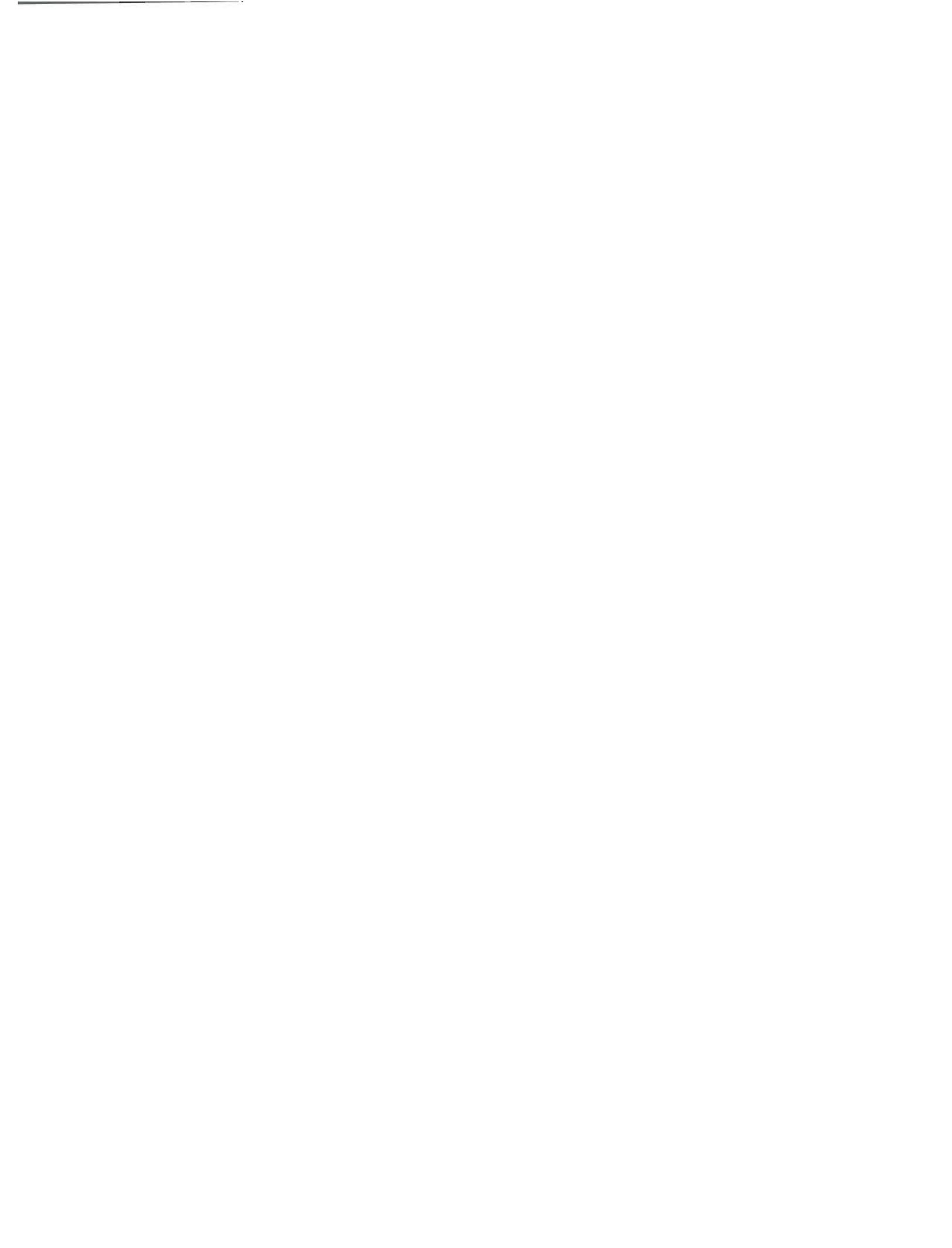


CITY OF SOUTH LAKE TAHOE



COMMISSIONER / BOARD MEMBER HANDBOOK



CITY OF SOUTH LAKE TAHOE COMMISSIONER HANDBOOK

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*Distributed by
City Clerk Susan Alessi
Updated 2015*



City of South Lake Tahoe

"making a positive difference now"

A Note from the City Clerk.....

Congratulations on your appointment to a City of South Lake Tahoe City Commission/Board and thank you for your willingness to serve the City Council and our community. City Commissions/Boards serve as advisory bodies which play an important role in city governance by assisting the City Council in addressing specific issues in detail and facilitating community participation in the process of making recommendations to the City Council. As City Commission/Board members serve as unpaid volunteers, they are among one of the most respected and appreciated volunteers in our community.

The City of South Lake Tahoe is comprised of the following Commissions/Boards: the Airport Land Use Commission, the Building/ADA Board of Appeals, the Parks and Recreation Commission and the Planning Commission. Each Commission/Board is tasked with distinct responsibilities. As a new or returning advisory body commission/board member, you should familiarize yourself with the City Commission Resolution, which is included in this handbook, and any other related documents that you may determine necessary to assist you in performing the duties of your Commission/Board.

It is my hope that this Handbook will also assist you in familiarizing yourself with the basic protocols and procedures and responsibilities and duties toward a meaningful and productive experience. Your participation is sincerely appreciated by the City Council, city staff and our community.

Susan Alessi
City Clerk



General Guidelines for Commission/Board Members

Appointment to a City Commission/Board is a privilege and an honor. It provides an opportunity for genuine public service. Each Commission/Board Member needs to be aware of the roles and responsibilities that go along with officially serving the City. The specific duties of each commission vary with the purpose for which it was formed and the Council's Strategic Plan Goals and Priorities.

There are also other common responsibilities of all Commission/Board Members as follows:

1. Understand the role and responsibility of the commission on which you serve. Please read all materials contained in this handbook in order to familiarize yourself with your Commission's/Board's functions, work programs and its relationship with the City Council and the citizens of our community.
2. Consider the overall public interest, not the exclusive point of view of a sole group or interest.
3. Keep all lines of communication open. Each Commission/Board Member serves as a communication link between the community, the City Council and City staff.
4. Do your homework and be prepared. Commission/Board Members should become familiar with items under consideration prior to the meetings in order to be fully prepared to discuss, evaluate and act on matters scheduled for consideration. Feel free to seek City staff's advice and assistance in advance of a meeting.
5. Establish a good working relationship with fellow Commission/Board Members, the City Council and your City staff liaison.
6. Understand the scope and authority of your commission's responsibility and work within that scope.
7. Be a participant, an active member and be enthusiastic!

General Guidelines for Commission/Board Members - Continued

RELATIONS

Relations with City Council. The primary responsibility of commissions/boards is to advise and make recommendations to the City Council. It is the Council's role to absorb the advice and recommendations offered by numerous sources and to make decisions to the best of its ability. Because the City Council is in such a position to see the broader context and is aware of other concerns, it may not always follow the recommendations offered by the individual commission/board.

Relations with Staff. The staff liaisons to the commissions/boards are valuable resources. They do research and provide relevant information that enhances a commission's ability to do their work. Staff is available to answer questions and follow-up on items brought before the commission. Commission/Board members should be aware of the time involved on the part of staff in preparing studies and reports, and should make sure that all staff requests are consistent with the commission's approved work program.

Commissions/Boards may not direct staff to initiate major projects without approval from the City Council, and individual commission members may not direct staff to initiate any program or study. Individual commission/board members may make reasonable requests to City staff for research information without the formal concurrence of a majority of its commission/board members.

In addition, commission/board members do not become involved in the operational matters of City departments, unless specifically provided for in the commission/board's powers and duties.

Relations with Fellow Commission Members. Cooperation among fellow commission/board members plays an important role in the successful efforts of the City commissions/boards. In order to build consensus around common goals and objectives, members should first show a willingness to objectively define the issues at hand and then work to reconcile opposing viewpoints. When commissioners/board members interact positively, the group as a whole will be more effective. Important points to keep in mind in working with other commission/board members:

1. Respect an individual's viewpoint, even though it may be different from your own;
2. Allow other members adequate time to present their views before making comments;
3. Be open and honest;
4. Welcome new commission members and help them become acquainted with the commission; and
5. Accept responsibility, voice opinions, and be fair and factual.

General Guidelines for Commission/Board Members - Continued

Commission Relations with the Public. Good relations with the public are vital for all commissions. In many cases, a commission serves as a link between the City Council and the public, helping to inform the public, to reconcile opposing viewpoints, and to explain City programs and policies. Commission members should welcome citizen input at meetings and be considerate of all interests, attitudes and differences of opinion. The commission provides a channel for citizen expression by listening to comments, opinions and concerns from the public.

Commission Relations with Media. Individual commission/board members are not authorized to speak on behalf of the City with regard to City policy or positions, except when such policy or position has been clearly established or when the commission/board member has been designated by the City Council as a spokesperson on a given subject.

Individual commission/board members retain their right as citizens to voice their opinions on matters of City policy as individuals; however, if they choose to do so, they should take care to state that their views are expressed as their personal opinion and may not reflect the views or policy of the City or of the board or commission on which they serve.

OTHER PERTINENT INFORMATION

The Ralph M. Brown Act – Government Code Section 54950-54963 (Attached) All Commissions are subject to the Ralph M. Brown Act. The Ralph M. Brown Act was passed by the State Legislature and requires that “all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency....” The law prohibits closed or secret meetings except under very special circumstance (closed sessions). The City Council takes this matter very seriously and insists that the “public’s business” be done in an open forum.

The Brown Act also establishes requirements for advance notice and a posted agenda before regular meetings (72 hours) and special meetings (24 hours). No action may be discussed or taken on any item not included on the agenda. No action may be taken on any item on agenda at a meeting without a quorum of members present.

Conflict of Interest. The Political Reform Act was enacted by the State of California by an initiative (Proposition 9) in 1974. One of the Act’s main purposes is to prevent financial conflicts of interest by public officials.

A conflict of interest is where an official makes, participates in, or uses his or her official position to influence a governmental decision. It is foreseeable that the decision will affect the official’s financial interest; the effect of the decision on the official’s financial interest will be material; the effect of the decision on the

General Guidelines for Commission/Board Members - Continued

officials' financial interest will be distinguishable from its effect on the public generally.

Government Code Section 87100 Public Offices; State and Local.

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a government decision in which he/she knows or has reason to know he/she has a financial interest.

**GOVERNMENT CODE
SECTION 54950-54963****The Brown Act**

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

54950.5. This chapter shall be known as the Ralph M. Brown Act.

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

54952. As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a

private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

54952.1. Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative

body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

54952.3. (a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. A legislative body of a local agency may require that a

copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of

the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(4) This subdivision shall remain in effect only until January 1, 2018.

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office

of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the

local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which

complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in

closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)
 Discussion will concern: (Specify closed session description used
 by the joint powers agency)

Name of local agency representative on joint powers agency board:
 (Specify name)

(Additional information listing the names of agencies or titles of
 representatives attending the closed session as consultants or other
 representatives.)

(k) With respect to every item of business to be discussed in
 closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

54954.6. (a) (1) Before adopting any new or increased general tax
 or any new or increased assessment, the legislative body of a local
 agency shall conduct at least one public meeting at which local
 officials shall allow public testimony regarding the proposed new or
 increased general tax or new or increased assessment in addition to
 the noticed public hearing at which the legislative body proposes to
 enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased
 assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing
 the services, facilities, or regulatory activity for which the fee is
 charged.

(B) A service charge, rate, or charge, unless a special district's
 principal act requires the service charge, rate, or charge to
 conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or
 lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or
 range of assessments previously specified in the notice given to the
 public pursuant to subparagraph (G) of paragraph (2) of subdivision
 (c) and that was previously adopted by the agency or approved by the
 voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public
 notice of the public hearing at which the legislative body proposes
 to enact or increase the general tax or assessment. The legislative
 body shall provide notice for the public meeting at the same time and
 in the same document as the notice for the public hearing, but the
 meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public
 hearing required by subdivision (a) with respect to a proposal for a
 new or increased general tax shall be accomplished by placing a
 display advertisement of at least one-eighth page in a newspaper of
 general circulation for three weeks pursuant to Section 6063 and by a
 first-class mailing to those interested parties who have filed a
 written request with the local agency for mailed notice of public
 meetings or hearings on new or increased general taxes. The public
 meeting pursuant to subdivision (a) shall take place no earlier than
 10 days after the first publication of the joint notice pursuant to
 this subdivision. The public hearing shall take place no earlier than
 seven days after the public meeting pursuant to this subdivision.
 Notwithstanding paragraph (2) of subdivision (a), the joint notice
 need not include notice of the public meeting after the meeting has
 taken place. The public hearing pursuant to subdivision (a) shall
 take place no earlier than 45 days after the first publication of the
 joint notice pursuant to this subdivision. Any written request for

mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. 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 within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this

section, the resulting adjourned regular meeting is 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 by ordinance, resolution, bylaw, or other rule.

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. (a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

54956.5. (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), 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, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, 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 legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone 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.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

54956.7. Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.75. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

54956.8. Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

54956.81. Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may

hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

54956.86. Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

54956.87. (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided

by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

54956.9. (a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a

potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

54956.95. (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the

authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

54957. (a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her

right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

54957.1. (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by

the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within

the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

54957.5. (a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6254.22, or 6254.26.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a

disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

54957.7. (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item

or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

54957.8. (a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54957.10. Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the

deferred compensation plan.

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

54959. Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. (a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

54960.1. (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

54960.2. (a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever

is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To _____:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall

be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

54961. (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without

making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

54962. Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

54963. (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means 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.

(c) Violation of this section may be addressed 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.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

Meeting Preparation and Meeting Requirements

3

Agendas. As stated earlier on Page 3 of the General Guidelines under The Ralph M. Brown Act paragraph, it is a requirement for a commission to post an agenda 72 hours before a regular meeting and 24 hours before a special meeting. Items of interest must be placed on an agenda in order to discuss.

The commission's City staff liaison will be responsible for compiling and posting of the agenda.

Agenda packets. Agenda packets containing the items of business, "staff reports," to be discussed will be prepared by staff and provided to City Commissioners/Boardmembers within a reasonable amount of time before the scheduled meeting. In order to be prepared for meetings, members should read the agenda packet.

In cases where a member receives information on an agenda item and feels there is a need for additional information, he/she should contact staff in advance of the meeting. This allows staff time to provide the requested information, and if necessary, include it in their staff presentation to the commission.

Quorum. A quorum consists of a majority of the members of the commission/board. A quorum is required to conduct business at any meeting whether it is a regular or special meeting.

Minutes. Action Minutes. All City Commissions/Boards are required to use conformed agendas which shall constitute the official Minutes documenting actions taken at the meetings. An audio tape recording of the meeting is also required.

Role of the Chairperson. It is incumbent upon the chair of the commission/board to ascertain the responsibility of his/her commission/board. The Chairperson exists to encourage the input of ideas, guide discussions in a logical and orderly fashion, and to facilitate the overall decision-making process.

Reviewing Tape Recording of Meeting; Absent Commissioners/Boardmembers: In the event a Commissioner/Boardmember is unable to attend a meeting, he/she should request to listen to the tape recording in order to be informed of the discussions that led up to the action that was taken. In those cases where items have been discussed at meetings and will be coming back to the Commission/Board on a future agenda for action, it makes it even more imperative to listen to the tape recording.

City Commission Reports. Each City Commission/Board shall have the opportunity at each City Council meeting, under Commission Reports, to provide a brief report on their commission/board's activities.

Biannual Reports to the City Council. All City Commissions/Boards shall make a formal report to the City Council biannually at the Council's second meeting in May and their second meeting in November.

RESOLUTION NO. 2013- 49

A RESOLUTION SETTING FORTH THE STRUCTURE, DUTIES, QUALIFICATIONS AND RESPONSIBILITIES OF, PROCEDURES FOR THE APPOINTMENT AND REMOVAL OF, CITY COMMISSIONS AND BOARDS

(Amending Resolution No. 2011-26)

Whereas, the City of South Lake Tahoe's Commissions and Boards consist of 1) the Airport Land Use Commission, 2) the Building/ADA Board of Appeals, 3) the Parks and Recreation Commission and 4) the Planning Commission.

Whereas, this resolution will provide the City Council, City Staff and the public with information regarding the structure, duties, qualifications and responsibilities of, procedures for the appointment and removal of, and the general policies and procedures of City Commissions and Boards; and

Whereas, the information set forth in this resolution will assist in facilitating the City's Commission and Board operations and in maximizing public participation; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH LAKE TAHOE THAT:

Section 1. Application Process/Appointment Process/Removal:

Application Process: Applications to serve on City Commissions shall be received by the City Clerk on an ongoing basis and a solicitation/recruitment shall be held commencing on October 1 (or as soon thereafter) of each even numbered year. Appointments to Commissions and Boards shall be made only from persons who have submitted an application.

Persons interested in serving on a City Commission may pick up an application from the City Clerk's Office located at the Lake Tahoe Airport, 1901 Airport Road, South Lake Tahoe, California or the application can be downloaded from the City's website at www.cityofslt.us. Applications will also be mailed, faxed or emailed upon request to the City Clerk's Office.

During the solicitation/recruitment period, completed applications must be returned to the City Clerk by the deadline set forth in the Notice for the Solicitation period.

The City Clerk shall notify all current commissioners and applicants remaining on the Applicant List.

Appointment Process: The City Clerk will provide the City Councilmembers with copies of all applications received by the prescribed deadline.

The City Clerk will notify all applicants of the date and time of the City Council meeting when appointments will be made and applicants are encouraged to attend the meeting and be

available if they wish to address the City Council or if the City Council wishes to interview the applicant.

The City Council will vote for their appointments on ballots provided to them by the City Clerk.

The City Clerk will tally the votes and the candidates for each commission receiving the majority of the votes will be announced and appointed to serve. This process may require more than one ballot to achieve the required number of successful candidates by a process of elimination. No candidate shall be appointed to a Commission or Board without the affirmative vote of at least three (3) Council Members.

The ballots and tally sheets will be made a part of the public record and kept on file in the City Clerk's Office as permanent record and made available for public review upon request.

After the appointments have been made, the City Clerk will administer an oath of office to each newly appointed commissioner at their first commission meeting and will provide each commissioner with a copy of the City Commission Handbook which will include this resolution, the City's Code of Ethics and FPPC Financial Disclosure Statements (applicable to Airport Land Use Commission, Building/ADA Board of Appeals and Planning Commission). Those selected, but not present at the Council meeting, will be notified by the City Clerk's Office of their appointment.

In accordance with Government Code Section 54972, the City Clerk will prepare and maintain an Appointment List of the names and terms of those voted upon to serve on each City Commission.

Those applicants *not* appointed will be placed on an Applicant List prepared by the City Clerk's Office. The Applicant List will be maintained until the commencement of the next solicitation period. In the event of a vacancy on any Commission or Board, the City Council may appointment from the names remaining on the "Applicant List," and the Appointee selected would serve the remainder of the unexpired term.

Removal: Any Commission or Board member may be removed at any time during his or her term, with or without cause, by a majority vote of the City Council.

Section 2. Residency Requirements

The following residency requirements shall apply to members of City Boards and Commissions:

A. Members of the Airport Land Use Commission shall reside within the Tahoe Basin portion of El Dorado County.

B. Members the Building/ADA Board of Appeals shall reside within the Tahoe Basin portion of El Dorado County.

C. Members of the Parks and Recreation Commission shall reside within the Tahoe Basin portion of El Dorado County.

D. Members of the Planning Commission must reside within the city limits.

Section 3. Structure Terms of Office and Qualifications

Each Commission or Board shall have the following number of members and shall serve two year terms, commencing in February of odd numbered years:

The Airport Land Use Commission shall consist of two (2) members.

Building/ADA Board of Appeals Commission shall consist of seven (7) members: Five (5) members shall have one of the following qualifications and hold valid California licenses to engage in the specified activities: one general building contractor experienced in both residential and commercial construction, one electrical contractor, one plumbing contractor, one heating and ventilating contractor, and one architect or engineer. Each shall have a minimum of five years of experience in their field; and the two (2) ADA members must be physically handicapped persons.

The Parks and Recreation Commission shall consist of five (5) members.

The Planning Commission shall consist of five (5) members.

Section 4. Adoption of Rules and Procedures

Each Commission or Board may adopt its own rules of procedure, provide for the selection of officers, and take such other steps as reasonably required for the conduct of business in conformity with the laws of the State of California.

The Airport Land Use Commission shall meet on an as needed basis. The Parks and Recreation Commission shall meet at least quarterly; the Planning Commission shall meet monthly assuming there is business to conduct; the Building/ADA Board of Appeals shall meet on an as needed basis. There may be the need or occasion(s) for a Commission or Board to hold a special meeting.

In the event any Planning Commission member has three (3) consecutive absences, and any Airport Land Use Commissioner, Building/ADA Board of Appeals Commissioner or Parks and Recreation Commissioner has two (2) absences in one calendar year (assuming there have been scheduled meetings to attend), their seat will be deemed to have been vacated and a new appointment will be made in a manner consistent with this resolution.

Airport Land Use, Building/ADA Board of Appeals and Planning Commission members are required to comply with the State of California Political Reform Act, regulated by the Fair Political Practices Commission, by filing a Statement of Economic Interests Form 700 with

the City Clerk. If any Airport Land Use, Building/ADA Board of Appeals or Planning Commission member fails to file the required disclosure statement after written notice from the City Clerk, their seat shall be deemed vacated and a new appointment will be made in a manner consistent with this resolution.

Section 5. Duties and Responsibilities

Members of Boards and City Commissions shall have the following duties and qualifications:

- A. Airport Land Use Commission: the City's Planning Commission, when augmented with the Airport Land Use Commission, shall exercise the following responsibilities set forth in the Airport Comprehensive Land Use Plan (CLUP) under the authority of the California Public Utilities Code, Chapter 4, Article 3.5, as follows:
 - 1. The adoption of a basic Airport Land Use Commission Policy Plan, as adopted by the ALUC.
 - 2. The adoption of land use plans for individual airports, as adopted by the South Lake Tahoe ALUC for Lake Tahoe Airport.
 - 3. The incorporation of the land use compatibility guidelines contained in the CLUP into the general plan and land use regulations by cities and counties with jurisdiction over any geographic area subject to the CLUP.
 - 4. ALUC review and determination of compatibility of individual development proposals, general plan amendments, and other land use plans and regulations around airports.
- B. Building/ADA Board of Appeals: Hear and decide appeals of orders, decisions or determinations made by the Building Official in the application and interpretation of the Building and related codes adopted by the City Council. The Board shall have no administrative authority, nor shall it be entitled to waive provisions of the Code in making a decision on appeal.
- C. Parks and Recreation Commission: 1) Advise the City Council concerning advise concerning proposed policies relating to parks and recreation department operations within the City. 2) Review and recommend capital improvement projects in parks and recreation facilities within the City.
- D. Planning Commission: 1) Assist in the preparation, update of and recommendations to the City Council concerning the general plan for the physical development of the City. 2) Perform those duties set forth in Article 7 of the California Government Code under such conditions as the City Council may from time to time establish. 3) Serve as the Delinquent Refuses Hearing Board.

Any decision of any board or commission may be appealed to the City Council in accordance with the procedures established for that purpose.

In an effort to keep the City Council better informed, all City Commissions and Boards, via their Commission/Board Clerk, shall provide the City Council with copies of all City Commission/Board meeting agendas and minutes. Each City Commission and Board shall have the opportunity at each City Council meeting, under agenda item City Commission Reports, to provide a brief report on their commission's activities. All City Commissions and Boards shall make a formal written report to the City Council biannually at the Council's second meeting in May and their second meeting in November.

Section 6. Miscellaneous Matters

All members of Commissions or Boards shall be unpaid volunteers and not employees of the City. All members of Boards or Commissions shall be subject to the City's Code of Ethics and the City Clerk shall provide a copy of the City Commission Handbook, which includes the Code of Ethics, to each member of a Commission or Board upon their appointment.

To minimize operational costs, all meetings shall be scheduled in such a manner to reduce or eliminate the payment of overtime to city staff.

Any proposed training and travel expenditures will be provided by city staff to the City Manager for approval.

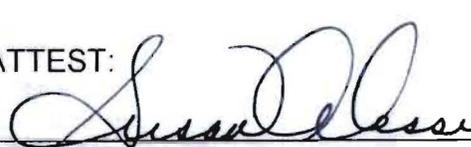
In compliance with the Brown Act, all meetings shall be open and public and each meeting shall be tape recorded. Conformed Agendas shall constitute the official Minutes of Commission and Board meetings and will serve as documentation of actions taken. Agenda packets shall be made available to the public for review at no charge. Copies, upon request, shall be assessed a fee consistent with the City's Fees & Charges Resolution adopted by the City Council.

The City Council may determine the need or necessity to appoint a Councilmember or City Staff member to serve as liaison to a City Commission or Board which could occur during their Councilmember Appointments and Assignments that are held during the second City Council meeting in January of each year or otherwise at a regular meeting in which the item is agendaized.

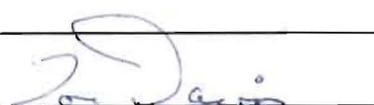
Section 7. All resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the City Council of South Lake Tahoe on August 6, 2013 by the following vote:

AYES: COUNCILMEMBERS: DAVIS, COLE, CONNER, LAINE & SWANSON
NOES: COUNCILMEMBERS: _____
ABSTAIN: COUNCILMEMBERS: _____
ABSENT: COUNCILMEMBERS: _____

ATTEST: 
Susan Alessi, City Clerk




Mayor



CITY OF SOUTH LAKE TAHOE
RESOLUTION NO. 2010-101

A RESOLUTION AMENDING THE CITY'S CODE OF ETHICS RESOLUTION BY
INCORPORATING A NEPOTISM POLICY FOR APPOINTED AND ELECTED OFFICIALS
(AMENDING RESOLUTION NO. 1992-49)

WHEREAS, the City Council of the City of South Lake Tahoe wishes to provide guidance to elected and appointed City officials and to City employees in their conduct while discharging their public responsibilities;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SOUTH LAKE TAHOE that:

The Council of the City of South Lake Tahoe hereby amends the Code of Ethics as set forth below:

Nepotism

Definitions:

1. Relative – means an individual's spouse, domestic partner, fiancé, parent (natural or adopted), sibling, child (natural or adopted), dependent, grandparent, grandchild, aunt, uncle, niece, nephew, in-laws (of those enumerated herein), including step- and half-relationships.
2. Elected or Appointed Position – means the City Manager, City Attorney, City Commissioners, and City Council members.

Policy:

No person shall be appointed as the City Manager, City Attorney, or to a City Commission where such person's relative already holds a position on the City Council.

Where a person is elected to City Council and such person's relative already serves in an elected or appointed position, then neither such person nor their relative shall be required to resign from their position.

No person shall be appointed to a City Commission where such person's relative already serves in an elected or appointed position.

Notwithstanding the above, all persons in elected and appointed positions shall submit the "Relative Notification Form," attached hereto, to the Human Resources Department within 30 days of becoming a relative of another City employee, appointed position, or elected position.

No person shall simultaneously serve on both the City Council and a City Commission.

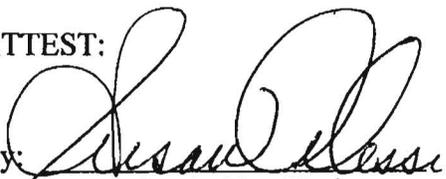
This Resolution was duly **PASSED AND ADOPTED** by the City Council of the City of South Lake Tahoe at a regular meeting of the City Council on the 14th day of December, 2010 by the following vote:

AYES: Councilmember(s): COLE, FORTIER, DAVIS & SWANSON

NOES: Councilmember(s): _____

ABSENT: Councilmember(s): GREGO

ABSTAIN: Councilmember(s): _____

ATTEST:
By: 
Susan Alessi, City Clerk

By: 
Mayor



**City of South Lake Tahoe
RELATIVE NOTIFICATION FORM**

Employee/Appointed Position/Elected Position Information

Name: _____

Job Title: _____

Department: _____

Phone Number and Email: _____

Relative Information

Name: _____

Job Title: _____

Department: _____

Phone Number and Email: _____

Check all that apply:

- Supervisory Relationship (direct/indirect/same supervisor)
- Sharing of Duties (on same work assignment/ related work assignments)
- Other (identify)
- None

I hereby certify that this is a true and correct statement and that I have identified all of my relatives who work for the city of South lake Tahoe in any and all capacities:

Signature: _____

Date: _____



CITY OF SOUTH LAKE TAHOE

RESOLUTION NO. 1992-49

A RESOLUTION OF THE CITY OF SOUTH LAKE TAHOE
SETTING FORTH A CODE OF ETHICS
RELATING TO ADMINISTRATION

WHEREAS, the City Council of the City of South Lake Tahoe wishes to provide guidance to elected and appointed City officials and to City employees in their conduct while discharging their public responsibilities;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SOUTH LAKE TAHOE that:

The Council of the City of South Lake Tahoe hereby adopts the Code of Ethics set forth below:

CODE OF ETHICS

Applicability and Enforcement

These provisions shall be guidelines as to the City Council members, the City Clerk and City Treasurer. These provisions shall be binding as to all appointed City Commissioners, the City Manager and the City Attorney and shall be in addition to any other penalties or remedies provided by law. Any violation of the provisions of this chapter shall constitute a cause for suspension, removal from office or employment or other disciplinary action after notice and hearing conducted by the appropriate appointed authority.

In the event of allegation of a violation of this ordinance as to any appointed commissioner, a hearing panel consisting of the Mayor, the City Manager and the City Attorney shall convene within 30 days of the filing of the allegation to determine if substantial evidence exists concerning the alleged violation and if so, the matter shall be forwarded to the City Council within 30 days of any such determination for appropriate action at a regular or special meeting.

In the event of allegation of a violation concerning the City Manager or City Attorney, a Council subcommittee shall be appointed by the Mayor to hear any such allegations within 30 days of the filing of the allegation and determine if substantial evidence exists to support the allegation. If so, it shall be forwarded within 30 days of any such determination to the full City Council for appropriate action.

With regard to all other City employees, these provisions shall constitute guidelines to be utilized by the appointing authority for purposes of performance evaluation under the applicable City personnel rules and policies.

General Rule with Respect to Conflicts of Interest

Persons in the public service shall not engage in nor shall they have any interest, direct or indirect, in any business or transaction, nor incur any obligation which is in substantial conflict with the proper discharge of their official duties in the public interest or which impairs their independence of judgement in the discharge of such duties. If, however, persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall disqualify themselves from any participation therein.

Actions and Conduct Designed to Build Public Confidence

Persons in the public service shall not only be ever conscious that public service is a public trust but also shall be impartial and devoted to the best interests of the City, and shall so act and conduct themselves, both inside and outside the City's service, as not to give occasion for distrust of their impartiality or of their devotion to the City's best interests. Each person taking the oath of office to enter City service shall be held accountable to the terms of this Code of Ethics.

Acceptance of Favors and Gratuities

A) Persons in the public service 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.

B) Persons in the public service shall not accept any gifts, gratuities or favors of any kind which might reasonably be interpreted as an attempt to influence their action or actions with respect to city business, or as a reward for performance of a service rendered in the course of their official duties.

No person in the public service shall accept favors or gratuities which, as a general guideline, collectively exceed \$1,000 in any one

year from any person or entity or any combination of person or entities. Any such favors or gratuities shall be disclosed in accordance with the applicable provisions of the Fair Political Practices Act and its regulations.

Excluded from the \$1,000 amount are favors or gratuities when received as the authorized representative or delegate of the City at a function to which an official invitation was extended.

This section also excludes campaign contributions properly disclosed under the Fair Political Practices Act and its regulations.

Use of Confidential Information

Persons in the public service shall not disclose confidential information acquired by or available to them in the course of their employment with the City, or use such information for speculation or personal gain.

Use of City Employment and Facilities for Private Gain

Persons in the public service shall not use, for private gain or advantage, their city time or the City's facilities, equipment or supplies, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

Use of City Equipment

The following rules govern the personal use by employees of City owned equipment, other than motor vehicles.

1. No City equipment will be used by an employee in his or her private business.
2. No City equipment will be removed from the City premises where it is normally kept, for an employee's personal use unless such equipment is available to the general public.
3. With permission of their supervisor, employees may use City equipment occasionally for personal tasks, as long as these tasks are performed on the employee's own time and the equipment is not removed from the premises where it is normally kept.
4. Employees will be responsible for any damage to City equipment occurring during their personal use thereof.
5. Employees will reimburse the City for any supplies consumed in their personal use of City equipment.
6. The City's letterhead will not be used for personal

correspondence or in personal business correspondence.

7. Individual departments may establish stricter rules governing the use of specific types of equipment.

Contracts with the City

Persons in the public service shall not exercise any discretionary powers for, or make any recommendations on behalf of or to the City or any department or officer thereof with respect to any contract or sale to which the City or any department thereof is a party and in which such persons shall knowingly be directly or indirectly financially interested.

Outside Employment Impairing Service to the City

Persons in the public service shall not engage in outside employment or business activity which involves such hours of work or physical effort that it would or could be reasonably expected to substantially reduce the quality or quantity of work or interfere with such persons' giving a full day's labor for a full day's pay.

Outside Employment Incompatible with Official Duties

Persons in the public service shall not engage in any outside employment which involves the performance by them of any work which will come before them as officers or employees of the City, or under their supervision, for approval or inspection; provided that nothing in this paragraph shall be taken to limit in any manner the outside employment of such persons where the interests of the City are protected under the applicable provisions of the City personnel rules.

Personal Investments

Persons in the public service shall not make personal investments in enterprises which they have reason to believe may be involved in decisions or recommendations to be made by them, or under their supervision, or which will otherwise create a substantial conflict between their private interests and the public interest. If, however, persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall disqualify themselves from any participation therein.

Discussion of Future Employment

Persons in the public service shall not negotiate for future employment outside the city service with any person, firm or

organization known by such persons to be dealing with the City concerning matters within such persons' areas of responsibility or upon which they must act or make a recommendation.

Conduct with Respect to Performance on the Job

Persons in the public service shall perform their duties earnestly, economically and efficiently.

Activities Incompatible with Official Duties and the Reporting of Improper Government Activities

Persons in the public service shall not engage in any improper governmental activity or in any actions or practices which would interfere with the proper performance of the duties of others. Persons in the City service are strongly encouraged to fulfill their own moral obligations to the City by disclosing to the extent not expressly prohibited by law, improper governmental activities within their knowledge. 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, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

Loyalty

Persons in the public service shall uphold the Constitutions of the United States and California, and duly enacted laws of the United States, the State of California, the City of South Lake Tahoe.

Affirmative Action

Persons in the public service shall not, in the performance of their service responsibilities, discriminate against any person on the basis of race, religion, color, creed, age marital status, national origin, ancestry, sex, or handicap and they shall cooperate in achieving the equal employment opportunity and affirmative action goals and objectives of the City.

Future Employment

It shall be improper for any former officer or employee to appear as a compensated representative at any time before the Council, or any of its agencies in which they were formerly employed, in connection with any case or other matter in which such former officer or employee was duly connected in a policy-making capacity or managerial capacity while an officer or employee of the City for six (6) months following the termination of the officer or employee.

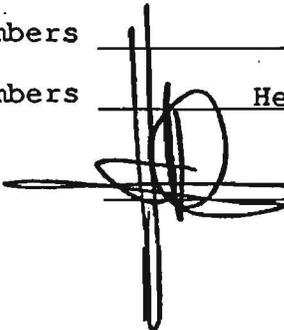
Such officer or employee may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the Council in advance of his/her proposed appearance and a certification that, while an officer or employee of the City, took no action or obtained no information which would prejudice his/her conduct or presentation, either at the time he/she was an officer or employee, or at the time of the presentation.

PASSED AND ADOPTED by the City Council of the City of South Lake Tahoe at a _____ regular meeting held on June 2, 1992, by the following vote:

AYES: Councilmembers KLEIN, COLE, WOODS & OSTI

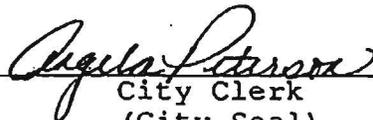
NOES: Councilmembers _____

ABSENT: Councilmembers Hembrow



Mayor Pro Tem

ATTEST:



City Clerk
(City Seal)



ETHICS TRAINING (AB 1234)

- Required by the State of California for any commissioner that receives compensation or is eligible for reimbursement of expenses (such as Planning Commissioners). **Strongly encouraged for all commissioners**
- Self-study courses are available online, and live training sessions offered throughout the year. See www.cacities.org and click on the Institute for Local Government tab at the top, then Ethics, Ethics Laws, and click the self-study link on that page.
- If you have questions on whether you should attend an Ethics Training session, please consult with your city staff liaison or the City Clerk.

CITY OF SOUTH LAKE TAHOE
RESOLUTION NO. 2007-6

Resolution Adopting Institute for Local Government Ethics Publications: Doing The Right Thing: Putting Ethics Principles into Practice in Public Service; Key Ethics Law Principles for Public Servants; The ABC's of Open Government Laws.

WHEREAS, the City Council of the City of South Lake Tahoe received ethics training at its January 16, 2007, City Council Meeting, in compliance with Assembly Bill 1234; including copies of the following publications:

1. Doing the Right Thing: Putting Ethics Principles into Practice in Public Service;
2. Key Ethics Principles for Public Servants;
3. The ABC's of Open Government Laws.

WHEREAS, the City Council of the City of South Lake Tahoe wishes to provide guidance to elected and appointed City officials in their conduct while discharging their public responsibilities;

WHEREAS, the City Council has adopted Strategic Priority Number 5, to encourage open participatory government.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of South Lake Tahoe does hereby adopt the ethics principles set forth in the Institute for Local Government publications titled:

1. Doing the Right Thing: Putting Ethics Principles into Practice in Public Service;
2. Key Ethics Principles for Public Servants;
3. The ABC's of Open Government Laws.

PASSED AND ADOPTED by the City Council of the City of South Lake Tahoe on
February 6, 2007, by the following votes:

AYES: Councilmember(s): LOVELL, WEBER, BIRDWELL, CRAWFORD & LONG

NOES: Councilmember(s): _____

ABSENT: Councilmember(s): _____

ABSTAIN: Councilmember(s): _____

ATTEST:

By: *Susan Alessi*
Susan Alessi, City Clerk

By: *Kathay Lovell*
Kathay Lovell, Mayor



Doing the Right Thing:

**PUTTING ETHICS PRINCIPLES
INTO PRACTICE IN PUBLIC SERVICE**

Universal Ethical Values

Research by the Institute for Global Ethics identifies ethical values that transcend virtually all cultures and religions.³

Among them are:

- Trustworthiness
- Responsibility
- Respect
- Loyalty
- Compassion
- Fairness

About the Institute for Local Government

The Institute's mission is to develop forward-thinking resources to help local officials serve their communities.

Institute for Local Government

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Fax: (916) 444-7535
www.ca-ilg.org

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Institute for Local Government

In the hurly-burly, competitive world of politics, it can be easy to overlook a fundamental fact: the public expects and deserves its public servants to serve the public's interest—not private or political interests.

Values are very important to the public. The public is strongly supportive of public officials' following their sense of "what is the right thing to do" in making government decisions.¹

"...how does the conscientious public official sort through competing considerations and determine "the right thing to do?"

The key question is: how does the conscientious public official sort through competing considerations and determine "the right thing to do?" When it comes to being a public servant, how does one put one's values into practice?

"The Right Thing to Do"

There are a number of sources of guidance. One, of course, is the law. For example, California has a complex array of laws relating to ethics in public service.

The law, however, only sets a minimum standard for ethical conduct. Just because an action is legal doesn't mean that it is ethical. Or that it reflects your or the public's values.

The key is to go to the source and think in terms of values. The chart on the next page identifies key ethical values that tend to resonate with nearly everyone--irrespective of culture, religion or national origin.²

Of course, the next question is: What do these values mean in the context of being a public servant? The chart below provides some food for thought.

PUBLIC SERVICE VALUES

When we talk about the values that ought to guide one's public service, what kinds of values do we mean? The following provides some ideas on values that can inform one's public service and suggests examples of what those values mean in practice.

Trustworthiness

- I remember that my role is first and foremost to serve the community.
- I am truthful with my fellow elected officials, the public and others.
- I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.
- I do not accept gifts or other special considerations because of my public position.
- I do not knowingly use false or inaccurate information to support my position.
- I do not use my public position for personal gain.
- I carefully consider any promises I make (including campaign promises), and then keep them.

Fairness

- I make decisions based on the merits of the issues.
- I honor the law's and the public's expectation that agency policies will be applied consistently.
- I support the public's right to know and promote meaningful public involvement.
- I support merit-based processes for the award of public employment and public contracts.
- I am impartial and do not favor those who either have helped me or are in a position to do so.
- I promote equality and treat all people equitably.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I credit others' contributions in moving our community's interests forward.
- I maintain consistent standards, but am sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms.

Responsibility

- I work to improve the quality of life in the community and promote the best interests of the public.
- I promote the efficient use of agency resources.
- I do not use agency resources for personal or political benefit.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I take responsibility for my own actions, even when it is uncomfortable to do so.

- I do not use information that I acquire in my public capacity for personal advantage.
- I do not promise that which I have reason to believe is unrealistic.
- I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political advantage.
- I do not disclose confidential information without proper legal authorization.
- I am proactive and innovative when setting goals and considering policies.
- I consider the broader regional and statewide implications of the agency's decisions and issues.
- I promote intelligent innovation to move forward the agency's policies and services.

Respect

- I treat fellow officials, staff and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed, and make timely responses.
- I am approachable and open-minded, and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I involve all appropriate stakeholders in meetings affecting agency decisions.

- I come to meetings and I come to them prepared.
- I work to improve the quality of life in my community.

Compassion

- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for and commitment to its community members.
- I am attuned to, and care about, the needs and concerns of the public, officials, and staff.
- I recognize my responsibility to society's less fortunate.
- I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

- I safeguard confidential information.
- I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.
- I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.
- I don't oppose final decisions once they have been made by the decision makers, except through internal lines of communication.
- I put loyalty to the public's interests above personal and political loyalties.

The Importance of Public Perception

The interesting – and somewhat unique – aspect of public service ethics is that it is not exclusively an introspective process. A public official can be absolutely confident that he or she is able to put personal interests or relationships aside, but the public may still question whether indeed that is so.

Public perception, therefore, matters a great deal in one's analysis of what the "right thing to do" is in public service. This is because, as public servants, public officials are stewards of the public's trust in the public's governing institutions.

In short, public service ethics is not only about doing the right thing, but also about the public's confidence that indeed the right thing has been

done. But not doing the right thing just because the public's perception may be negative can have its own pitfalls. To step, or at times tiptoe, along the trail toward good government, here is a simple (but not necessarily easy) process:

- **First Step:** Figure out what "the right thing" to do is.
- **Second Step:** Figure out what the public's perception of "the right thing to do" would be.
- **Third Step:** When needed, balance the first two steps and follow the path which best supports public service values.

■ Types of Ethical Dilemmas

At some point in your service as an elected official, you will likely face two common types of ethical dilemmas:

- **Personal Cost Ethical Dilemmas.** This involves situations in which doing the right thing may or will come at a significant personal cost to you or your public agency. These also can be known as “moral courage” ethical dilemmas.
- **Right-versus-Right Ethical Dilemmas.** This type of ethical dilemma involves those situations in which there are two conflicting sets of “right” values.³

Of course, some dilemmas are a combination of both: a conflict between competing sets of “right” values (right-versus-right) and a situation in which doing the right thing involves personal or political costs.

■ Personal Cost Ethical Dilemmas

With these kinds of dilemmas, the costs can be political – such as the loss of a political support or perhaps even one’s prospects for reelection.

Or, the cost can be financial, for example a missed opportunity for financial gain or material benefits. Issues relating to the proper use of public resources fall into the “personal cost” type of ethical dilemma, inasmuch as these dilemmas typically involve whether one is going to forgo a tempting political or personal benefit.

Finally, the cost can be more directly personal, as when a particular course of action may jeopardize a friendship.

- In these situations, the answer is relatively simple, but certainly not easy. The bottom line is that being ethical means doing the right thing regardless of personal costs.

■ Right-versus-Right Ethical Dilemmas

Right-versus-right ethical dilemmas can be more difficult to resolve.

One example is when a lifetime, best friend urges you to do something that conflicts with your own best sense of what will serve your community’s interests. In this dilemma, there is a conflict between your responsibility to do what is in the public’s best interest and your loyalty to your friend. Responsibility and loyalty are both bona fide ethical values.

- The key is, as a public servant, the ethical value of responsibility (and the responsibility to do what is in the public’s best interest) trumps the ethical value of loyalty. This is when thinking about the public’s perception of the right thing to do can be a useful dilemma-resolution strategy (see box at left).

Endnotes

¹ Meg Bostrom, *By or For the People? A Meta-Analysis of Public Opinion of Government* (January 2005) at 31.

² See Rushworth M. Kidder, *How Good People Make Tough Choices* (Simon and Schuster, 1995) at 77-92.

³ *Id.* at 13-49.

Avoid the Rationalization Trap

One way public officials can get themselves sideways with both the public’s expectations and the law is when they start rationalizing or relying on situational ethics, i.e., those ethics that are sculpted to fit the facts. Many of these rationalizations can start with the fact that, as a public servant, one gives a great deal of time and energy to one’s community.

As worthy as it is, this commitment does not entitle you to:

- Benefits to your business or personal finances as a result of your public service.
- Special benefits or “perks” associated with your public office from businesses or others.
- Use public resources for personal or political purposes.
- Secure special treatment from your agency or others in regulatory or enforcement matters for yourself or others.

If you find yourself rationalizing that you deserve some special benefit, stop yourself. You are likely on the path to an ethical, or maybe even legal, misstep. You chose to run for office and are responsible for creating the possibility of the impact on your time.

As the Greek philosopher Demosthenes observed, “Nothing is so easy as to deceive oneself; for what we wish, we readily believe.”

**Think about your values in public service in advance, as well as where your boundaries for ethical conduct are. This will help you avoid being tempted to cross the line in specific situations and fall prey to a dynamic of “situational ethics”—or the tendency to determine your ethical standards according to the situation.

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Sorting through Ethical Dilemmas

If you find yourself faced with an ethical dilemma, the following questions may help you come to an answer:

- Which ethical values are involved in this decision (for example, trustworthiness, compassion, loyalty, responsibility, fairness, or respect)?
- Is this a situation in which ethical values are in conflict (right-versus-right dilemmas) or in which there is a significant personal cost associated with doing the right thing?
- What are the facts? What are the public benefits to be achieved or the public harm to be avoided by a particular decision? Is there a decision that does more public good than harm?
- What are your options? Is there a course of action that would be consistent with either both sets of ethical values (for right-versus-right dilemmas) or consistent with the ethical value and avoid the anticipated cost of pursuing the right course of action?
- Is one course of action more consistent with a value that is particularly important to you (for example, compassion or trustworthiness)?
- What decision best reflects your responsibility as an officeholder to serve the interests of the public as a whole?
- What decision will best promote public confidence in your agency and your leadership?

It can also be useful to think about common ethical dilemmas (or clearly improper) situations that arise for public officials and how you would handle them/what you would say.

What to Do?

Figuring out the kind of dilemma you are facing is the first step.

- **Personal Cost.** Does doing “the right thing” seem to involve a significant personal cost?
- **Right Versus Right.** Does the dilemma involve competing sets of “right” values?
- **Legal Issue.** Does the law provide an answer on what you must do? (Remember the law establishes only minimum obligations – just because something is legal doesn’t mean it’s ethical.)

For more information about public service ethics, visit www.ca-ilg.org/trust.

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ETHICS LAW PRINCIPLES FOR PUBLIC SERVANTS: Key Things to Know

Note that the following are not statements of law, but rather principles the law is designed to achieve. The goal in providing this list is to identify the kinds of issues addressed by public service ethics laws. If an issue arises under these principles, public officials should consult agency counsel.

Personal Financial Gain Laws

Generally speaking, California law says public officials:

- Cannot request, receive or agree to receive anything of value or other advantages in exchange for a decision.
- Must disclose their financial interests to the public.
- Must disqualify themselves from participating in decisions that may affect (positively or negatively) their financial interests.
- Cannot have an interest in a contract made by their agency.
- Cannot acquire interests in property within redevelopment areas over which they have decision-making influence.
- May only sell property to their redevelopment agency through eminent domain proceedings.
- Cannot be involved in agency decisions that affect an official's future employer.
- Cannot lobby their agency for pay for a year following their departure from the agency.

For more information on these laws, see *Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws* at www.ca-ilg.org/financialgain.

Perk Issues: Including Compensation, Use of Public Resources and Gift Laws

Generally speaking, California law says public officials:

- Receive limited compensation for their service to the public.
- Cannot receive compensation for speaking, writing an article or attending a conference.
- Are reimbursed for only those expenses allowed in agency expense reimbursement policies because those expenses have a demonstrable public purpose and necessity.
- Cannot use public agency resources (money, travel expenses, staff time and agency equipment) for personal or political purposes.
- Cannot send mass mailings at public expense.
- Cannot make gifts of public resources or funds.
- Must disclose all gifts received of \$50 or more and may not receive gifts aggregating to over \$420 (2009-10) from a single source in a given year.
- May only accept free trips and travel expenses under limited circumstances.
- May not accept free or discounted transportation from transportation companies.
- May not use campaign funds for personal benefits not directly related to a political, legislative or governmental purpose.

For more information on these laws, see *Understanding the Basics of Public Service Ethics: Perk Issues, Including Compensation, Use of Public Resources and Gift Laws* at www.ca-ilg.org/perks.

Transparency Laws

Generally speaking, California law says public officials:

- Disclose their economic interests when they take office, annually while they are in office and when they leave office. These economic interests include such kinds of interests as: sources of income, property ownership, investments, certain family members' interests, business interests, loans, contracts and gifts received.
- Disclose information about who has agreed to commit significant resources (\$5,000 or more) to legislative, governmental or charitable purposes at an elected official's request.
- Disclose campaign contributions.
- Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- Allow the public to participate in meeting, listening to the public's views before decisions are made.
- Allow public inspection of documents and records generated by public agencies, except when non-disclosure is specifically authorized by law.
- Disclose gifts given to the public agency and how they are ultimately used.

For more information on these laws, see *Understanding the Basics of Public Service Ethics: Transparency Laws* at www.ca-ilg.org/transparency.

Fair Process Laws and Merit-Based Decision-Making

Generally speaking, California law says public officials:

- Cannot receive loans from those within the agency or with whom the agency contracts; loans from others must meet certain requirements.
- Cannot engage in vote-trading.
- Have a responsibility to assure fair and competitive agency contracting processes.
- Cannot participate in quasi-judicial proceedings in which they have a strong bias with respect to the parties or facts.
- Must conduct public hearings in accordance with due process principles.
- Cannot participate in decisions that will benefit their immediate family (spouse or domestic partner and dependent children).
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Cannot participate in entitlement proceedings—such as land use permits—involving campaign contributors (does not apply to elected bodies).
- Cannot solicit campaign contributions of more than \$250 from permit applicants while an application is pending and for three months after a decision (if sitting on an appointed board).
- Cannot solicit agency employee support for their political causes.
- Cannot retaliate against those who whistle-blow.

For more information on these laws, see *Understanding the Basics of Public Service Ethics: Fair Process Laws and Merit-Based Decision-Making* at www.ca-ilg.org/fairprocess.

In addition to state law, federal anticorruption law broadly guarantees the public "honest services" from public officials. Depriving the public of honest services is a federal crime.

Public Official's Conflict of Interest Checklist

KEY CONCEPTS

- ✓ A public agency's decision should be based solely on what best serves the public's interests.
- ✓ The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- ✓ Having a conflict of interest does not imply that a public official has done anything wrong; it just means that the official has financial or other disqualifying interests.
- ✓ Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. Don't take that risk.

BASIC RULE

A public official may not participate in a decision – including trying to influence a decision – if the official has financial or, in some cases, other strong personal interests in that decision. When an official has an interest in a contract, the official's agency may be prevented from even making the contract.

WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

The rules are very complex. A public official should talk with agency counsel 1) early and often, 2) when an action by the public agency, 3) may affect (positively or negatively), 4) any of the following:

- ✓ **Income.** Any source of income of \$500 or more (including promised income) during the prior 12 months for the official or official's spouse/domestic partner.
- ✓ **Business Management or Employment.** An entity for which the official serves as a director, officer, partner, trustee, employee, or manager.
- ✓ **Real Property.** A direct or indirect interest in real property of \$2000 or more that the official or official's immediate family (spouse/domestic partner and dependent children) have, including such interests as ownership, leaseholds (but not month-to-month tenancies), and options to purchase. Be especially alert when any of these are located within 500 feet of the subject of the official's decision.
- ✓ **Personal Finances.** The official or official's immediate family's (spouse/domestic partner and dependent children) personal expenses, income, assets, or liabilities.

- ✓ **Gift Giver.** A giver of a gift of \$420 (2009-10) or more to the official in the prior 12 months, including promised gifts.
- ✓ **Lender/Guarantor.** A source of a loan (including a loan guarantor) to the official.
- ✓ **Contract.** The official or a member of the official's family would have an interest (direct or indirect) in a contract that the agency is considering entering into.
- ✓ **Business Investment.** An interest in a business that the official or the official's immediate family (spouse/domestic partner and dependent children) have a direct or indirect investment worth \$2000 or more.
- ✓ **Related Business Entity.** An interest in a business that is the parent, subsidiary or is otherwise related to a business where the official:
 - Has a direct or indirect investment worth \$2000 or more; or
 - Is a director, officer, partner, trustee, employee, or manager.
- ✓ **Business Entity Owning Property.** A direct or indirect ownership interest in a business entity or trust of the official's that owns real property.
- ✓ **Campaign Contributor.** A campaign contributor of the official (applies to appointed decision-making bodies only).
- ✓ **Other Personal Interests and Biases.** The official has important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on the official's ability to make a fair decision.

WHAT WILL HAPPEN NEXT?

Agency counsel will advise the official whether 1) the official can participate in the decision and, 2) if a contract is involved, whether the agency can enter into the contract at all. Counsel may suggest asking either the Fair Political Practices Commission or the State Attorney General to weigh in.

EVEN IF IT'S LEGAL, IS IT ETHICAL?

The law sets only minimum standards. Officials should ask themselves whether members of the public will question whether officials should act solely in the public's interest. If they might, officials should consider excusing themselves voluntarily from that particular decision-making process.

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Beyond the Law: Ethics and Values

- Ethics is what one ought to do in a given situation. It's the kind of conduct that would make the world a better place particularly if everyone engaged in it.
- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.

- What one ought to do is typically tied to a series of values:

- *Trustworthiness* - *Compassion*
- *Respect* - *Loyalty*
- *Responsibility* - *Fairness*

For more information on this topic, see *Understanding the Basics of Public Service Ethics: Promoting Personal and Organizational Ethics* at www.ca-ilg.org/ppoe.

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Its mission is to promote good government at the local level.

The Institute's current program areas include:

- Climate Change
- Collaborative Governance Initiative
- Healthy Communities
- Intergovernmental Conflict Resolution
- Land Use and Environment
- Local Government 101
- Public Service Ethics



ETHICS LAW PRINCIPLES FOR PUBLIC SERVANTS: KEY THINGS TO KNOW

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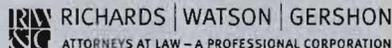
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The ABCs of Open Government Laws

The underlying philosophy of the open government laws is that public agency processes should be as transparent as possible. Such transparency is vital in promoting public trust in government. Conducting government openly and transparently is an opportunity to include the public in decision-making processes and demonstrate that the agency has nothing to hide.

This concept of governmental transparency is so important to the public that some 83 percent of voters supported adding it to California's constitution.

CALIFORNIA'S TRANSPARENCY LAWS REQUIRE PUBLIC OFFICIALS TO:

- A.** Conduct the public's business in open and publicized meetings, except for the limited circumstances under which the law allows closed sessions.
- B.** Allow the public to participate in meetings.
- C.** Allow public inspection of documents and records generated by public agencies, except when non-disclosure is specifically authorized by law.

This pamphlet summarizes these three requirements for local officials in broad terms. For information about how these requirements apply in any given situation or more information about this area of the law in general, local officials are encouraged to consult with their agency attorneys.

The law also requires certain local officials to be transparent about their personal financial interests and relationships. For more information about these requirements, please see the Institute's bookmark entitled "Key Ethics Law Principles for all Officials" and *A Local Official's Reference on Ethics Laws*. Both are available at www.ilsg.org/trust.

**OPEN NEXT TWO FOLDS TO
INSIDE PANELS TO CONTINUE**

RESOURCES FOR FURTHER INFORMATION

California's open government laws are complex and extensive. Consult the following resources for more general information on these laws.

- *Open and Public III: A User's Guide to the Ralph M. Brown Act*, 2000. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8257.
- *The Brown Act: Open Meetings for Local Legislative Bodies*, 2003. Available on the California Attorney General's website at www.caag.state.ca.us (click on "Publications," then click on "General Publications and Forms").
- *Public Records Act Summary*. Available on the California Attorney General's website at www.caag.state.ca.us (click on "Publications," then click on "General Publications and Forms").

For specific questions, contact your agency's attorney.

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A. CONDUCTING THE PUBLIC'S BUSINESS IN PUBLIC

GENERAL RULES

- ✓ Public agency decision-making bodies – which include many advisory committees – must conduct their business in an open and public meeting.
- ✓ A “meeting” is any situation involving a majority of a decision-making body in which agency business is transacted or discussed. In other words, a majority of the governing body cannot talk privately about an issue before the body no matter how the conversation occurs, whether by telephone or e-mail, or at a local coffee shop.
- ✓ These are legal minimums for local governmental transparency in decision-making; local agencies can provide for greater transparency.



KEY THINGS TO KNOW

- **Committees and Advisory Bodies.** Advisory groups or committees formally created by the governing body are subject to the open meeting laws. Standing committees are subject to the open meeting laws if they have a continuing subject-matter jurisdiction or have a meeting schedule fixed by formal action of the governing body.
- **Serial Meetings.** A key thing to avoid is unintentionally creating a “serial” meeting—a series of communications that result in a majority of governing body members having conferred on an issue.

EXAMPLE

If two members of a five-member governing body consult outside of a public meeting (which is not in and of itself violation) about an issue before the body and then one of those individuals consults with a third member on the same issue and shares what the first member is thinking, a majority of the body has consulted on the same issue. Note the communication does not need to be in person and can occur through a third party. For example, sending or forwarding e-mail can be sufficient to create a serial meeting, as can a staff member’s polling governing body members in a way that reveals the members’ positions to one another.

- **Posting and Following the Agenda.** In general, public officials may only discuss and act on items included on the posted agenda for a meeting. However, governing body members or staff may briefly respond to questions or statements during public comments that are unrelated to the agenda items. Officials can also make requests to staff to place a matter on the agenda for a subsequent meeting. Only under extraordinary circumstances can matters be added to the agenda.
- **Permissible Gatherings.** Not every gathering of governing body members outside a posted meeting violates the meeting laws. For example, an open meeting violation would not occur if a majority of the governing body attended the same educational conference or attended a meeting not organized by the local agency as long as agency business is not discussed during the gathering. Nor is attendance at a social or ceremonial event in and of itself a violation. The basic rule to keep in mind is a majority of the governing body members cannot gather *and* discuss agency business except at an open and properly noticed meeting.
- **Closed Sessions.** The open meeting laws include provisions for closed discussions under very limited circumstances (see “typical closed sessions issues” at right). However, the reasons for holding the closed session must be noted in the agenda and different disclosure requirements apply to different types of closed sessions.
- **Disclosure of Confidential Information Prohibited.** The decision to disclose confidential information received in closed session is one that is generally made by the body as a whole, not individual members. Among the remedies for unlawful disclosure is referral to the grand jury, which has authority to remove officials for corrupt or willful misconduct in office.

Because of the complexity of the open meeting laws, close consultation with an agency’s legal advisor is necessary to ensure that no missteps occur.

(See page 5 for information about consequences of non-compliance with these rules.)

GOOD-ETHICS-IS-GOOD-POLITICS NOTE

The media is highly vigilant in monitoring compliance with open government requirements – and quick to report on perceived violations.





TYPICAL CLOSED SESSION ISSUES

Local agency open meetings laws vary in terms of what kinds of closed sessions are allowed. The following list is illustrative. Consult with agency counsel concerning 1) whether a particular type of closed session is available to your agency, 2) under what circumstances, and 3) what disclosure requirements apply before and after the closed session.

Personnel. To consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee, or to hear complaints against an employee.

Litigation. To confer with or receive advice from an agency's legal counsel with respect to existing, threatened or potential litigation.

Real Estate Negotiations. To provide direction to the agency's negotiator on the price and terms under which the agency will purchase, sell, exchange or lease real property.

Labor Negotiations. To meet with the agency's labor negotiator regarding salaries and benefits and other matters within the scope of labor negotiations.

Student Disciplinary Issues. (For school districts and community college districts) To consider discipline of a student if a public hearing would result in disclosure of prohibited information, after notifying the student (or parents in the case of minor students) and if they do not request a public hearing.

Grand Jury Proceedings. To allow testimony in private before a grand jury (either individually or collectively).

License Applicants with Criminal Records. To allow an agency to determine whether a would-be licensee with a criminal record is sufficiently rehabilitated to obtain the license.

Public Security. To confer with designated law enforcement officials regarding threats to public facilities and services or the public's right to access those services and facilities.

Multi-jurisdictional Law Enforcement Agency. To discuss ongoing criminal investigations.

Hospital Peer Review and Trade Secrets. To discuss issues related to medical quality assurance or trade secrets.



B. THE PUBLIC'S RIGHT TO PARTICIPATE IN MEETINGS

GENERAL RULES

- ✓ **Democracy in Action.** The public has a right to address the governing body at any open meeting. An elected official's role is to both hear and evaluate these concerns.
- ✓ **The Public's Right to be Heard.** Generally, every agenda must provide an opportunity for the public to address the governing body on any item of interest to the public within the body's jurisdiction. If the issue of concern is one pending before the legislative body, the opportunity must be provided before or during the body's consideration of that issue.
- ✓ **Posting and Following the Agenda.** The open meeting laws require the public be informed of the time of and the issues to be addressed at each meeting. The agenda must be posted at least 72 hours in advance of a meeting and written in a way that informs people of what business will be discussed. Members of the public may request a copy of the agenda packet be mailed to them at the time the agenda is posted or upon distribution to the governing body. Many local agencies also post these materials on their websites. There are a few exceptions to the 72-hour requirement that relate to unexpected circumstances.



KEY THINGS TO KNOW

- **Taping or Recording of Meetings Is Allowed.** Anyone attending a meeting may record it with an audio or video recorder unless the governing body makes a finding the noise, illumination, or obstruction of view will disrupt the meeting. Any tape or film made by the local agency becomes a public record that must be made available to the public for at least 30 days.
- **Sign-In Must Be Voluntary.** Members of the public cannot be required to register their name or fulfill any other condition for attendance or speaking at a meeting. If an attendance list is used, it must clearly state signing the list is voluntary.
- **Reasonable Time Limits May Be Imposed.** Local agencies may adopt reasonable regulations to ensure everyone has an opportunity to be heard in an orderly manner.

TURN TO REVERSE SIDE TO CONTINUE



- **Dealing with Dissent.** The chair cannot stop speakers from expressing their opinions or their criticism of the governing body. If a group willfully interrupts a meeting and order cannot be restored, the room may be cleared. Members of the media must be allowed to remain and only matters on the agenda can be discussed.
- **Other Notice and Hearing Requirements.** Other state laws may provide additional, subject-specific notice and hearing requirements.

CONSEQUENCES OF NON-COMPLIANCE

- **Nullification of Decision.** As a general matter, decisions that are not made according to the open meeting laws are voidable. After asking the agency to cure the violation, either the district attorney or any interested person may sue to have the action declared invalid. Costs and attorneys fees may be awarded to those who successfully challenge open meeting violations.
- **Criminal Sanctions.** Additionally, governing body members who intentionally violate the open meeting laws may be guilty of a misdemeanor. The penalty for a misdemeanor conviction is imprisonment in county jail for up to six months or a fine of up to \$1,000 or both.
- **Other Measures.** Either the district attorney or any interested person may sue to remedy past and prevent future violations of the open meeting laws. Another remedy, under certain circumstances, is for a court to order that all closed sessions be tape-recorded. Costs and attorneys fees also may be awarded.
- **Potential Civil Rights Violations.** Regulations of public participation beyond those allowed by applicable statutory and constitutional law can be a civil rights violation, which can include liability for attorneys fees.

GOOD-ETHICS-IS-GOOD-POLITICS NOTE

Community relations – and the public's views of an official's responsiveness – are seriously undermined when it appears an official is not listening to the input being provided by the public. Even if you disagree with the views being offered, treat the speaker with the same respect you would like to be treated with if the roles were reversed.

C. THE PUBLIC'S RIGHT TO ACCESS AGENCY RECORDS

GENERAL RULE

- ✓ Public agencies must generally make their records available for inspection by the public.

KEY THINGS TO KNOW

- **Agenda and Meeting Materials.** Copies of the agenda materials and other non-attorney-client documents distributed to the governing body must be available to the public. Any materials distributed by the local agency, its consultants, or decision-makers must be available for public inspection at the meeting. Materials prepared and distributed by some other person must be made available after the meeting.
- **Scope of Access.** The public has the right to see any materials that are created as part of the conduct of the people's business. These materials include any writing that was prepared, owned, used, or retained by a public agency. They include documents, computer data, e-mails, facsimiles, and photographs.
- **Presumption and Exceptions.** A document is presumed to be a public record unless an exception applies. There are a number of exceptions. For example, the "pending litigation" exemption exempts documents that are prepared in support of ongoing litigation (otherwise opposing counsel could obtain all documents containing the agency's legal strategy just by asking for them).

Despite these exceptions, the safe assumption is virtually all materials involved in one's service on the governing body – including e-mails – are public records subject to disclosure.

CONSEQUENCES OF VIOLATION

Anyone can sue the agency to enforce his or her right to access public records subject to disclosure. If the agency loses or otherwise produces the records as the result of the lawsuit, it must pay costs and attorneys fees.



City of South Lake Tahoe



City of South Lake Tahoe • California
Parks & Recreation



Adopted Strategic Plan 2011 / 2014

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The Strategic Planning document contains the strategies, key initiatives, performance measures and expected outcomes the City will focus on over the next few years.

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City Manager's Introduction



City of South Lake Tahoe

"making a positive difference now"

Dear Mayor and City Councilmembers:

I am pleased to present to the City Council the attached preliminary City of South Lake Tahoe Strategic Plan for the City Council's review and modification. The Strategic Plan is a collaboration of the City Council, City staff, and community to create a shared Mission, Core Values, Strategic Priorities, strategies and key intended outcomes to move the community and City organization forward over the next four years.

The foundation of the Strategic Plan is built on the on the following Strategic Priorities:

- Economic Development
- Fiscal Sustainability
- Improve the Built Environment
- Public Trust
- Partnership Development

These Strategic Priorities are the collaborative result of a Citizen Survey and City Council assessment of the Strengths, Weaknesses, Opportunities and Threats of the community and organization. The Strategic Plan offers direction and focus on issues that are critically important to improving South Lake Tahoe. The Plan sets priorities, establishes strategies and most importantly includes performance measures to monitor and measure Plan progress. The Strategic Plan will require the City Council and staff to consider the Plan when developing policies, delivering city services, and processing requests for fiscal resources.

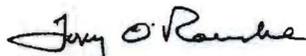
The following critical steps are how we will move from words to action and ensure alignment of the City's policies, budget, departments, and staff work plans:

- Create an annual Business Plan with specific action-oriented goals, work activities and performance measures for every City department and employee, aligned with the Strategic Plan.
- Focus City Council policy initiatives and discussions on the Strategic Priorities.
- Link Senior Management and employee performance evaluations and rewards with the Strategic Priorities.
- Monitor the Strategic Priorities Performance Measures to hold ourselves accountable for making measurable progress in achieving the strategic commitments.
- Communicate quarterly to the City Council and annually to the public through a Strategic Plan Progress Report
- Periodically review the Strategic Plan to ensure that it continues to focus City government on the issues most important to the community.

Upon City Council review and modification, the Strategic Plan will be brought back to the City Council for formal adoption. Upon adoption, the Plan will be communicated to the community and city staff. Quarterly progress reports will be provided to the City Council and an annual progress report will be provided to the public.

I would like to thank the community, City Council and staff for having the foresight and dedication required to develop shared purpose and plan to achieve significant and sustainable success for the City of South Lake Tahoe.

Sincerely,

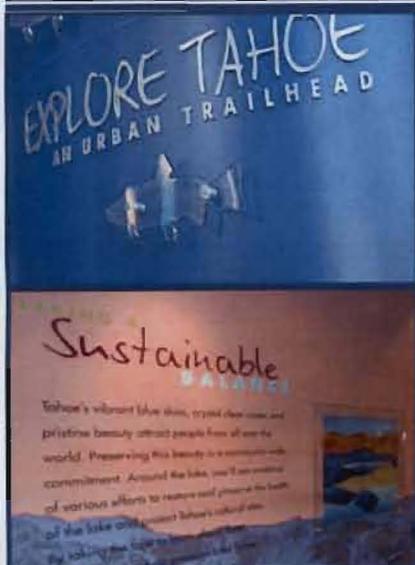

Tony O'Rourke
City Manager

Office of the City Manager • 1901 Airport Road, Ste. 203 • South Lake Tahoe, California 96150-7048
City Manager • (530) 542-6045 • FAX (530) 542-4054



Strategic Planning Process

"Strategic vision provides direction to both the formulation and execution of strategy. It makes strategy proactive, rather than reactive, about the future. Strategy is the crossover mechanism for moving from the world as forecasted to the world of our vision." - Colonel Bruce B.G. Clarke



Understanding the needs of the City's customers is the foundation from which this Strategic Plan has been developed. The City undertook a variety of processes to assess community needs, interests and expectations.

The City surveyed the local community, gathered baseline data from which to develop meaningful performance standards, conducted workshops with the City Council to assess Strengths, Weaknesses, Opportunities and Threats, surveyed City employees and conducted a comprehensive strategic planning development review with the City Council.



Community Input - "Listening" to the Customer

The City mailed a customized National Citizen Survey to 1,200 City citizens in December, 2010. The survey provided information to allow the City Council to establish priorities in direct response to the needs of the citizenry. Survey results are highlighted throughout this document.

Data Analysis - "Learning" What the Facts Are

Information from various sources was utilized to provide background for the development of the Strategic Priorities. Data was gathered from school districts, Visitors Authority, Chambers of Commerce, US Census, California Departments of Finance and Labor, local crime statistics, and real estate threats and forecasts.

Establishing Core Values in the Organization

To accomplish a set of strategic priorities, the organization needs to establish a set of shared core values that govern the activities, behaviors and expectations of the organization. A first-ever Employee Survey was conducted in December, 2010 in which nearly all employees participated. Results were shared with City Council, staff and the community. The Core Values identified in this Strategic Plan were derived from the both the employee and resident survey.

Economic Conditions

The Great Recession impacted the City's residents and businesses significantly as evidenced by reduced sales and lodging occupancy. The City's revenues are all down significantly.

Developing Strategic Priorities

In January 2011, the City Council met and evaluated the information gathered and recognized "The Case for Change" had been made. They established the five Strategic Priorities identified in this Strategic Plan, which are designed to address the serious economic conditions, meet community expectations, build on the community's strengths and interest in the City, restore the community's trust and move the City from recession to recovery.



Mission and Core Values

We are dedicated to providing essential, outstanding and cost-effective services that enhance the vitality and quality of life of our residents, businesses and guests.

Mission

We treat each other and those we serve with courtesy, consideration, and value.

Respect

We welcome and find new and better ways of conducting business and providing services.

Innovation

We take ownership of our decisions and responsibilities for our conduct and performance.

Accountability

We are honest, trustworthy and committed to doing the right thing.

Integrity

We strive to deliver services that produce the highest level of value, results and satisfaction for our customers.

Customer – Focused

We will create an organizational culture built on outcomes and “keeping score” of our results.

Results – Driven



Economic Development

The national economic downturn has had an adverse effect on South Lake Tahoe's financial condition and local gaming and hospitality industries. The unemployment rate as of January, 2011 is 17% and lodging occupancy, sales tax and property values are all down. To stimulate economic recovery and vitality the City will undertake the following strategies.



90%
of residents surveyed rated "Economic Development" is an Essential or Very Important priority for the City.

STRATEGIES:

- Support implementation of the Prosperity Plan.
- Collaborate with local (El Dorado County, Douglas County), regional (state and federal) economic development agencies to attract, retain and expand City businesses.
- Create innovative public-private Business Development partnerships to foster business support, growth and enhancements, and quality affordable housing.
- Initiate collaborative local and regional partnerships to create more special events and activities to stimulate tourism, retail, restaurant and lodging demand.
- Enforce City codes to protect and enhance property values, and attract and retain businesses within the framework of a business-friendly regulatory environment.
- Secure a developer for the Chateau project.
- Expand retail opportunities.
- Expand and Improve Airport Operations:
 - Initiate actions and improvements necessary to accommodate commuter air service and the financial performance of the airport.
 - Initiate plan to create a business park adjacent to the airport.
- Pursue investment and development opportunities for redevelopment areas.
- Initiate opportunities with telecommunications providers for citywide access to WiFi and emerging technologies.
- Complete the City's General Plan and Tahoe Valley Community Plan.

PERFORMANCE MEASURES:

	Current	2011-12
Increase the Resident Rating of those who rate the City's Employment Opportunities as Excellent /Good	7%	12%
Lower Unemployment Rate	17%	14%
Increase the City Lodging Occupancy Rate	23%	32%
Increase the Number of new Business Licenses	3,000	3,150
Increase the Number of New Special Events Produced	0	6
Increase Sales Tax Revenue Growth	2%	4%
Increase TOT Revenue	3%	5%
Adopt the City's General Plan Update	n/a	Dec, 2011
Adopt the Tahoe Valley Community Plan	n/a	Dec, 2011



Fiscal Sustainability

The future financial status of the City of South Lake Tahoe will be one of limits and constraints compared to the past. Revenues are stagnant or declining and the public has no appetite for new taxes or fees. The City must adhere to a fiscally prudent course that ensures quality core services and capital investments while living within its means. This financial course necessitates a paradigm shift to a new business model that works better and costs less. Given its limited resources, the city must focus on a "vital few" strategic priorities that will result in the most significant and sustainable successes for the City.

To the that end, we recommend the following strategies to ensure the City is a wise steward of the public's resources and maintains long-term financial viability.

STRATEGIES:

- Right-size the City organization for long-term sustainability and success.
- Prioritize program and services to ensure delivery of strategic and essential services within a balanced budget.
- Develop public-private partnerships to leverage City resources.
- Annually prepare a balanced, transparent and user-friendly budget.
- Develop a balanced **Five-Year Financial Plan**.
- Operate within budgeted expenses 100% of the time.
- Project revenues on a conservative basis, given the protracted nature and volatility of the economy.
- Maintain a 25% operating reserve for valid emergencies.
- Diversify tax and revenue sources.
- Implement a **Financial Trend Monitoring System** comprising key financial and economic indicators as an "early warning system," regarding the financial and economic health of the City.
- Identify long-term cost savings and cost-containment opportunities, including:
 - * *Operational efficiencies*
 - * *Joint partnerships*
 - * *Level of service adjustments*
 - * *Staff consolidation*
 - * *Alternative service providers*
 - * *Productivity gains*
- Appoint a **Fiscal Sustainability Committee** composed of public and private sector business and community members to work with senior staff and City Council to ensure the City's fiscal activities (budget, capital plan, financial policies, investments, health plan, pension, risk management) are justified, efficient, effective, transparent and sustainable.
- Invest in the City's appearance and infrastructure.
- In partnership with the City's collective bargaining units, look at shifting City's employee compensation system from a longevity-based step plan to a pay-for-performance system that rewards results.

(continued next page)



70%
of residents
surveyed
do not support
a tax increase
to pay for
City services.



Fiscal Sustainability (con't)



82% of residents surveyed said South Lake Tahoe's recreational opportunities are excellent/good, which likely contributes to why the same percentage said it is a Great Place to Live.

STRATEGIES (CONTINUED):

- Enhance utility and transparency of Monthly Financial Report.
- Increase revenues and decrease costs in the City's Airport and Parking Garage operations.
- Implement employment policies and practices that will enhance the City's ability to attract, reward and retain top talent.
- Initiate a Renewal and Replacement fund for the City's capital assets including systems, buildings and equipment.
- Allocate at least \$5 million annually to Capital Improvement needs subject to City Council and/or public approval.
- Conduct an Asset Mapping and Evaluation of City assets and related TRPA commodities.
- Have the Parks & Recreation Commission evaluate all existing Parks & Recreation fees to ensure 75% cost recovery.

Fiscal Sustainability strategies will be measured by the following performance measures.

PERFORMANCE MEASURES:

	Current	2011-12
Maintain Operating Reserve as % of General Fund Expenditures	25%	25%
Maintain a Balanced Budget	Yes	Yes
Maintain a zero percent (0%) Expenditure Budget Variance	0%	0%
Reduce percentage of General Fund revenues committed to salaries and benefits.	78%	74%
Allocate at least \$5 million annually to Capital Improvement needs (roads, sidewalks, lighting, landscaping, facilities, rolling-stock) over the next five years, subject to City Council and voter approval.	No	Yes
Reduce airport annual subsidies by 20%.	\$623K	\$500K
Reduce parking garage and parking enforcement operating costs by 10%.	\$430K	\$390K



Improve the Built Environment

"The City's overall appearance and infrastructure are critical components of the public's perception of community quality and integrity. The current physical environment lags behind the natural beauty of Lake Tahoe. The restoration of the built environment is a necessity. There is a compelling need to restore and unify the visual quality of the community, as well as, ensure the provision of essential infrastructure.

Through the following strategies, the City will identify key opportunities to improve the City's "First Impression" and ensure investment in community and tourist infrastructure.

STRATEGIES:

- Enhance the **Heart of the Community** by updating the appearance and infrastructure on State Highway 50/Lake Tahoe Boulevard including:
 - * *Caltrans improvement on State Highway corridor,*
 - * *Harrison Avenue Enhancements.*
 - * *Lakeview Commons improvements,*
 - * *Business façade and streetscape improvements.*
- Create a **timeless entry experience** for residents and guests that captures the natural spirit of South Lake Tahoe as an "alpine resort community in harmony with nature,"
 - * *Create gateway monument signs at entrances to the City.*
 - * *Enhance landscaping and planting palette which responds to all four seasons, including at the Linear Park .*
 - * *Create a series of entry statements to key City neighborhoods consisting of retaining walls, landscaping, alternative paving, materials and signage, which will complement the City's major entry statements.*
- Leverage our partnership with the California Tahoe Conservancy to build more bike paths.
- Invest in summer flowers, landscaping, neighborhood parks and community gardens to create a strong *first impression* of the City.
- Review and modify existing sign ordinances and City codes to ensure the aesthetic integrity of South Lake Tahoe by working in partnership with businesses and residents. Link enforcement with redevelopment of State Highway 50 improvement phases. Review and streamline existing City Codes related to appearance and signage.
- Create **Neighborhood Service Teams** consisting of all City operating departments, and neighborhoods to enhance neighborhood appearances and improve a sense of community.
- Work in partnership with the Lake Tahoe Visitors Authority, Lodging Association and local Chambers of Commerce to create a **Lodging Quality Initiative** to inspect, rate and encourage renovations of South Lake Tahoe lodging properties.
- Invest \$5 million annually to improve City roads, lighting, landscaping, curb, gutters and signage, subject to general obligation bond election requiring City Council and voter approval
- Facilitate the establishment of new and additional **Business Improvement Districts**.



81%
of residents
surveyed rated
Community
Appearance
and
Infrastructure
as an
Essential or
Very Important
Priority for the City.



Improve the Built Environment (con't)



74%
of residents
surveyed said
the City's
Overall
Appearance
is poor or fair

Strategies to improve the Built Environment will be measured by the following, and possibly additional, performance measures.

PERFORMANCE MEASURES:

	Current	2011-12
Improve Resident Rating of the City's Overall Appearance as Excellent / Good	26%	30%
Improve Resident Rating of the City's Cleanliness as Excellent / Good	40%	45%
Reduce Number of non-conforming or illegal signs in the City	62%	50%
City Council support to enforce City signage and codes	No	Yes
Adopt Complete Streets Master Plan and Financial Plan	No	Yes
Adopt Action and Financing Plan for Harrison Avenue	n/a	Yes
Adopt Lodging Quality Initiative	No	Yes
Complete Lakeview Commons Project on time and within budget	n/a	Yes
Increase the number of Monument Entry Statements	0	2
Expand number of Business Improvement Districts	1	3



Public Trust & Accountability

Community residents and businesses want a City government that is responsive, accountable and welcoming. In the 2010 South Lake Tahoe Citizen Survey, the citizenry made it clear they want to participate with the City in discussing and solving the community's challenges and living within constrained resources. Similarly, the City needs to actively seek feedback from citizens on initiatives, actions and plans for the community. The community wants accountability and accessibility from City leaders as they make decisions affecting the lives of current and future residents of South Lake Tahoe.

To that end, the City is committed to having engaged, well-informed and involved citizens to strengthen a shared sense of community, belonging, participation and public trust. We will achieve this by listening to, understanding, engaging and fostering mutual trust with the community. The following strategies are designed to enhance civic engagement and maximize information outreach.

STRATEGIES:

- Create and implement a comprehensive **Public Communications Strategy** and function to inform and encourage participation in civic affairs for the entire community.
 - * *Communication products and platforms should include monthly electronic newsletter, annual State-of-the-City report, Budget-in-Brief report, cable television call-in interactive shows, City Service Guide and website and social media updates.*
- **Enhance Public Engagement** in the City by expanding or establishing:
 - * *Citizens Academy,*
 - * *Community surveys,*
 - * *Advisory Committee,*
 - * *Neighborhood Advisory Councils, and*
 - * *Media partnerships.*
- **Nurture Citizen Involvement** through the creation of Volunteer opportunities in the City by:
 - * *Assigning existing staff to serve as a Volunteer Coordinator.*
 - * *Identify service volunteer opportunities and training requirements.*
 - * *Examples of Volunteer opportunities include:*
 - ⇒ *Code Enforcement Rangers,*
 - ⇒ *Neighborhood Advisory Councils,*
 - ⇒ *Police Support Services,*
 - ⇒ *Partners in Parks,*
 - ⇒ *Fiscal Sustainability Committee.*
- Create a **24-hour online and voice-mail service** to receive ideas, suggestions, issues and concerns from residents; City will respond to all calls within 24 hours.
- Create a cable television one-hour live call-in talk show each month to discuss issues related to City government.
- Institute a system to measure the performance of the City and report results to the community.
- Evaluate customer satisfaction with City services, openness, responsiveness and results on a regular basis



81%
of residents
surveyed said
the City does a
poor or fair job at
welcoming citizen
involvement.



Public Trust & Accountability (cont)



85%
of residents
surveyed indicated
the direction the
City is headed
is poor or fair.

Strategies to improve the Public's Trust of local government and be Accountable to the Public will be measured by the following performance measures.

PERFORMANCE MEASURES:

	Current	2011-12
Improve Resident Rating of the City's Welcoming of Citizen Involvement	19%	25%
Improve Resident Rating of those who Agree the City is Headed in the Right Direction	15%	22%
Improve Resident Rating of the City's Ability to Get Information to the Public	40%	50%
Improve Resident Rating of the City's Overall Image and Reputation	50%	55%
Improve Resident Rating of the Sense of Community	47%	55%
Improve Resident Rating of the City as a Great Place to Live	71%	75%
Improve Resident Rating of Opportunities to Participate in Community Matters	52%	60%
Increase percentage of residents who visit the City's website	47%	60%
Produce Quarterly City Progress Report	No	Yes
Conduct Annual Citizen Survey	Yes	Yes
Provide Annual "State-of-the-City" Report	Yes	Yes
Produce regular "Budget-in-Brief" Reports	Yes	Yes
Increase number of Community Outreach Forums	0	12
Increase number of Neighborhood partnerships or Councils	0	10



Partnership Development

The City of South Lake Tahoe will build cooperative and reciprocal partnerships with local, regional, state and federal public, non-profit and private entities to enhance the vitality and quality of life of City residents, businesses and guests.

STRATEGIES:

- Create Neighborhood Advisory Councils to provide residents and businesses the opportunity to partner with City staff including police, fire, public works, community development, code enforcement, building, parks and recreation in addressing neighborhood concerns and opportunities for improvements.
- Facilitate a South Lake Tahoe Clean-up And Revitalization Efforts (CAREs) Program in conjunction with Clean Tahoe, South Tahoe Refuse/Waste Service and community neighborhoods to improve neighborhood appearances and vitality.
- Promote, enhance and increase community-based partnerships in Crime Prevention, Fire and Public Safety, emergency preparedness and community policing.
- Create a legislative strategy and partnership with the League of California Cities, State of California, State of Nevada and the Federal government to address City needs and opportunities.
- Strengthen the effectiveness of City Council appointments to public and non-profit community, regional, state and federal organizations.
- Partner with PADMA, Lake Tahoe Visitors Authority, Gaming Alliance and local Chambers of Commerce in creating more community events and activities that foster community and neighborhood engagement, inclusion, and pride.
- Partner with other local governments, community organization and the private sector in optimizing delivery of essential and affordable services to South Lake Tahoe residents.
- Create community partnerships to support events and activities that provide a positive outlet for youth.
- Partner with the Latino community to address the needs and expectations of the growing Latino population in the community.
- Partner with public, private and non-profit organizations to address the socio-economic needs of the community.
- Ensure the City Council meets directly with the governing boards of the following organizations annually:
 - * Barton Hospital
 - * California Tahoe Conservancy (CTC)
 - * Douglas County
 - * El Dorado County
 - * Lahontan Regional Water Quality Control Board
 - * Lake Tahoe Unified School District (LTUSD) and Lake Tahoe Community College (LTCC)
 - * Lake Tahoe Visitors Authority (LTVA)
 - * South Tahoe Chamber of Commerce
 - * South Tahoe Public Utility District (STPUD)
 - * Tahoe Chamber.org (Lake Tahoe South Shore Chamber of Commerce)
 - * Tahoe Regional Planning Agency (TRPA)
 - * Other agencies as deemed appropriate (eg League to Save lake Tahoe).



“When people combine their own efforts with the efforts of others, they not only achieve great partnerships, they achieve their own greatest success.”

- Steven Covey



Partnership Development (cont)



“Our success has really been based on partnerships from the very beginning.”

- Bill Gates

STRATEGIES (CONTINUED):

- Strengthen the City’s partnership with Heavenly Resort to address issues of mutual concern and benefit (eg: resort appearance, parking, redevelopment, special events, annexation, etc.)
- City Councilmembers shall provide written reports monthly on their partnership assignment.

Strategies to improve the Public’s Trust of local government and be Accountable to the Public will be measured by the following performance measures.

PERFORMANCE MEASURES:

	Current	2011-12
Establish Partners-in-Parks Program for Recreation Services	No	Yes
Establish CAREs Program	n/a	Yes
Increase number of Neighborhood partnerships or Councils	0	10
Improve Resident Rating of percentage who Participated in Recreation Program or Activity	62%	68%
City Councilmembers annually meet with local governing boards	0	6
Increase number of South Lake Tahoe Community / Neighborhood Clean-up Days	2	10
Conduct a Partnership Survey to establish baseline measures of involvement and annually thereafter	n/a	Yes
Build inclusive Partner Directory to strengthen relationships, share information and leverage local and regional resources	n/a	Yes
Establish Code Enforcement Rangers Program	No	Yes
Conduct Needs Assessment and Develop Responsive Action Plans for underrepresented groups and community members	No	Yes
Promote Partnerships in City communication materials (website, newsletters, workshops and forums)	No	Yes
Produce Quarterly Partner Progress Report	No	Yes



Implementation of the Strategic Plan requires Action to ensure its success. The City Manager in conjunction with the City's Leadership Team, Department Managers and staff will develop a 2011 Business Plan that will include specific actions to accompany each strategy.

BUSINESS PLAN

A streamlined Business Plan to immediately implement the Strategic Plan for the remainder of Fiscal Year 2010/11 will be presented to the City Council in April, 2011, thereafter, the Business Plan will be presented to the City Council at the beginning of each fiscal year.

The Business Plan as it is developed will be communicated to all employees, community groups, stakeholders and City partners to strengthen development and ensure its success.

DEPARTMENTAL ACTION PLANS

The Business Plan will be aligned with departmental action plans and teams assigned to carry out the actions for each strategy. Employee evaluations will be aligned to support the Strategic Plan.

PUBLIC ACCOUNTABILITY

The public will be able to measure the City's performance and track results through regular reporting including:

- *Monthly E-Newsletters*
- *Quarterly Progress Reports*
- *Community workshops and meetings to solicit input*
- *Annual Citizen Survey measuring City's performance*
- *Annual Report to City Council and Community*



Letter from City Council

We are pleased to present the City of South Lake Tahoe Strategic Planning Summary for public review. The Strategic Plan is a collaboration of the City Council, staff, and community to create a shared mission, core values and strategic priorities to move the community and City organization forward over the next four years.

The Strategic Plan offers direction and focus on the "vital few" issues that are most critical for improving our community. The plan establishes priorities and performance measures to monitor and measure plan progress. Finally, the plan will serve as a framework for ensuring alignment of the City's policy decisions, annual budget, five year financial plan, annual business plan and delivery of City services.

We will provide an annual report on our strategic plan progress, as well as, periodically review the plan to ensure that it continues to focus City government on the issues and needs most important to the community to achieve significant and sustainable success for the City of South Lake Tahoe.

Sincerely,

Hal Cole *Claire Fortier*

Hal Cole, Mayor Claire Fortier, Mayor Pro-Tem

Tom Davis
Bruce Grego

Tom Davis, Councilmember

Bruce Grego, Councilmember

Angela Swanson

Angela Swanson, Councilmember

Mission and Core Values

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We will create an organizational culture built on outcomes and "keeping score" of our results. **Results-Driven**



Strategic Priorities

Economic Development

The national economic downturn has had an adverse effect on South Lake Tahoe's financial condition. To stimulate economic recovery and vitality, the City will pursue public-private business development partnerships, a developer for the Chateau and, support the Prosperity Plan.

Fiscal Sustainability

The future financial status of the City will be one of limits and constraints compared to the past. To ensure the City is a wise steward of the public's resources we must prioritize program and services to ensure delivery of strategic and essential services within a balanced budget.

Improve the Built Environment

The City's overall appearance and infrastructure are critical components of the public's perception of community quality and integrity. The City will identify key opportunities to improve the City's "first impression".

Public Trust & Accountability

Community residents and businesses want a City government that is responsive, accountable and welcoming. The City is committed to create and implement a comprehensive Communications Strategy as well as enhance Public Engagement and Citizen Involvement.

Partnership Development

The City will build cooperative and reciprocal partnerships with local, regional, state and federal public, non-profit and private entities to enhance the vitality and quality of life of City residents, businesses and guests.

Survey Says.....

90% of residents surveyed rated "Economic Development" an Essential or Very Important priority.

90% of residents surveyed rated the quality of the overall natural environment as excellent/good.



82% of residents surveyed said South Lake Tahoe's recreational opportunities are excellent/good, which likely contributes to why the same percentage said it is a Great Place to Live

81% of residents surveyed rated Community Appearance and Infrastructure as an Essential Priority for the City.

From Planning to Action



BUSINESS PLAN

A streamlined Business Plan to immediately implement the Strategic Plan for the remainder of Fiscal Year 2010/11 will be presented to the City Council in April, 2011, thereafter, the Business Plan will be presented to the City Council at the beginning of each fiscal year.

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DEPARTMENTAL ACTION PLANS

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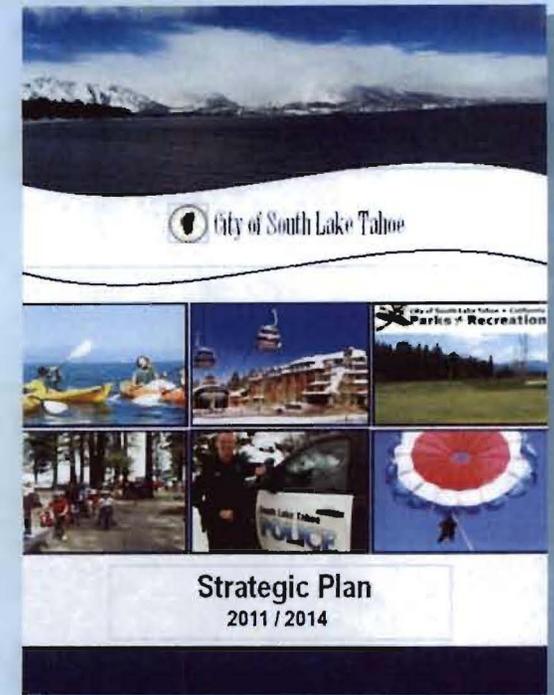
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City of South Lake Tahoe

STRATEGIC PLAN



City of South Lake Tahoe

1901 Airport Road
South Lake Tahoe, CA 96150
530-542-6000
[www..CityofSLT.us](http://www.CityofSLT.us)

