



City of Hesperia
City Council
Procedures
Manual 2016



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CHAPTER 1 – AUTHORITY / ADMINISTRATION

A. GENERAL ADMINISTRATION

The City Council will review and revise the City Council, Commission, & Committee Rules of Procedure (“Policy”) annually in January.

During City Council discussions, deliberations, and proceedings, the Mayor has been designated with the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council’s norms and procedures.

Until such time as they are amended or new rules adopted by Resolution, these rules shall prevail to govern the order and conduct of business of the City Council and other legislative bodies that meet concurrently with the City Council, as well as various City Council Committees, and City Council-established Boards and Commissions. Those City Council established Boards and Commissions that are required by law to adopt rules of procedure shall adopt rules that are consistent with these Rules to the extent possible.

B. AMENDMENT

Any Rules may be adopted, altered, amended or repealed by Resolution at any time by a majority vote of the Council.

C. SUSPENSION

Any Rules may be temporarily suspended by an affirmative vote of at least three (3) Council Members present.

CHAPTER 2 - GOVERNMENTAL STRUCTURE

A. CITY OF HESPERIA

The **City of Hesperia** is a General Law city organized under the statutes of the State of California and incorporated July 1, 1988. The City is governed by a five-member City Council elected at-large to four-year overlapping terms.

Hesperia has the Council-Manager form of government and authority and responsibility for local legislative acts are vested in the Council. The City Council establishes policy; with the City Manager enacting those policies and also having responsibility for managing the day-to-day operations. The Mayor and Council Members are not full-time officials, but devote a great amount of time preparing for and attending Council, subcommittee, regional and intergovernmental meetings as well as community events. Responsibilities require attendance during regular business hours, evenings and weekends and Council Members must also be accessible to constituents.

B. HESPERIA WATER DISTRICT

The **Hesperia Water District** was originally formed on March 28, 1975 as a County Water District and was purchased from the Victor Valley County Water District. In 1988, the City of Hesperia was incorporated, and subsequently, the Hesperia Water District was reorganized as a subsidiary district of the City in 1992. The City Council serves as the Hesperia Water District Board of Directors. The District encompasses approximately 74.77 square miles and, as of January 2010, the District was providing water service to 26,998 active connections.

C. HESPERIA FIRE PROTECTION DISTRICT

The **Hesperia Fire Protection District** was originally formed on September 30, 1957 as a County Fire Protection District. Realizing the need for more local control, the Hesperia Fire Protection District reorganized on February 27, 1961 at which time a Board of Directors was elected. In 1975, the Emergency Medical Service program/Paramedic Ambulance service was developed. In 1988, the City of Hesperia was incorporated, and the Fire District became a subsidiary district of the City. In 2004 the City contracted with the County of San Bernardino for fire protection services. The City Council serves as the Hesperia Fire Protection District Board of Directors.

D. SUCCESSOR AGENCY TO THE HESPERIA COMMUNITY REDEVELOPMENT AGENCY

The City serves as the **Successor Agency to the Hesperia Community Redevelopment Agency** which was dissolved by the State of California on February 1, 2012.

The Hesperia Community Redevelopment Agency was activated by Council action on November 17, 1988. The City Redevelopment program began with the adoption of the first Redevelopment Plan for Project Area No. 1 in 1993. The Redevelopment Plan for Project Area No. 2 was adopted shortly after, also in 1993. Both of the Redevelopment

Plans were amended in 1999 making Project Area No. 1 a total of 22,649 acres and Project Area No. 2 a total of 2,920 acres. Members of the City Council also served as the Hesperia Community Redevelopment Agency Board of Directors.

CHAPTER 3 - STATUTORY REQUIREMENTS/REGULATORY GUIDELINES

Certain state laws and other established regulations exist which govern various responsibilities of the City Council. This manual is not intended to duplicate or repeat any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

A. THE BROWN ACT

The Ralph M. Brown Act is a law which provides that all meetings of a legislative body, whether meetings of the City Council, subsidiary districts, or its appointed commissions and committees, shall be open and public, and all persons shall be permitted to attend. Notices of such meetings must include a brief general description of each item of business and be posted in a location freely accessible to the members of the public 72 hours prior to the meeting. A "meeting" takes place whenever a quorum is present and subject matter related to city business is heard, discussed, or deliberated upon.

The Act makes punishable as a misdemeanor the attendance by a member of the legislative body at a meeting at which action is taken in violation of the Act. Action taken has been defined as a collective decision, commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members when sitting as a body upon a motion, proposal, resolution, order, or ordinance.

Serial meetings that are conducted through direct communications, intermediaries, or technological devices for the purpose of developing a concurrence as to action to be taken are prohibited by the Act.

B. POLITICAL REFORM ACT

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interest or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures. (See Gov. Code Sections 81000 - 91014)

Specifically, the Act requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Disclosure is made on a form called a "statement of economic interests" (Form 700). The form must be filed each year. Filed forms are public documents that must be made available to anyone who requests them. (See Gov. Code section 81002(c))

Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Council Member or certain family members.

Additionally the Political Reform Act requires that cities adopt and implement a separate Conflict of Interest Code that specifies additional 700 form filers consisting of positions within the agency that involves the making or participation in the making of decisions that may foreseeably have a material financial effect on any financial interest and updates the disclosure categories to allow accurate disclosure of economic interests and sources of income and gifts, without violation of privacy rights.

C. CITY OF HESPERIA MUNICIPAL CODE

The Municipal Code consists of those codified ordinances of general municipal regulations and laws, as well as the City of Hesperia Development Code and is available on the City's website. The Office of the City Clerk maintains the Municipal Code.

Any legislation enacted by federal or state law which would delete and / or amend any statutory regulatory requirement included within this manual shall automatically be incorporated into the Procedures Manual without prior City Council action.

CHAPTER 4 - COUNCIL ORGANIZATION AND DUTIES

A. NEWLY ELECTED MEMBERS

Newly elected Council Members are sworn into office at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly elected Council Members are subject to the provisions of the Brown Act.

B. DUTIES OF THE CITY COUNCIL

City Council members and City staff shall conduct the business of the City of Hesperia:

- Recognizing that the stewardship of the public interest must be of primary concern;
- Working for the common good of the people of Hesperia; and
- Assuring fair and equal treatment of all persons, claims and transactions coming before the City Council, City Council Committees, and City Council established Boards and Commissions (legislative bodies).

C. DUTIES OF THE MAYOR AND MAYOR PRO TEM

The Mayor shall be:

- Appointed from members of the City Council by a majority vote at its first meeting in December annually;
- The presiding officer at all meetings of the Council;
- Responsible for the control, debate and order of speakers;
- Referred to as “Chair” when acting as presiding officer of any legislative body meetings other than Council;
- The representative of the City Council at ceremonial functions and may, at his/her own discretion, ask another Council Member to represent the Council at the function; and
- Entitled to make and second motions on matters before the City Council and vote on actions, but shall possess no veto power over actions of the City Council.

The Mayor Pro Tem shall:

- Be appointed from members of the City Council by a majority vote at its first meeting in December annually; and
- In the absence of the Mayor from the City or a City Council meeting, assume the duties of the Mayor.

In the event the Mayor and Mayor Pro Tem are absent, the City Council may appoint one of its Members to serve as Mayor Pro Tem.

D. MEETING ATTENDANCE BY PUBLIC OFFICIALS

It is important that all City Council Members commit to attending meetings to ensure that the business of the City can be conducted effectively and to ensure fairness to the public, other Council Members, and staff that attend the meetings.

CA Government Code § 36513 states that if a City Council Member is absent without permission from all regular City Council meetings for 60 days consecutively from the last regular meeting s/he attended, his/her office becomes vacant and shall be filled as any other vacancy.

E. USE OF PUBLIC PROPERTY

City stationery, technology and/or staff support shall not be used for personal or campaign purposes. Council Member use of the City telephone and computer systems is subject to all City guidelines concerning use of such systems.

F. USE OF COUNCIL CHAMBERS

The City Clerk's office is responsible for maintaining a calendar on the use of the Council Chambers, as well as the Hesperia Library's community room. Use of the Council Chambers by a City commission, board, and/or other advisory bodies shall take precedence over any other group or agency.

CHAPTER 5 – COMMITTEES / COMMISSIONS / ADVISORY COMMITTEES

A. APPOINTMENT TO OUTSIDE COMMITTEES

Council Members are requested to serve on various boards and committees for outside agencies. Any Council Member desiring to serve on a certain committee (or who desires not to be considered) should inform the Mayor. These appointments are subject to approval by the majority of the Council. Appointments are generally made at the second meeting in December.

Council Members will provide to the City Council periodic updates and reports on meetings and actions of the agencies on which they serve, in order to provide information to the City Council, and/or seek City Council guidance where City Council has representation on various committees and commissions, joint powers authorities and other organizations (“agencies”). Whenever practicable, Council Members appointed to an outside agency as the City’s representative shall advise the Council at a regularly scheduled Council meeting of any major issues under consideration by an outside agency prior to the time that agency votes on the item. “Major issues” include, but are not limited to a proposal that would have a significant adverse fiscal or economic impact on the City of Hesperia or its citizens. Council may at that time provide direction as to the position of the City on the issue at hand.

While serving as the governing board members of outside agencies, City Council Members shall not vote in favor of establishing or increasing salary and benefit agreements for the staff of those respective outside agencies which would result in compensation that is greater than the salary and benefit agreements approved by the City Council for the employees of the City of Hesperia and subsidiary districts.

B. CITY COMMISSION / ADVISORY COMMITTEE APPOINTMENTS

1. General

All commissions and committees are governed by the Ralph M. Brown Act and all meetings shall be noticed and conducted accordingly.

The City Clerk shall maintain a list of all committee appointments/terms and solicit applications for vacancies in accordance with state law or City procedures.

The Council may disband any commission, board or advisory body provided state law does not prohibit such action.

Members of the City Council should not attempt to influence or publicly criticize commission or board recommendations, or to influence or lobby individual commission or board members on any item under their consideration. It is important for commissions and boards to be able to make objective recommendations to the City Council on items before them.

Planning Commission and Advisory Committee Appointees may not serve concurrent terms on any Commission or Committee.

2. Planning Commission

The Planning Commission serves as not only an advisory body, but as a regulatory body, having authority to make final determination in applicable circumstances. The Planning Commission was established by ordinance (Ord. 146 § 1, 1992) and outlined in the Municipal Code (HMC Chapter 2.16 and Ord. 2005-01).

The Planning Commission consists of five members who are appointed at-will, reside within the City and/or its designated spheres, and be a United States Citizen as evidenced by proof of current voter registration status for the City of Hesperia or within its sphere of influence. Each Council Member shall appoint a member to the Planning Commission. Each individually appointed member shall be introduced by the appointing Council Member at a regularly scheduled City Council meeting prior to such member taking office.

The term of each individually appointed Planning Commission Member shall commence upon appointment and shall terminate thirty (30) days after the expiration of each respective appointing Council Member's term subject to reappointment.

The appointing Council Member may remove a Commission Member from service at any time with subsequent notification to the City Council.

3. Advisory Committees

Committees serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy and forwarding to the City Council with whom final determination rests. Advisory Boards are established by Council Resolution and members shall serve terms that are at-large, at-will and at the pleasure of the City Council until removed from the Committee as provided by resolution. Members must reside within the City and be United States Citizens as evidenced by proof of current voter registration status for the City of Hesperia. There are currently two Advisory Boards; the City Council Advisory Committee and the Public Safety Advisory Committee.

The term of each individually appointed Committee Member shall commence upon appointment and shall terminate thirty (30) days after the expiration of each respective appointing Council Member's term subject to reappointment.

The appointing Council Member may remove a Committee Member from service at any time with subsequent notification to the City Council.

CHAPTER 6 – CONDUCT OF CITY COUNCIL, STAFF AND PUBLIC

A. CITY COUNCIL CONDUCT

1. General Conduct

City Council Members shall:

- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- Be fair, impartial and unbiased when voting on quasi-judicial actions;
- Use the electronic speaker sequencing system to inform the Mayor of their wish to speak and shall be acknowledged by the Mayor before speaking;
- Move to require the Mayor to enforce the rules and the Mayor shall do so upon an affirmative vote of a majority of the Members present;
- Preserve order and decorum during the meeting;
- Not delay or interrupt the proceedings or the peace of the City Council meetings, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the City Council or the presiding officer, except as otherwise herein provided;
- Support the laws established by the City Council;
- Abide by the Rule of Procedure in conducting the business of the City of Hesperia; and
- Refrain from the use of personal cellular telephones, personal computers, and other personal electronic devices during public hearings unless used solely to view agenda packet contents or content or materials related to an agenda item.

2. Conduct with Members

City Council Members shall:

- Value each other's time;
- Govern themselves as to the length of their comments;
- Limit their comments to the subject matter, item, or motion being currently considered;
- Attempt to build consensus on an item though an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
- Have the right to dissent from, protest, or comment upon any action of the City Council;
- Respect each other's opportunity to speak and, if necessary, agree to disagree;
- Avoid offensive negative comments and practice civility and decorum during discussions and debate; and
- Assist the Mayor's exercise of duty to maintain order.

3. Conduct with City Manager and Staff

City Council shall:

- Speak to the City Manager directly on issues and concerns;
- Not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council;
- Direct the City Manager to implement City Council's policy decisions through the administrative functions of the City;
- Treat staff professionally and refrain from publicly criticizing individual employees;
- Avoid involvement in personnel issues except during City Council Closed sessions regarding City Council appointed staff such as City Manager and City Attorney, including hiring, firing, promoting, disciplining and other personnel matters;
- Discuss directly with the City Manager privately, as appropriate, any displeasure over work or behavior with a department or staff;
- Request information or research on a given topic from the City Manager for response (responses will be copied to all Council Members);
- Request answers to questions on City Council agenda items from the City Manager, City Attorney, City Clerk, or department directors / division managers prior to the meeting whenever possible; and
- Present citizen complaints to the City Manager so the complaint and request for information can be disseminated to staff for appropriate action.

4. Conduct with the Public

City Council Members shall:

- Make the public feel welcome;
- Be impartial, respectful and without prejudice toward the public;
- Listen courteously and attentively to public comment;
- Refrain from arguing back and forth with members of the public;
- Represent official policies or positions of the City Council first;
- Explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions; and
- Make no promises to the public on behalf of the Council/Commission/Committee.

5. Conduct with Other Agencies

City Council Members shall:

- Project a positive image of the City when dealing with other agencies;
- Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;

- Represent official policies or positions of the City Council first when designated as delegates of a legislative body;
- Explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions, and shall not allow the interference that they do; and
- Have the ability to advocate or discuss issues that have been adopted by the legislative bodies or are standing policies of the legislative body with other legislators, government officials or developers.

6. Conduct with Commissions and Committees

City Council Members shall:

- Treat all members of committees and commissions with appreciation and respect; and
- Refrain from participation in committee and commission meetings for the purpose of influencing the outcome of said meetings.

7. Conduct with the Media

City Council Members shall:

- Not discuss or go “off the record” with the media to discuss confidential or privileged information pertaining to closed sessions, attorney-client privileged or attorney work product communications including without limitation personnel, litigation or real property negotiations; and
- Provide non-confidential, non-privileged background information when acceptable.

Press releases will be prepared by the Public Information Officer and routed to the City Manager for approval before release to the media.

Police and Fire responses and/or press releases regarding emergencies may be reported directly to the media by the designated department spokesperson.

8. Litigation and Confidential Information

City Council Members shall:

- Keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to ensure that the City’s position is not compromised; and
- Not disclose or mention any information in these materials to anyone other than City Council Members, the City Attorney or City Manager.

9. Ethical Conduct

City Council Members shall:

- Receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 (AB1234) every two years; and
- Conduct themselves in accordance with such training.

B. CITY STAFF

City Staff shall:

- Prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
- Be available for general questions from City Council Members in accordance with the Brown Act prior to and during meetings;
- Respond to questions from the public during meetings when requested to do so by City Council Members or City Manager;
- Refrain from arguing with the public or City Council Members;
- Switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Council meetings; and
- Copy or otherwise communicate responses regarding citizen complaints to the City Council.

Staff will remain objective on issues and should not be advocates for issues unless so directed by the legislative body.

As soon as possible, to the extent permitted by the Brown Act, the City Manager and staff will inform the City Council of controversial issues having significant impacts to the City that are coming before the legislative body on short notice.

The City Manager will advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.

Staff will not participate in political activities while on duty or on City property.

C. PUBLIC

Members of the public:

- Attending City Council meetings shall observe the same rules and decorum applicable to the Members and staff as noted in this Chapter;
- May attend meetings at any teleconference locations in accordance with the Brown Act;

- Must approach the podium when recognized by the Mayor and speak only from the podium. Stamping of feet, whistles, yells or shouting, and / or similar demonstrations are unacceptable public behavior and will be prohibited by the City Council;
- Wishing to provide documents to the Council shall comply with Chapter 8 Section B of these Rules;
- Speakers wishing to submit electronic media as part of their public comment, must submit it to the City Clerk's Office via thumb drive or compact disk (CD) at least 24 hours prior to the City Council Meeting in order to be screened for computer virus' and offensive, or inappropriate content. The City Clerk will have it available at the next City Council Meeting during the public comment portion of the meeting. The City is not responsible for inaccurate information displayed as part of a public comment presentation;
- Must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Council meetings;
- Wishing to speak to the Council should complete, and turn into the City Clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda (public comment) item which they wish to address; and
- May contact the staff person with questions concerning Consent Calendar items prior to the meeting to reduce the need for discussion of Consent Calendar items.

Lobbyists must identify themselves and their client(s), business or organization they represent before speaking to the Council.

CHAPTER 7 – CITY COUNCIL MEETINGS AND SCHEDULES

A. REGULAR MEETINGS

- Regular meetings of the Joint City Council, Successor Agency, Housing Authority, and Community Development Commission shall be held on the first and third Tuesdays of each month;
- Staff reports shall be limited to five minutes unless unusual circumstances exist;
- Voting will be conducted utilizing the electronic voting system and the Mayor shall announce the voting results;
- Public comments shall be limited to three minutes with the exception of public hearings, which shall be five minutes, the Mayor shall notify the speaker when 30 seconds remain and has the discretion of extending the time for public hearings if a formal presentation is being made;
- No new agenda items shall be considered after 9:30 p.m. unless agreed to do so by the majority of the Council, all remaining items shall be continued to the next regular meeting;
- Closed sessions should be held prior to the regular City Council meeting;
- Meals will be served to the City Council only when meetings are commenced prior to or at 5:00 p.m.
- Regular meetings of the Hesperia Fire Protection District and Hesperia Water District shall immediately follow the regular meeting of the City Council; and
- All meeting notices are to be posted on the City's website, public notice case outside City Hall and at the Hesperia Branch Library 72-hours prior to the meeting in compliance with the Brown Act.

B. SPECIAL MEETINGS

- The Mayor or Majority of the Members may call a special meeting by providing notice twenty-four (24) hours in advance of the meeting to all Council Members, media outlets and persons having requested in writing notification of such meetings pursuant to state law;
- All special meeting notices are to be posted on the City's website, public notice case outside City Hall and at the Hesperia Branch Library; and
- Workshops are scheduled on an as needed basis and can be scheduled at anytime during the day or evening.

C. EMERGENCY MEETINGS

- In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the legislative body may hold an emergency meeting without complying with either the 72-hour or 24-hour notice and posting requirements, for regular and special meetings, but shall otherwise comply with the Brown Act procedures generally stated below;

- Each local newspaper of general circulation and radio or television station that has requested notice of special meetings, pursuant to the Brown Act, shall be notified by the presiding officer of the legislative body, or designee thereof, at least one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the Members of the City Council of the emergency meeting;
- This notice shall be given by telephone, or email, and all telephone numbers and email addresses provided in the most recent request for notification of special meetings shall be used;
- In the event that telephone or internet services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible; during an emergency meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds (2/3) vote of the Members present, or, if less than two-thirds (2/3) of the Members are present, by a unanimous vote of the Members present;
- All special meeting requirements, as prescribed in the Brown Act shall be applicable to an emergency meeting, with the exception of the 24-hour notices and posting requirement; and
- The minutes of an emergency meeting, a list of persons who the presiding officer of the legislative body, or designee of the City Council, notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

D. AGENDA PACKET PREPARATION

- The City Manager reviews and approves all items for the Council agenda;
- The agenda and agenda packets are compiled and distributed through the City Clerk's Office. Agenda packets are generally ready for distribution by 5:30 p.m. on the Thursday before the Council meeting; agenda packets are also available to the public on the City's website, at the public library, and public kiosks located at City Hall and the Hesperia Chamber of Commerce; and
- Council Members are encouraged to meet with the City Manager before City Council meetings if they need clarification on agenda items.

E. CLOSED SESSIONS

- Closed sessions shall generally be conducted as needed and may begin as early as 5:00 p.m.;
- In accordance with the Brown Act, the public may speak regarding any closed session item prior to the closed session;

- All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at such closed sessions; and
- The City Attorney will report out in public session any reportable actions that were taken by the City Council and the vote on such actions in accordance with the Brown Act.

F. PUBLIC HEARINGS

- The City Clerk will set City Council hearing dates and notify the City Council via the agenda on all matters that require a notice and public hearing before the City Council;
- Scheduled public hearings may be withdrawn or continued at the request of the City Council, staff and / or applicant; and
- The City Council may refuse to grant a continuance of any hearing if there is no valid legal reason why the hearing must be continued.

1. Continuances

- A. Any person (applicant, appellant or designated representative) scheduled for a public hearing before the City Council:
 - i. may obtain one continuance as a matter of right, without personally appearing before the Council on the scheduled hearing date, provided a written request for the continuance must be delivered to the City Clerk by noon on the day prior to the scheduled public hearing. Any person, who has once obtained a continuance by any procedure, may not obtain any subsequent continuance without appearing before the City Council, pursuant to subsection ii below; and
 - ii. who has once obtained a continuance of a hearing either by notice to the City Clerk as provided in Section A(i) may obtain a further continuance only by appearing before the City Council at the scheduled hearing and satisfying the City Council that circumstances exist which would justify an additional continuance.
- B. City staff may obtain a continuance based on the need of the originating department or on behalf of a Council Member. Department staff may request, via the City Clerk, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.
- C. Disputes regarding the length of a continuance will be decided by the City Council at the scheduled hearing if City staff or the City Clerk cannot obtain mutual agreement between the parties beforehand.

CHAPTER 8 - MEETING GUIDELINES & PROCEDURES

A. GENERAL

The Council acts as a body and policy is established by majority vote. A decision of the majority binds the Council to a course of action. No Council Member has any extraordinary powers beyond those of other members and all members have equal votes.

Action by the City Council shall be taken by means of ordinance, resolution, or oral motion duly made and passed by the majority (unless otherwise provided in state law).

Public actions of the City Council shall be recorded in the minutes of any meeting of the Council. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the City Clerk. Ordinances shall also be separately recorded, codified in the Municipal Code, and so remain until amended or voided.

The City Council cannot take action on items not included on the posted agenda except as provided for emergency or urgent items as provided in the Brown Act.

A tie vote is considered as “no action” by the City Council and the item will automatically be brought back before the City Council at the next meeting at which the full membership of the Council is present.

B. REQUIREMENTS FOR AGENDA ITEM SUBMISSION

Members may submit items for inclusion on a future agenda by orally making the request under Council Comments.

Department directors, subject to the discretion of the City Manager, may submit staff reports or descriptions of oral reports to the City Clerk for placement on the agenda.

Outside agencies may submit agenda items in accordance with the following:

1. Items from outside agencies must be sponsored for agenda placement by a Council Member or department directors; and
2. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.

C. DECLARATION OF POLICY

No ordinance, resolution, motion or item of business shall be introduced or acted upon at a meeting of the City Council without it appearing on a duly noticed and posted agenda in accordance with the Brown Act, exceptions to this rule are limited to those provided by state law.

No ordinance, resolution, motion or item of business will be considered which does not affect the conduct of the business of the City of Hesperia, its subsidiary districts, or its corporate powers or duties as a municipal corporation.

D. AGENDA FORMAT

1. Presentations

Special presentations may be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline.

2. Public Comment

Pursuant to the Brown Act, public comment will be allowed on items on the Council agenda at the time each item is considered. At the beginning of the agenda under Oral Communications, public comments will also be allowed on items not on the agenda but within the jurisdiction of the City Council. Public comments are limited to no more than three (3) minutes each. Individuals desiring to speak are encouraged to submit a request to speak form to the City Clerk prior to the meeting. Speakers shall not concede any part of their allotted time to another speaker.

The City Council may not deliberate or take action on any request/item brought before them during Public Comment/Oral Communications. The Council may ask clarifying questions and refer the request/item to staff for follow-up or to be agendaized for a future meeting.

Members of the City Council are discouraged from engaging in debate with a member of the public at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

The Brown Act permits the clearing of the Council Chamber in the event any meeting is willfully disturbed.

3. Consent Items

Those items on the Council agenda, which are considered to be of a routine and non-controversial nature by the City Manager including draft minutes, warrant runs, and routine contracts shall be listed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc. by one motion and vote of the City Council. A member of the City Council or public may remove any item from the "Consent Calendar" for discussion. Any item removed from the Consent Calendar will be heard immediately following action on the remaining Consent Calendar items.

4. Public Hearings

Public hearings may be required on certain items as prescribed by the Municipal Code or by state or federal law. Council resolution establishes the regular time for public hearings. The general procedure for public hearings is as follows:

- a. staff presents its report, Council Members may ask questions of staff;
- b. the Mayor opens the public hearing;
- c. the applicant/appellant has the opportunity to present his/her comments, testimony, or arguments, adequate time must be allotted for the applicant or appellant to present his/her case (the Mayor may ask the applicant/appellant in advance the amount of time needed in order to better control the time);
- d. members of the public may present their comments subject to established time limits (five [5] minutes);
- e. the Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so; and
- f. Council proceeds with discussion and makes a final decision.

5. Ordinances

Ordinances are the laws of a municipality and city councils are given the power to pass ordinances as long as they are not in conflict with the laws and the Constitution of the State of California or the United States. An ordinance is the most binding form of action taken by the City Council.

Approval of an ordinance requires a first and second reading, with at least five days between same, except in the case of an urgency ordinance. With few exceptions, ordinances take effect 30 days after final passage. Once adopted, the City Clerk's Office is responsible for publishing a summary of the ordinance and posting at established public places, which include City Hall, the City Library, and the City Website.

The City Council may approve the reading of the title of all ordinances and waive the text when placing an ordinance on first reading. Second readings of ordinances may be placed on the Consent Calendar for adoption.

6. New Business

New business contains items which have not been previously discussed, require City Council direction or are considered controversial.

7. City Council Reports/Committee Reports

The City Council Reports portion of the meeting provides Council Members the opportunity to briefly comment on Council business, City operations, City projects and other items of community interest. Council Members are also given the opportunity to update the full Council on activities of outside committees/agencies that they serve as representatives of the Council during Committee Reports portion of the meeting. Council Members should govern themselves as to the length of their comments.

8. City Manager/City Attorney Reports

The City Manager/City Attorney Reports portion of the meeting provides the City Manager the opportunity to briefly comment on City business, operations, projects and other items of Council interest. The City Attorney is provided the opportunity to report actions taken in Closed Session or other items of Council interest/concern.

9. Closed Sessions

Closed Sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City or anyone else present shall disclose to any person the content or substance of any discussion which takes place in a closed session unless authorized by a majority of the Council.

Closed Sessions specifically authorized by the Brown Act include, but are not limited to, the following:

- a. Grand Jury – Council Members may give testimony in private before a grand jury, either as individuals or as a group;
- b. Security of Public Buildings – to discuss with law enforcement personnel threats to the security of a public building or threats to the public’s right of access to public services or public facilities;
- c. Personnel – to consider the appointment, or dismissal of a public employee or to hear complaints or charges brought against an employee by another person or employee unless the employee requests that the matter be conducted publicly;

The term “employee” in the situation described above does not include any person elected to office, or appointed to an office of the legislative body except for certain non-elective positions set forth in the section;

- d. Meet & Confer – to discuss with designated representatives meet and confer issues with employee organizations;

- e. Property Negotiations – to discuss specific real property transactions with negotiator(s) concerning the purchases, sale, exchange, or lease of real property; and
- f. Pending/Existing Litigation – for purposes of discussing matters of litigation or pending litigation.

Either at a public meeting at which the closed session is held, or at its next public meeting, the Council must report any final action taken and any roll call vote taken thereon during the closed session.

Closed sessions may be scheduled before or after regular meetings, and/or at a special or adjourned meeting.

CHAPTER 9 – PLANNING COMMISSION

A. RULES OF PROCEDURE HANDBOOK

The City Council will review and revise the City Council, Commission, & Committee Rules of Procedure (“Policy”) annually in January.

Until such time as they are amended or new rules adopted by Resolution, these rules shall prevail to govern the order and conduct of business of the City Council and other legislative bodies that meet concurrently with the City Council, as well as various City Committees, and City Council-established Boards and Commissions. Those City Council established Boards and Commissions that are required by law to adopt rules of procedure shall adopt rules that are consistent with these Rules to the extent possible.

B. AMENDMENT

Any Rules may be adopted, altered, amended or repealed by Resolution at any time by a majority vote of the City Council.

C. SUSPENSION

Any Rules may be temporarily suspended by an affirmative vote of at least three (3) Council Members present.

Certain state laws and other established regulations exist which govern various responsibilities of the Planning Commission. This manual is not intended to duplicate or repeat any existing statutes or regulations. Planning Commission Members are responsible for becoming familiar with these statutes and regulations.

D. THE BROWN ACT

The Ralph M. Brown Act is a law which provides that all meetings of a legislative body, whether meetings of the City Council, subsidiary districts, or its appointed commissions and committees, shall be open and public, and all persons shall be permitted to attend. Notices of such meetings must include a brief general description of each item of business and be posted in a location freely accessible to the members of the public 72 hours prior to the meeting. A “meeting” takes place whenever a quorum is present and subject matter related to city business is heard, discussed, or deliberated upon.

The Act makes punishable as a misdemeanor the attendance by a member of the legislative body at a meeting at which action is taken in violation of the Act. Action taken has been defined as a collective decision, commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members when sitting as a body upon a motion, proposal, resolution, order, or ordinance.

Serial meetings that are conducted through direct communications, intermediaries, or technological devices for the purpose of developing a concurrence as to action to be taken are prohibited by the Act.

E. POLITICAL REFORM ACT

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interest or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests. (See Gov. Code Sections 81000 - 91014)

Specifically, the Act requires Planning Commissioners to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Disclosure is made on a form called a "statement of economic interests" (Form 700). The form must be filed each year. Filed forms are public documents that must be made available to anyone who requests them. (See Gov. Code section 81002(c))

Planning Commissioners must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial affect on any economic interest of the Commission Member or certain family members.

F. CITY OF HESPERIA MUNICIPAL CODE

The Municipal Code consists of those codified ordinances of general municipal regulations and laws, as well as the City of Hesperia Development Code and is available on the City's website. The Office of the City Clerk maintains the Municipal Code.

G. GENERAL ADMINISTRATION

The Planning Commission serves as not only an advisory body, but as a regulatory body, having authority to make final determination in applicable circumstances. The Planning Commission was established by ordinance (Ord. 146 § 1, 1992) and outlined in the Municipal Code (HMC Chapter 2.16 and Ord. 2005-01).

The Planning Commission consists of five members who are appointed at-will, reside within the City and/or its designated spheres, and are United States Citizens as evidenced by proof of current voter registration status for the City of Hesperia or within its sphere of influence. Each Council Member shall appoint a member to the Planning Commission. Each individually appointed member shall be introduced by the appointing Council Member at a regularly scheduled City Council meeting prior to such member taking office.

The term of each individually appointed Planning Commission Member shall commence upon appointment and shall terminate thirty (30) days after the expiration of each respective appointing Council Member's term subject to reappointment. The appointing Council Member may remove a Commission Member from service at any time with subsequent notification to the City Council.

The City Clerk shall maintain a list of all committee appointments/terms and solicit applications for vacancies in accordance with state law or City procedures.

The Council may disband any commission, board or advisory body provided state law does not prohibit such action.

Planning Commission and Advisory Committee Appointees may not serve concurrent terms on any Commission or Committee.

H. NEWLY APPOINTED MEMBERS

Newly appointed Commission Members are sworn into office at the first regular Commission meeting attended. Immediately upon appointment (even before being sworn into office), newly appointed Commission Members are subject to the provisions of the Brown Act.

I. DUTIES OF THE PLANNING COMMISSION

Planning Commission members shall conduct the business of the City of Hesperia:

- Recognizing that the stewardship of the public interest must be of primary concern;
- Working for the common good of the people of Hesperia; and
- Assuring fair and equal treatment of all persons, claims and transactions coming before the Planning Commission.

J. DUTIES OF THE CHAIR AND VICE CHAIR

The Chair shall be:

- Appointed from members of the Planning Commission by a majority vote at its first regular meeting after Council Members have appointed new members following an election;
- The presiding officer at all meetings of the Commission;
- Responsible for the control, debate and order of speakers;
- Referred to as “Chair” when acting as presiding officer;
- Entitled to make and second motions on matters before the Planning Commission and vote on actions, but shall possess no veto power over actions of the Planning Commission.

The Vice Chair shall:

- Be appointed from members of the Planning Commission by a majority vote at its regular meeting after Council Members have appointed new members following an election;
- In the absence of the Chair from a Planning Commission meeting, assume the duties of the Chair.

In the event the Chair and Vice Chair are absent, the Planning Commission may appoint one of its Members to serve as Vice Chair.

K. MEETING ATTENDANCE BY PUBLIC OFFICIALS

It is important that all Planning Commission Members commit to attending meetings to ensure that the business of the City can be conducted effectively and to ensure fairness to the public, other Commission Members, and staff that attend the meetings.

Commission Members will be held to the same meeting attendance requirements as City Council Members (Government Code Section 36513). Accordingly, if a Planning Commissioner is absent without permission from all regular Planning Commission meetings for 60 days consecutively from the last regular meeting s/he attended, his/her office becomes vacant and shall be filled as any other vacancy.

Planning Commission meeting attendance records will be forwarded to the City Council on a quarterly basis.

L. USE OF PUBLIC PROPERTY

City stationery, technology and/or staff support shall not be used for personal or campaign purposes.

M. PLANNING COMMISSION CONDUCT

1. General Conduct

Planning Commission Members shall:

- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- Be fair, impartial and unbiased when voting on quasi-judicial actions;
- Use the electronic speaker sequencing system to inform the Chair of their wish to speak and shall be acknowledged by the Chair before speaking;
- Move to require the Chair to enforce the rules and the Chair shall do so upon an affirmative vote of a majority of the Members present;
- Preserve order and decorum during the meeting;
- Not delay or interrupt the proceedings or the peace of the Planning Commission meetings, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the Commission or the presiding officer, except as otherwise herein provided;
- Support the laws established by the City Council;
- Abide by the Rule of Procedure in conducting the business of the City of Hesperia; and
- Refrain from the use of personal cellular telephones, personal computers, and other personal electronic devices during public hearings unless used solely to view agenda packet contents.

2. Conduct with Members

Planning Commission Members shall:

- Value each other's time;
- Govern themselves as to the length of their comments;
- Limit their comments to the subject matter, item, or motion being currently considered;
- Attempt to build consensus on an item though an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
- Have the right to dissent from, protest, or comment upon any action of the Planning Commission;
- Respect each other's opportunity to speak and, if necessary, agree to disagree;
- Avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and
- Assist the Chair's exercise of duty to maintain order.

3. Conduct with Designated Staff:

Planning Commissioners shall:

- Speak to designated staff directly on issues and concerns;
- Not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature or initiate any project or study;
- Treat staff professionally and refrain from publicly criticizing individual employees;
- Avoid involvement in personnel issues;
- Discuss directly with designated staff privately, as appropriate, any displeasure over work or behavior with a department or staff;
- Request information or research on a given topic from designated staff for response (responses will be copied to all Commissioners);
- Request answers to questions on Planning Commission agenda items from designated staff prior to the meeting whenever possible; and
- Present citizen complaints to designated staff so the complaint and request for information can be disseminated to staff for appropriate action.

4. Conduct with the Public

Planning Commission Members shall:

- Make the public feel welcome;
- Be impartial, respectful and without prejudice toward the public;
- Listen courteously and attentively to public comment;
- Not argue back and forth with members of the public;
- Represent official policies or positions of the Planning Commission first;

- Explicitly state when their opinions and positions do not represent the Planning Commission when representing their individual opinions and positions; and
- Make no promises to the public on behalf of the Planning Commission.

5. Conduct with Other Agencies

Planning Commission Members shall:

- Project a positive image of the City when dealing with other agencies;
- Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;
- Represent official policies or positions of the Planning Commission first when designated as delegates of a legislative body; and
- Explicitly state when their opinions and positions do not represent the Planning Commission when representing their individual opinions and positions, and shall not allow the interference that they do.

6. Conduct with the Media

Planning Commission Members may refer all media requests to the City's Public Information officer. If not, they shall:

- Not discuss or go "off the record" with the media to discuss confidential or privileged information; or
- Provide non-confidential, non-privileged background information when acceptable.

Press releases will be prepared by the Public Information Officer and routed to the City Manager for approval before release to the media.

7. Ethical Conduct

Planning Commission Members shall:

- Receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 (AB1234) every two years; and
- Conduct themselves in accordance with such training.

N. CITY STAFF

City Staff shall:

- Prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
- Be available for general questions from Commission Members in accordance with the Brown Act prior to and during meetings;
- Respond to questions from the public during meetings when requested to do so by Commission Members or designated staff;
- Refrain from arguing with the public or Commission Members; and
- Switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Commission meetings.

Staff will remain objective on issues and should not be advocates for issues unless so directed by the legislative body. Staff recommendations are based on the Municipal Code and City Council adopted legislative policy.

Staff will not participate in political activities while on duty or on City property.

O. PUBLIC

Members of the public:

- Attending Commission meetings shall observe the same rules and decorum applicable to the Members and staff as noted in this Chapter;
- May attend meetings at any teleconference locations in accordance with the Brown Act;
- Must approach the podium when recognized by the Chair and speak only from the podium. Stamping of feet, whistles, yells or shouting, and / or similar demonstrations are unacceptable public behavior and will be prohibited by the Planning Commission;
- Wishing to provide documents to the Council shall comply with Chapter 8 Section B of these Rules;
- Speakers wishing to submit electronic media as part of their public comment must submit it to the City Clerk's Office via thumb drive or compact disk (CD) at least 24 hours prior to the Planning Commission meeting in order to be screened for computer viruses and offensive or inappropriate content. The City Clerk will have it available at the next Planning Commission meeting during the public comment portion of the meeting. The City is not responsible for inaccurate information displayed as part of a public comment presentation;
- Must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Commission meetings;
- Wishing to speak to the Commission should complete, and turn into the Commission Secretary prior to the item being called, a speaker's slip indicating the agenda item or off-agenda (public comment) item which they wish to address; and
- May contact the staff person with questions concerning Consent Calendar items prior to the meeting to reduce the need for discussion of Consent Calendar items.

P. REGULAR MEETINGS

- Regular meetings of the Planning Commission shall be held on the second Thursday of each month and the fourth Thursday as needed;
- Staff reports shall be limited to five minutes unless unusual circumstances exist;
- Voting will be conducted utilizing the electronic voting system and the Chair shall announce the voting results;
- Public comments shall be limited to three minutes, the Chair shall notify the speaker when 30 seconds remain and has the discretion of extending the time for public hearings if a formal presentation is being made;
- No new agenda items shall be considered after 9:30 p.m. unless agreed to do so by the majority of the Commission, all remaining items shall be continued to the next regular meeting; and
- All meeting notices are to be posted on the City's website, public notice case outside City Hall and at the Hesperia Branch Library 72-hours prior to the meeting in compliance with the Brown Act.

Q. SPECIAL MEETINGS

- The Chair or Majority of the Members may call a special meeting for items or projects within its purview by providing notice twenty-four (24) hours in advance of the meeting to all Commission Members, media outlets and persons having requested in writing notification of such meetings pursuant to state law; and
- All special meeting notices are to be posted on the City's website, public notice case outside City Hall and at the Hesperia Branch Library.

R. AGENDA PACKET PREPARATION

- The City Manager reviews and approves all items for the Planning Commission agenda;
- The agenda and agenda packets are compiled and distributed through the Planning Department. Agenda packets are generally ready for distribution by 5:30 p.m. on the Thursday before the Planning Commission meeting; - agenda packets are also available to the public on the City's website, at the public library, and public kiosks located at City Hall and the Hesperia Chamber of Commerce; and
- Commission Members are encouraged to meet with the Principal Planner before Planning Commission meetings if they need clarification on agenda items.

S. PUBLIC HEARINGS

- The Planning Commission Secretary will set Planning Commission hearing dates and notify the Planning Commission via the agenda on all matters that require a notice and public hearing before the Planning Commission;

- Scheduled public hearings may be withdrawn or continued at the request of the Planning Commission, staff and / or applicant; and
- The Planning Commission may refuse to grant a continuance of any hearing if there is no valid legal reason why the hearing must be continued.

1. Continuances

- A. Any person (applicant, appellant or designated representative) scheduled for a public hearing before the Planning Commission:
 - i. may obtain one continuance as a matter of right, without personally appearing before the Commission on the scheduled hearing date, provided a written request for the continuance must be delivered to the Planning Commission Secretary by noon on the day prior to the scheduled public hearing. Any person, who has once obtained a continuance by any procedure, may not obtain any subsequent continuance without appearing before the Planning Commission, pursuant to subsection ii below; and
 - ii. who has once obtained a continuance of a hearing either by notice to the Planning Commission Secretary as provided in Section A(i) may obtain a further continuance only by appearing before the Planning Commission at the scheduled hearing and satisfying the Planning Commission that circumstances exist which would justify an additional continuance.
- B. City staff may obtain a continuance based on the need of the originating department or on behalf of a Commission Member. Department staff may request, via the Planning Commission Secretary, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.
- C. Disputes regarding the length of a continuance will be decided by the Planning Commission at the scheduled hearing if City staff or the Planning Commission Secretary cannot obtain mutual agreement between the parties beforehand.

T. VOTING

General

The Planning Commission acts as a body and decisions are rendered by a majority of the voting members and bind the Commission to a course of action. No Commission Member has any extraordinary powers beyond those of other members and all members have equal votes.

Action by the Planning Commission shall be taken by means of resolution, or oral motion duly made and passed by the majority (unless otherwise provided in state law).

Conflict of Interest

When a Commissioner has a conflict of interest and must recuse himself/herself from voting on the item, the following procedure shall be used:

Regular Non-Consent Calendar agenda items:

Step 1: Immediately prior to any discussion of the matter by the Commission at the meeting, the Commissioner must state on the record that he or she is recusing himself/herself due to a conflict of interest explaining with specificity the nature of the conflict, such as property related or due to a financial relationship.

Step 2: After the recusal is made, the Commissioner should leave the room. The Commissioner may listen from outside of the room and speak on the item as a member of the public by filling out a speaker slip and approaching the podium when called by the Chair or Vice Chair.

Consent Calendar agenda items:

Step 1: Immediately prior to any discussion or adoption of the consent calendar, the Commissioner must state on the record that he or she is recusing himself/herself due to a conflict of interest explaining with specificity the nature of the conflict, such as property related or due to a financial relationship.

Step 2: After the recusal is made, the item will be removed from the consent calendar and the Commissioner should leave the room. The Commissioner may listen from outside of the room and speak on the item as a member of the public by filling out a speaker slip and approaching the podium when called by the Chair or Vice Chair.

Public actions of the Planning Commission shall be recorded in the minutes of any meeting of the Commission. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the Planning Commission Secretary.

The Planning Commission cannot take action on items not included on the posted agenda except as provided for emergency or urgent items as provided in the Brown Act.

Tie Votes

- a. A tie vote on any matter where the Planning Commission is acting as an advisory body on legislative action (i.e., General Plan or Development District Amendment), the item shall be forwarded to the City Council with no recommendation.

- b. On any matter where the mandatory time for a decision on an application (California Government Code Sections 65950 and 66452.1) will expire prior to the next regular meeting, the application shall be deemed denied, without prejudice.
- c. On any matter not in jeopardy of such mandatory decision time periods, the action shall be forwarded to the City Council with no recommendation.

U. REQUIREMENTS FOR AGENDA ITEM SUBMISSION

Members may submit items for inclusion on a future agenda by orally making the request under Committee Comments.

Department directors, subject to the discretion of the City Manager, may submit staff reports or descriptions of oral reports to the Planning Commission for placement on the agenda.

V. DECLARATION OF POLICY

No resolution, motion or item of business shall be introduced or acted upon at a meeting of the Planning Commission without it appearing on a duly noticed and posted agenda in accordance with the Brown Act, exceptions to this rule are limited to those provided by state law.

No resolution, motion or item of business will be considered which does not affect the conduct of the business of the City of Hesperia, its subsidiary districts, or its corporate powers or duties as a municipal corporation.

W. AGENDA FORMAT

1. Public Comment

Pursuant to the Brown Act, public comment will be allowed on items on the Planning Commission agenda at the time each item is considered. At the beginning of the agenda under Public Comments, public comments will also be allowed on items not on the agenda but within the jurisdiction of the City Council. Public comments are limited to no more than three (3) minutes each. Individuals desiring to speak are encouraged to submit a request to speak form to the Planning Commission Secretary prior to the meeting. Speakers shall not concede any part of their allotted time to another speaker.

The Planning Commission may not deliberate or take action on any request/item brought before them during Public Comment/Oral Communications. The Commission may ask clarifying questions and refer the request/item to staff.

Members of the Planning Commission are discouraged from engaging in debate with a member of the public at Commission meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

The Brown Act permits the clearing of the Council Chamber in the event any meeting is willfully disturbed.

2. Consent Items

Those items on the Commission agenda, which are considered to be of a routine and non-controversial nature by the City Manager, Manager including draft minutes, warrant runs, and routine contracts shall be listed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc. by one motion and vote of the Planning Commission. A member of the Planning Commission or public may remove any item from the "Consent Calendar" for discussion. Any item removed from the Consent Calendar will be heard immediately following action on the remaining Consent Calendar items.

3. Public Hearings

Public hearings may be required on certain items as prescribed by the Municipal Code or by state or federal law. Council resolution establishes the regular time for public hearings. The general procedure for public hearings is as follows:

- a. staff presents its report, Commission Members may ask questions of staff;
- b. the Chair opens the public hearing;
- c. the applicant/appellant has the opportunity to present his/her comments, testimony, or arguments, adequate time must be allotted for the applicant or appellant to present his/her case (the Chair may ask the applicant/appellant in advance the amount of time needed in order to better control the time);
- d. members of the public may present their comments subject to established time limits (three [3] minutes);
- e. the Chair closes the public hearing after everyone wishing to speak has had the opportunity to do so; and
- f. Commission proceeds with discussion and makes a final decision.

4. Planning Commission Business or Reports

The Planning Commission Business Reports portion of the meeting provides Commission Members the opportunity to briefly comment on Commission business or on activities as representatives of the Planning Commission. Commission Members should govern themselves as to the length of their comments.

5. Principal Planner Reports

The Principal Planner or staff may briefly comment on City business, operations, projects and other items of Planning Commission interest.

CHAPTER 10- ADVISORY COMMITTEES

A. RULES OF PROCEDURE HANDBOOK

The City Council will review and revise the City Council, Commission, & Committee Rules of Procedure (“Policy”) annually in January.

Until such time as they are amended or new rules adopted by Resolution, these rules shall prevail to govern the order and conduct of business of the City Council and other legislative bodies that meet concurrently with the City Council, as well as various City Committees, and City Council-established Boards and Commissions. Those City Council established Boards and Commissions that are required by law to adopt rules of procedure shall adopt rules that are consistent with these Rules to the extent possible.

B. AMENDMENT

Any Rules may be adopted, altered, amended or repealed by Resolution at any time by a majority vote of the City Council.

C. SUSPENSION

Any Rules may be temporarily suspended by an affirmative vote of at least three (3) Council Members present.

Certain state laws and other established regulations exist which govern various responsibilities of the Advisory Committees. This manual is not intended to duplicate or repeat any existing statutes or regulations. Advisory Committee Members are responsible for becoming familiar with these statutes and regulations.

D. THE BROWN ACT

The Ralph M. Brown Act is a law which provides that all meetings of a legislative body, whether meetings of the City Council, subsidiary districts, or its appointed commissions and committees, shall be open and public, and all persons shall be permitted to attend. Notices of such meetings must include a brief general description of each item of business and be posted in a location freely accessible to the members of the public 72 hours prior to the meeting. A “meeting” takes place whenever a quorum is present and subject matter related to city business is heard, discussed, or deliberated upon.

The Act makes punishable as a misdemeanor the attendance by a member of the legislative body at a meeting at which action is taken in violation of the Act. Action taken has been defined as a collective decision, commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members when sitting as a body upon a motion, proposal, resolution, order, or ordinance.

Serial meetings that are conducted through direct communications, intermediaries, or technological devices for the purpose of developing a concurrence as to action to be taken are prohibited by the Act.

E. POLITICAL REFORM ACT

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interest or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests. (See Gov. Code Sections 81000 - 91014)

Advisory Committees members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial affect on any economic interest of the Committee Member or certain family members.

F. CITY OF HESPERIA MUNICIPAL CODE

The Municipal Code consists of those codified ordinances of general municipal regulations and laws, as well as the City of Hesperia Development Code and is available on the City's website. The Office of the City Clerk maintains the Municipal Code.

G. GENERAL ADMINISTRATION

Committees serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy and forwarding to the City Council with whom final determination rests. Advisory Boards are established by Council Resolution and members shall serve terms that are at-large, at-will and at the pleasure of the City Council until removed from the Committee as provided by resolution. Members must reside within the City and be United States Citizens as evidenced by proof of current voter registration status for the City of Hesperia. There are currently two Advisory Boards; the City Council Advisory Committee and the Public Safety Advisory Committee.

The term of each individually appointed Committee Member shall commence upon appointment and shall terminate thirty (30) days after the expiration of each respective appointing Council Member's term subject to reappointment.

The appointing Council Member may remove a Committee Member from service at any time with subsequent notification to the City Council.

The City Clerk shall maintain a list of all committee appointments/terms and solicit applications for vacancies in accordance with state law or City procedures.

The Council may disband any commission, board or advisory body provided state law does not prohibit such action.

Planning Commission and Advisory Committee Appointees may not serve concurrent terms on any Commission or Committee.

H. NEWLY APPOINTED MEMBERS

Newly appointed Committee Members are sworn into office at the first regular Commission meeting attended. Immediately upon appointment (even before being sworn into office), newly appointed Committee Members are subject to the provisions of the Brown Act.

I. DUTIES OF THE ADVISORY COMMITTEES

Advisory Committee members shall conduct the business of the City of Hesperia:

- Recognizing that the stewardship of the public interest must be of primary concern;
- Working for the common good of the people of Hesperia; and
- Assuring fair and equal treatment of all persons, claims and transactions coming before the Advisory Committee.

J. DUTIES OF THE CHAIR AND VICE CHAIR

The Chair shall be:

- Appointed from members of the Advisory Committees by a majority vote at its first meeting in January annually;
- The presiding officer at all meetings of the Committee;
- Responsible for the control, debate and order of speakers;
- Referred to as “Chair” when acting as presiding officer;
- Entitled to make and second motions on matters before the Advisory Committees and vote on actions, but shall possess no veto power over actions of the Advisory Committees.

The Vice Chair shall:

- Be appointed from members of the Advisory Committees by a majority vote at its first meeting in January annually; and
- In the absence of the Chair from a Advisory Committees meeting, assume the duties of the Chair.

In the event the Chair and Vice Chair are absent, the Advisory Committee may appoint one of its Members to serve as Vice Chair.

K. MEETING ATTENDANCE BY PUBLIC OFFICIALS

It is important that all Advisory Committee Members commit to attending meetings to ensure that the business of the City can be conducted effectively and to ensure fairness to the public, other Commission Members, and staff that attend the meetings.

Attendance records will be provided to the City Council on a quarterly basis. Committee members may be subject to dismissal based on attendance records.

L. USE OF PUBLIC PROPERTY

City stationery, technology and/or staff support shall not be used for personal or campaign purposes.

M. ADVISORY COMMITTEE MEMBER CONDUCT

1. General Conduct

Advisory Committee Members shall:

- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- Be fair, impartial and unbiased when voting on quasi-judicial actions;
- Use the electronic speaker sequencing system to inform the Chair of their wish to speak and shall be acknowledged by the Chair before speaking;
- Move to require the Chair to enforce the rules and the Chair shall do so upon an affirmative vote of a majority of the Members present;
- Preserve order and decorum during the meeting;
- Not delay or interrupt the proceedings or the peace of the Committee meetings, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the presiding officer, except as otherwise herein provided;
- Support the laws established by the City Council;
- Abide by the Rule of Procedure in conducting the business of the City of Hesperia; and
- Refrain from the use of personal cellular telephones, personal computers, and other personal electronic devices during public hearings unless used solely to view agenda packet contents.

2. Conduct with Members

Advisory Committee Members shall:

- Value each other's time;
- Govern themselves as to the length of their comments;
- Limit their comments to the subject matter, item, or motion being currently considered;
- Attempt to build consensus on an item though an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
- Have the right to dissent from, protest, or comment upon any action of the Committee;
- Respect each other's opportunity to speak and, if necessary, agree to disagree;
- Avoid offensive negative comments and practice civility and decorum during discussions and debate; and

- Assist the Chair's exercise of duty to maintain order.

3. Conduct with Staff

Advisory Committees Members shall:

- Speak to the designated staff liaison directly on issues and concerns;
- Not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature or initiate any project or study;
- Treat staff professionally and refrain from publicly criticizing individual employees;
- Avoid involvement in personnel issues;
- Discuss directly with the designated staff liaison privately, as appropriate, any displeasure over work or behavior with a department or staff;
- Request information or research on a given topic from the designated staff liaison for response (responses will be copied to all Committee Members);
- Request answers to questions on Advisory Committee agenda items from the designated staff liaison prior to the meeting whenever possible; and
- Present citizen complaints to designated staff liaison so the complaint and request for information can be disseminated to staff for appropriate action.

4. Conduct with the Public

Advisory Committees Members shall:

- Make the public feel welcome;
- Be impartial, respectful and without prejudice toward the public;
- Listen courteously and attentively to public comment;
- Not argue back and forth with members of the public;
- Represent official policies or positions of the Advisory Committees first;
- Explicitly state when their opinions and positions do not represent the Advisory Committees when representing their individual opinions and positions; and
- Make no promises to the public on behalf of the Advisory Committee.

5. Conduct with Other Agencies

Advisory Committee Members shall:

- Project a positive image of the City when dealing with other agencies;
- Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;
- Represent official policies or positions of the Advisory Committees first when designated as delegates of a legislative body;
- Explicitly state when their opinions and positions do not represent the Advisory Committees when representing their individual opinions and positions, and shall not allow the interference that they do; and

6. Conduct with the Media

Advisory Committees Members should refer all media requests to the City Public Information Officer. If not, they shall:

- Not discuss or go “off the record” with the media to discuss confidential or privileged information;
- Provide non-confidential, non-privileged background information when acceptable.

Press releases will be prepared by the Public Information Officer and routed to the City Manager for approval before release to the media.

N. CITY STAFF

City Staff shall:

- Prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
- Be available for general questions from Committee Members in accordance with the Brown Act prior to and during meetings;
- Respond to questions from the public during meetings when requested to do so by Committee Members, the City Manager, or designated staff person;
- Refrain from arguing with the public or Committee Members; and
- Switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Commission meetings.

Staff will remain objective on issues and should not be advocates for issues unless so directed by the legislative body.

Staff will not participate in political activities while on duty or on City property.

O. PUBLIC

Members of the public:

- Attending Committee meetings shall observe the same rules and decorum applicable to the Members and staff as noted in this Chapter;
- May attend meetings at any teleconference locations in accordance with the Brown Act;
- Must approach the podium when recognized by the Chair and speak only from the podium. Stamping of feet, whistles, yells or shouting, and / or similar demonstrations are unacceptable public behavior and will be prohibited by the City Council;
- Wishing to provide documents to the Council shall comply with Chapter 8 Section B of these Rules;

- Speakers wishing to submit electronic media as part of their public comment must submit it to the City Clerk's Office via thumb drive or compact disk (cd) at least 24 hours prior to the Advisory Committee meeting in order to be screened for computer viruses and offensive or inappropriate content. The City Clerk will have it available at the next Advisory Committee meeting during the public comment portion of the meeting. The City is not responsible for inaccurate information displayed as part of a public comment presentation;
- Must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Committee meetings;
- Wishing to speak to the Committee should complete, and turn into the Committee Secretary prior to the item being called, a speaker's slip indicating the agenda item or off-agenda (public comment) item which they wish to address; and
- May contact the staff person with questions concerning Consent Calendar items prior to the meeting to reduce the need for discussion of Consent Calendar items.

P. REGULAR MEETINGS

- Regular meetings of Advisory Committees are established by resolution;
- Staff reports shall be limited to five minutes unless unusual circumstances exist;
- Voting will be conducted utilizing the electronic voting system and the Chair shall announce the voting results;
- Public comments shall be limited to three minutes, the Chair shall notify the speaker when 30 seconds remain and has the discretion of extending the time for public hearings if a formal presentation is being made;
- No new agenda items shall be considered after 9:30 p.m. unless agreed to do so by the majority of the Committee, all remaining items shall be continued to the next regular meeting; and
- All meeting notices are to be posted on the City's website, public notice case outside City Hall and at the Hesperia Branch Library 72-hours prior to the meeting in compliance with the Brown Act.

Q. SPECIAL MEETINGS

- The Chair or Majority of the Members may call a special meeting for items within the Committee's purview by providing notice twenty-four (24) hours in advance of the meeting to all Commission Members, media outlets and persons having requested in writing notification of such meetings pursuant to state law; and
- All special meeting notices are to be posted on the City's website, public notice case outside City Hall and at the Hesperia Branch Library.

R. AGENDA PACKET PREPARATION

- The City Manager reviews and approves all items for the Advisory Committee agenda;
- The agenda and agenda packets are compiled and distributed through designated departments. Agenda packets are generally ready for distribution by 5:30 p.m. on the Thursday before the Advisory Committee meeting; - agenda packets are also available to the public on the City's website, at the public library, and public kiosks located at City Hall and the Hesperia Chamber of Commerce; and
- Committee Members are encouraged to meet with the Committee staff liaison before Advisory Committees meetings if they need clarification on agenda items.

S. GENERAL

The Advisory Committees acts as a body and policy is established by majority vote. A decision of the majority binds the Commission to a course of action. No Commission Member has any extraordinary powers beyond those of other members and all members have equal votes.

Action by the Advisory Committees shall be taken by means of resolution, or oral motion duly made and passed by the majority (unless otherwise provided in state law).

Public actions of the Advisory Committees shall be recorded in the minutes of any meeting of the Commission. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the Advisory Committee Secretary.

The Advisory Committees cannot take action on items not included on the posted agenda except as provided for emergency or urgent items as provided in the Brown Act.

A tie vote is considered as "no action" by the Advisory Committees and the item will automatically be brought back before the City Council at the next meeting at which the full membership of the Council is present.

T. REQUIREMENTS FOR AGENDA ITEM SUBMISSION

Department directors, subject to the discretion of the City Manager, may submit staff reports or descriptions of oral reports to the Advisory Committee for placement on the agenda.

U. DECLARATION OF POLICY

No resolution, motion or item of business shall be introduced or acted upon at a meeting of the Advisory Committee without it appearing on a duly noticed and

posted agenda in accordance with the Brown Act, exceptions to this rule are limited to those provided by state law.

No resolution, motion or item of business will be considered which does not affect the conduct of the business of the City of Hesperia, its subsidiary districts, or its corporate powers or duties as a municipal corporation.

V. AGENDA FORMAT

1. Public Comment

Pursuant to the Brown Act, public comment will be allowed on items on the Committee agenda at the time each item is considered. Public comments are limited to no more than three (3) minutes each. Individuals desiring to speak are encouraged to submit a request to speak form to the Advisory Committee Secretary prior to the meeting. Speakers shall not concede any part of their allotted time to another speaker.

The Advisory Committee may not deliberate or take action on any request/item brought before them during Public Comment/Oral Communications. The Committee may ask clarifying questions and refer the request/item to staff.

Members of the Advisory Committee are discouraged from engaging in debate with a member of the public at meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

The Brown Act permits the clearing of the Council Chamber in the event any meeting is willfully disturbed.

2. Items for Consideration

Those items on the Committee agenda which have not been previously discussed or which require Committee direction.

3. Committee Member and Staff Comments

The Comments portion of the meeting provides Committee Members and Staff the opportunity to briefly comment on Committee business or on activities as representatives of the Advisory Committee. Committee Members and Staff should govern themselves as to the length of their comments.