

TITLE 5

OPERATIONAL

**Adopted: October 3, 1991
Re-Adopted: November 15, 2012**

TITLE 5 OPERATIONAL

Chapters:

- 5.01 Administrative Directives
 - 5.02 Identification of Personnel
 - 5.03 Security
 - 5.04 Risk Management
-

CHAPTER 5.01 ADMINISTRATIVE DIRECTIVES

Sections:

5.01.010 Administrative Directives.

5.01.010 ADMINISTRATIVE DIRECTIVES.

The City Manager is authorized to issue administrative directives which specifically outline or clarify policies, procedures, rules and activities of the City consistent with Council policies, resolution and ordinances. These Administrative Directives shall become appendixes to the City Council Policy Manual. The City Manager shall establish and keep current rules and procedures concerning the duties, activities, responsibilities, salary and benefits for all City Personnel. These Personnel Rules and Procedures shall be adopted by Resolution and become part of the City Council Policy Manual.

**CHAPTER 5.02
IDENTIFICATION OF PERSONNEL**

Sections:

5.02.010 Identification of Personnel.

5.02.010 IDENTIFICATION OF PERSONNEL.

The City shall issue official identification cards and business cards for all officers and employees of the City. The identification cards shall be kept current with the individual's department, position, photograph and other pertinent information for identification. An employee shall have this identification card in his/her possession during all work hours and shall use the card only for official purposes of identification in conjunction with City business.

**CHAPTER 5.03
SECURITY**

Sections:

5.03.010 Security.

5.03.010 SECURITY.

All City facilities shall be secured in a manner sufficient to protect City facilities, equipment and documents from unauthorized access, vandalism or theft. Each appointee and employee will be provided appropriate access related to their position and duties. The City Manager shall issue Administrative Directives regulating security issues.

**CHAPTER 5.04
RISK MANAGEMENT**

Sections:

5.04.010 Risk Management.

5.04.010 RISK MANAGEMENT.

The City shall develop and maintain a comprehensive Risk Management Program to reduce the City's liability as much as is practical. There are inherent risks and liabilities in operating a municipal corporation that cannot be fully avoided. Even with the most prudent efforts, the City will incur litigation. It is the policy of the City that all elected and appointed officials, officers and employees shall be defended, held harmless, and indemnified against any claim action, demand, or judgment action of any type or kind arising out of the course and scope of their duties with and for the City, consistent with applicable law.

TITLE 6

LEGISLATIVE ACTIONS

**Adopted: October 3, 1991
Re-Adopted: November 15, 2012**

TITLE 6 LEGISLATIVE ACTIONS REGARDING

6.01 Resolutions

Resolution No. 1990-28: Rescinding Resolution No. 90-18; and Adopting a Code of Ethics for all Official and Employees of the City of Indian Wells [05/17/1990]

Resolution No. 1991-109: Adopting a Policy Manual for the City Council [10/03/1991]

Resolution No. 1992-195: Amending Chapter 3.07 re: Council Appointments to Commissions, Boards, and Committees [12/17/1992]

Resolution No. 1993-10: Amending Chapter 2.05 re: Updating the List of Designated Positions Subject to City's Conflict of Interest Code [01/21/1993]

Resolution No. 1993-11: Amending Chapter 2.03 re: Responsibilities of the City Manager [01/21/1993]

Resolution No. 1993-119: Amending Chapter 3.13 re: Council Correspondence [09/16/1993]

Resolution No. 1993-136: Amending Chapters 3.05 and 3.06 re: Election of Mayor and Mayor Pro-Tem & Responsibilities [11/04/1993]

Resolution No. 1994-62: Amending Chapters 2.04, 2.05, 2.08, 3.01, 3.02, 3.03, 3.04, AND 3.05 [08/04/1994]

Resolution No. 1995-4: Amending Chapter 3.02, Section 3.02.030(d)(1) regarding the placing of items on the agenda [02/02/1995]

Resolution No. 1995-32: Amending Chapters 3.03, Section 3.03.080(c) regarding Member abstentions [05/18/1995]

Resolution No. 1995-80: Amending Chapters 3.01, 3.03, and 3.13, Sections 3.03.020(a)(1)(iii), 3.03.090, 3.03.100, and 3.13.130 regarding public comments [11/16/95], Section 3.03.080(c) regarding Member abstentions [05/18/1995]

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Resolution No. 1996-51: Amending Chapter 3.07, Sections 3.07.020 and 3.07.040(j)(2) regarding appointment of commissions [05/02/1996]

Resolution No. 1996-53: Amending Chapters 3.13, regarding Council Member rules of conduct [05/16/1996]

Resolution No. 1996-116: Amending Chapters 3.13, Sections 3.13.060(a) and (d) regarding Member meeting and travel experiences [10/03/1996]

Resolution No. 1998-5: Amending Chapter 3.07 regarding membership on City commissions and committees [02/05/1998]

Resolution No. 1999-6: Amending Chapter 3.03 regarding teleconferencing of City Council meetings [03/04/1999]

Resolution No. 2001-62: Amending Section 2.02.020(a) regarding duties of the City Council [12/20/2001]

Resolution No. 2002-01: Rescinding Section 2.07.060 regarding removal of the City Manager [03/07/2002]

Resolution No. 2002-19 and **Resolution No. RDA 2002-03:** Amending Chapter 3.03 regarding to times of City Council/RDA meetings [06/27/2002]

Resolution No. 2002-23: Amending Chapter 3.13 regarding City Council Expenses [06/27/2002]

Resolution No. RDA 2002-05: Amending Chapter 3.13 regarding Redevelopment Agency Board meeting allowance and expenses [06/27/2002]

Resolution No. 2003-02: Amending Chapter 3.03 regarding times of City Council meetings [01/16/2003]

Resolution No. 2003-38: Amending Chapter 3.13 regarding City Council expenses [06/05/2003]

Resolution No. 2003-66: Amending Chapter 3.11 regarding ordinances [09/04/2003]

Resolution No. 2004-13: Amending Section 3.07.030, 3.07.040(a) and 3.07.040(c) regarding selection and appointment of members to Commissions, Boards and Committees [04/01/2004]

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Resolution No. 2004-16: Amending Sections 3.05.010 and 3.06.010 regarding Mayor and term of office [04/15/2004]

Resolution No. 2004-48: Amending Section 2.02.020(a) regarding duties of the City Council and the City Manager [08/19/2004]

Resolution No. 2004-62: Adopting a policy concerning Affordable Housing Program tenant complaints [11/18/2004]

Resolution No. 2005-38: Amending Chapter 3.10 relative to City Council vacancies [08/04/2005]

Resolution No. 2005-53: Rescinding the Requisite of the Indian Wells Arts in Public Places Committee [10/20/2005]

Resolution No. 2006-14: Amending Chapter 3.08 of the City of Indian Wells City Council/Redevelopment Policy Manual relative to Council and Agency Committee and Organization Appointments [02/16/2006]

Resolution No. 2006-30: Amending Chapter 3.13 of the City of Indian Wells City Council/Redevelopment Agency Policy Manual Relative to Council Expenses [05/04/2006]

Resolution No. 2007-29: Amending Chapter 3.13 of the City of Indian Wells City Council/Redevelopment Agency Policy Manual Relative to Council Expenses [06/07/2007]

Resolution No. 2008-39: Amending the City Council/Redevelopment Agency Policy Manual Concerning Closed Session Documents [07/17/2008]

Resolution No. 2009-03: Amending the City Council/RDA Policy Manual Relative to Term Limits for Commissions, Boards and Committees [02/15/2009]

Resolution No. 2009-06: Amending the City Council/RDA Policy Manual Relative to Term Limits for Commissions, Boards and Committees [03/19/2009]

Resolution No. 2010-10: Amending Chapter 2.04 of the Indian Wells City Council/RDA Policy Manual Concerning Disclosure of Campaign Contributions; Chapters 3.07, 3.08 and 3.09 Concerning Designation of Council Members' Outside Organization and City Committee Assignments; and Chapter 3.13 Concerning Council Norms [02/18/2010]

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Resolution No. 2010-40: Amending the City of Indian Wells Policy Manual Concerning the Annual Selection of the Mayor and Mayor Pro-Tem [07/15/2010]

Resolution No. 2011-03: Amending Sections 3.07.030 and 3.08.020 of the Indian Wells City Council/RDA Policy Manual Concerning Membership of and Council Member Assignments to Various Commissions, Committees and Boards [02/03/2011]

Resolution No. 2011-04: Amending the Indian Wells City Council/RDA Policy Manual Concerning Distribution of City-Controlled Tickets [02/03/2011]

Resolution No. 2011-05: Amending Section 2.04.080 of the Indian Wells City Council/RDA Policy Manual Concerning Disclosure of Campaign Contributions [02/17/2011]

Resolution No. 2011-08: Amending the Indian Wells City Council/RDA Policy Manual Concerning the Selection and Appointment of Resident Members to Commissions, Committees and Boards [03/17/2011]

Resolution No. 2011-36: Amending Sections 3.05.010 and 3.06.010 of the Indian Wells City Council/RDA Policy Manual Relating to Selection of the Mayor and Term of Office [11/17/2011]

Resolution No. 2012-40: Adopting a Revised City Council Policy Manual [11/15/2012]

Resolution No. 2013-28: Adding Section 2.13.040 to the Indian Wells City Council Policy Manual Concerning Golf Fee Benefits [05/16/2013]

Resolution No. 2013-40: Amending Section 3.07.120(b) of the City Council Policy Manual Concerning Term Limitations and Committee Hiatus [07/11/2013]

Resolution No. 2014-01: Amending the City Council Policy Manual [03/20/2014]

6.02 Amendments to the City Council/RDA Policy Manual

TITLE 1 INFORMATION

1.01 Mission, Vision and Values Statements

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2012-40 [11/15/0212]

TITLE 2 ADMINISTRATIVE

2.01 Policy Manual Purpose

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2012-40 [11/15/0212]

2.02 Form of Government

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2001-62 [12/20/2001]

Resolution No. 2004-48 [08/19/2004]

Resolution No. 2012-40 [11/15/0212]

2.03 Council/Manager Plan

Resolution No. 1991-109 [10/03/1991]

Resolution No. 1993-11 [01/21/1993]

Resolution No. 2012-40 [11/15/0212]

2.04 City Manager's Duties

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2002-01 [03/07/2002]

Resolution No. 2012-40 [11/15/0212]

2.05 City Attorney's Duties

Resolution No. 1991-109 [10/03/1991]

Resolution No. 1994-62 [08/04/1994]

Resolution No. 2012-40 [11/15/0212]

2.06 Priority of Resources

Resolution No. 2012-40 [11/15/0212]

2.07 Use of City Personnel, Equipment or Resources

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2012-40 [11/15/0212]

2.08 Code of Ethics for all City Officials & Employees, Consultants and Contracted Personnel

Resolution No. 2012-40 [11/15/0212]

2.09 Political Reform Act; Conflict of Interest

Resolution No. 1991-109 [10/03/1991]

Resolution No. 1993-10 [01/21/1993]

Resolution No. 1994-62 [08/04/1994]

Resolution No. 2010-10 [02/18/2010]

Resolution No. 2011-05 [02/17/2011]

Resolution No. 2012-40 [11/15/0212]

2.10 Distribution of City-Controlled Tickets to City Officials

Resolution No. 2011-04 [02/03/2011]

Resolution No. 2014-01 [03/30/2014]

2.11 Council Communication

Resolution No. 2012-40 [11/15/0212]

2.12 Distribution of City-Controlled Tickets to City Officials

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2012-40 [11/15/0212]

2.13 Council Financial Matters

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2.14 Civility Guidelines

Resolution No. 2012-40 [11/15/2012]

2.15 City's Non-Discrimination Policy

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2012-40 [11/15/2012]

2.16 Dress Code for City

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2012-40 [11/15/2012]

2.17 Attorney-Client Privileged Information

Resolution No. 2014-01 [03/30/2014]

TITLE 3 LEGISLATIVE

3.01 Open Meetings – Brown Act

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1994-62 [08/04/1994]
Resolution No. 1995-80 [05/02/1996]
Resolution No. 2012-40 [11/15/2012]

3.02 Meeting Agendas

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1994-62 [08/04/1994]
Resolution No. 1995-4 [02/02/1995]
Resolution No. 2012-40 [11/15/2012]
Resolution No. 2014-01 [03/30/2014]

3.03 Conduct of Meetings

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1994-62 [08/04/1994]
Resolution No. 1995-32 [05/18/1995]
Resolution No. 1995-80 [05/02/1996]
Resolution No. 1999-6 [03/04/1999]
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Resolution No. 2003-02 [01/16/2003]
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Resolution No. 2014-01 [03/30/2014]

3.04 Rules of Decorum for Members of the Public at Meetings

Resolution No. 2012-40 [11/15/2012]

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3.05 Rotation and Duties of Mayor and Mayor Pro Tem

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1993-136 [11/04/1993]
Resolution No. 2004-16 [04/15/2004]
June 2, 2005 Staff Report #9F
Resolution No. 2010-40 [07/15/2010]
Resolution No. 2011-36 [11/17/2011]
Resolution No. 2012-40 [11/15/0212]

3.06 Roles and Responsibilities of Council Members

Resolution No. 2012-40 [11/15/0212]

3.07 Commissions, Committees and Boards

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1992-195 [12/17/1992]
Resolution No. 1996-51 [05/02/1996]
Resolution No. 1997-41 [06/05/1997]
Resolution No. 1998-05 [02/05/1998]
Resolution No. 2004-16 [04/15/2004]
Resolution No. 2009-03 [02/05/2009]
Resolution No. 2009-06 [03/19/2009]
Resolution No. 2010-10 [02/18/2010]
Resolution No. 2011-03 [02/03/2011]
Resolution No. 2011-08 [03/17/2011]
Resolution No. 2012-40 [11/15/0212]
Resolution No. 2014-01 [03/30/2014]

3.08 Outside Organizations, Regional Authorities and City Committees

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2010-10 [02/18/2010]
Resolution No. 2011-03 [20/03/2011]
Resolution No. 2012-40 [11/15/0212]
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3.09 Ad Hoc and Standing Committees

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2010-10 [02/18/2010]

Resolution No. 2012-40 [11/15/2012]

3.10 Filling Vacant City Council Positions

Resolution No. 1991-109 [10/03/1991]

Resolution No. 2005-38 [08/04/2005]

Resolution No. 2012-40 [11/15/2012]

3.11 Preparation of City Council Meeting Minutes

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1994-62 [08/04/1994]
Resolution No. 2012-40 [11/15/0212]

3.12 Adoption of Ordinances

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2003-66 [09/04/2003]
Resolution No. 2012-40 [11/15/0212]

3.13 Adoption of Resolutions

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2012-40 [11/15/0212]

3.14 Rules of Conduct for Council Members

Resolution No. 1991-109 [10/03/1991]
Resolution No. 1993-119 [09/16/1993]
Resolution No. 1995-80 [05/18/1995]
Resolution No. 1996-53 [05/16/1996]
Resolution No. 1996-116 [10/03/1996]
Resolution No. 1997-5 [01/16/1997]
Resolution No. 2002-23 [06/27/2002]
Resolution No. RDA 2002-05 [06/27/2002]
Resolution No. 2003-38 [06/05/2003]
Resolution No. 2004-62 [11/18/2004]
Resolution No. 2006-30 [05/04/2006]
Resolution No. 2007-29 [06/07/2007]
Resolution No. 2008-39 [07/17/2008]
Resolution No. 2010-10 [02/18/2010]
Resolution No. 2012-40 [11/15/0212]

TITLE 4 FINANCIAL

4.01 Establishment of City Financial Procedures

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2012-40 [11/15/0212]

TITLE 5 OPERATIONAL

5.01 Administrative Directives

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2012-40 [11/15/0212]

5.02 Identification of Personnel

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2012-40 [11/15/0212]

5.03 Security

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2012-40 [11/15/0212]

5.04 Risk Management

Resolution No. 1991-109 [10/03/1991]
Resolution No. 2012-40 [11/15/0212]

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EXHIBIT A

Administrative Policies and Practices

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EXHIBIT B

Mayor and Council Member Resource Guide

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EXHIBIT C

ICMA'S ETHICS GUIDE

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EXHIBIT D

Fiscal Procedures Manual

EXHIBIT E

Tips for Civility in Public Meetings

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EXHIBIT F

The Brown Act

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EXHIBIT G

Rosenberg's Rules of Order