

PROTOCOLS
for the
CITY OF SOUTH LAKE
CITY COUNCIL
SOUTH TAHOE REDEVELOPMENT SUCCESSOR AGENCY (STRSA)
SOUTH TAHOE JOINT POWERS FINANCING AUTHORITY (STJPFA)
SOUTH TAHOE JOINT POWERS PARKING AUTHORITY (STJPPA)

I. COUNCIL/STRSA/STJPFA/STJPPA MEETINGS

- 1. Regular Meetings** - Regular meetings of the City Council, South Tahoe Redevelopment Successor Agency, South Tahoe Joint Powers Financing Authority, and South Tahoe Joint Powers Parking Authority shall be held, without the necessity for notice, the first and third Tuesday of every month in the City Council Chambers, located at 1901 Airport Road, South Lake Tahoe, California. The regular meeting shall begin at 9:00 a.m.

 - a. Posted Agendas:** The City Clerk shall post the agenda for every City Council/STRSA/STJPFA/STJPPA meeting in the inside and outside enclosed bulletin boards at the Administrative Center, located at 1901 Airport Rd., and on the Services Center bulletin board outside kiosk at the Services Center at located at 1052 Tata Lane. Agendas are available at no charge from the City Clerk's Office in the Administrative Center and on the City Clerk's Web Page at www.cityofslt.us.
 - b. Location During Local Emergency** - If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Council Chambers, or if the Council Chambers are being used as the Emergency Operations Center, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the City Manager. The City Clerk will provide public notice of change in meeting location, consistent with the Brown Act.
- 2. Chair** - The Mayor shall preside over all Council meetings. The Mayor shall have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council.

Absence of Mayor - The Mayor Pro Tem shall act as Mayor in the absence or disability of the Mayor.

- 3. Attendance by the Public** - All meetings of the Council shall be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).
- 4. Comments for the Record** - If a Councilmember desires for a comment to be included in the minutes, it is his or her responsibility to indicate that the statement is for the record before making the comments.
- 5. Action Agenda Items** - In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the regular Council meeting unless an exception is made as permitted under Government Code section 54954.2.
- 6. Special Presentations** - All special presentations will be calendared and coordinated through the City Clerk and will be limited to one per meeting, to be held at the beginning of the meeting and shall not exceed 15 minutes for each Council Meeting.
- 7. Councilmember Reports** - The Council Reports section of the agenda provides Council the opportunity to briefly comment on Council business, city operations, city projects, attendance at meeting(s) attended as a City-appointed Representative and other items of interest to the Council. This is also the opportunity for a Councilmember to request a specific issue come back on a future agenda for consideration and possible action as set forth in paragraph 9 below or to request a majority consensus of the Council to direct staff to research, explore, examine or make inquiry into a specific item of interest.
- 8. Placement of Item on Future Agenda** – Under Councilmember Reports, a Councilmember may request that an item be placed on a future agenda. Upon the support of one (1) additional Council Member, direction shall be given to the City Manager to calendar the item for a convenient future agenda, but no sooner than the second meeting after the request was made.
- 9. Consent Calendar** - Agenda items removed from the consent calendar by Councilmembers or the public will be considered at the conclusion of the vote taken under Adoption of the Regular and Consent Agenda at the Consent Forward section of the agenda. A Councilmember may vote “No” on any consent item without comment or discussion prior to taking the vote to adopt the agenda. Any comments, questions or discussion on an item will require pulling the item from the consent calendar.
- 10. City Manager and City Attorney Reports/Updates on Topics of Interest** - Each agenda shall have a section for topics of interest to be listed in order for the City Manager and City Attorney to provide a brief report/update on the listed topics. Council may ask questions or hold brief discussion at this time.

- 11. Adjournment** – The Council will establish the hour of adjournment by a majority vote of the Council.
- 12. Teleconferencing** - As provided in the Brown Act, teleconferencing (a meeting connected by electronic means, through either audio or video, or both, when the members are in different locations) may be used for all purposes during any meeting. At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction (i.e. City of South Lake Tahoe limits). Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, if applicable. Agendas must be posted at each teleconference location, even if a hotel room or a residence. Each teleconference location must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location. All votes must be by roll call.
- 13. Electronic Communications & Devices** – City Council members will not utilize electronic mail (email or text messages) to send messages during the Council meeting. Due process requires Council's full deliberation during Council meetings on items before the Council for consideration. City Councilmembers will not utilize the internet during Council meetings to receive information on items on the agenda that are not disclosed to the entire City Council and public. Outside of City Council meetings, Councilmembers should not communicate via electronic communication (email/text) with more than one other member of the City Council on any issue regarding City business.

II. RULES OF CONDUCT

- 1. General Procedure** - It is the policy of the Council not to become involved in the entanglements over parliamentary procedure. The Council shall conduct their meetings consistent with Rosenberg's Rules of Order, as modified in these protocols and are subject to the City Attorney's ruling on the matter.
- 2. Addressing Members of the Public and Staff** - In addressing the public and members of the City's staff, Councilmembers will generally refer to persons as Mr., Mrs., or Ms. followed by their surname.
- 3. Authority of the Chair** - The Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
- 4. Mayor to Facilitate Council Meetings** - The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.

5. **Council Deliberation & Order of Speakers** - The Mayor has been delegated the responsibility to control the debate and the order of speakers.
6. **Limit Deliberations to Item at Hand** - Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.
7. **Length of Council Comments** - Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over five (5) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for approximately five minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.
8. **Obtaining the Floor** - Any member of the Council wishing to speak must first indicate to the Mayor their desire to speak by electronically pressing their “call to speak” button. The Councilmember shall then wait for the Mayor to recognize and call upon the Councilmember to obtain the floor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
9. **Motions** - Motions may be made by any member of the Council, including the presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion.
10. **Procedure for Motion** The following is the general procedure for making motions:
 - a. Before a motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor.
 - b. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, however, Councilmembers may be allowed to explain their vote.
11. **Tie Votes** - A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
12. **Abstention** – If a Councilmember abstains from voting, except when abstaining due to a conflict of interest, he/she is counted as present for quorum purposes, but, is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.” If the member abstains due to

a conflict of interest, the Councilmember will not be counted toward making a quorum, and will not be deemed to be “voting” for purpose of determining whether there has been a “majority vote of those members present and voting.”

13. Motions for Reconsideration

- a. Requests for Motions for reconsideration of a matter may be made at the same meeting or by request to the City Manager within 48 hours after the conclusion of the meeting following a Council action and shall be scheduled for the next meeting.
- b. A proposed motion for reconsideration at the next succeeding meeting must comply with Brown Act noticing requirements.
- c. Motions for reconsideration may only be made by a Council member that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative.
- d. Any member of the Council may second a motion for reconsideration.

III. PUBLIC HEARINGS

1. **General Procedure** - The Council procedure for the conduct of public hearings is generally as follows:
 - a. The Mayor opens the public hearing.
 - b. Staff presents its report.
 - c. Councilmembers may ask questions of staff if they so desire.
 - d. The applicant then has the opportunity to present comments, testimony or arguments.
 - e. Members of the public are provided with the opportunity to present their comments, testimony or argument.
 - f. The applicant and staff may be given an opportunity for rebuttal or concluding comments
 - g. The public hearing is closed. No further public comment is allowed.
 - h. The Council deliberates on the issue and takes action.
 - i. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
 - j. The Council deliberates and takes action.
 - k. The City Clerk announces the final decision of the Council.
2. **Time for Consideration** - Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably

possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

- 3. Public Discussion at Hearings** - When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter.

Public Member Request to Speak - Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.

- a. Council Questions of Speakers** - Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker.
 - b. Public Oral Presentation**- All Council rules pertaining to oral presentation by members of the public apply during public hearings.
 - c. Materials for Public Record** - All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. The City Clerk as part of the Clerk's record of the hearing will retain all such evidence presented, unless otherwise directed.
 - d. Germane Comments** - No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor.
- 4. Communications and Petitions** - Written communications and petitions concerning the subject matter of the hearing will be noted at the meeting by the City Clerk as part of the permanent public record. A reading in full shall take place if requested by any member of the Council.

IV. ADDRESSING THE CITY COUNCIL

- 1. Staff Reports and/or Applicant Presentations** - Staff is requested to provide an executive summary of their written staff report. Applicant presentations shall be limited to no more than fifteen (15) minutes. Longer presentations must be approved by the City Manager prior to the Council meeting.
- 2. Oral Comments by Members of the Public** - Oral comments by members of the public at City Council meetings on an item listed on the agenda are as follows:

- a. Oral comments may not exceed three (3) minutes, unless otherwise provided.
 - b. When called upon, the person should come to the podium, state his/her name for the record, and, if speaking for an organization or other group, identify the organization or group represented.
 - c. All remarks should be addressed to the Council as a whole, not to individual members.
3. **Public Communications** - This is the public's chance to speak on any topic not listed on this agenda. In compliance with Government Code Section 54954.3 (Chapter known as the "Brown Act"), Public Communications is that portion of City Council meetings set aside for members of the public to address the City Council on items of any City business other than scheduled agenda items. Council Deliberations are Prohibited – In compliance with the Brown Act, the Council may not deliberate or vote on any matter raised in Public Comments. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the full Council or the public at large. To ensure compliance with the Brown Act, items requiring discussion or action by the Council should be scheduled for a future agenda. This portion of the meeting is videotaped, televised on Channel 21 and web streamed live and on demand. ***All speakers are encouraged to complete a Speaker Form, which is located on the podium near the rear of the Council Chambers, and to submit it to the City Clerk who will provide it to the Mayor prior to the commencement of the meeting.***
 - a. **Timing** - Public Communications are held at the beginning of a Council meeting, as specified on the City Council agenda as set forth above, in accordance with the Brown Act. The Mayor shall request that comments should be held to four (4) minutes, or less. If the Mayor has knowledge at the beginning of the public comment period that several members of the public are present to comment on a particular issue, he/she may ask for a show of hands of those individuals requesting to comment on the issue. If ten (10) or more individuals are present to speak on the issue, the Mayor may limit their comment time to two (2) minutes, or he/she may ask that a spokesperson be appointed to represent and speak on behalf of those individuals collectively.
 - b. **Council Deliberations Prohibited** – In compliance with the Brown Act, the Council may not deliberate or vote on any matter raised in Public Comments. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the full Council or the public at large. To insure compliance with the Brown Act, items requiring discussion or action by the Council should be scheduled for a future agenda.
4. **Agenda Item Oral Presentations** - Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda may do so when that item is taken up by the Council, or as otherwise specified by the Council or its presiding officer.

- a. **Time Limit** - Oral presentations may not exceed three (3) minutes unless otherwise provided.

The Mayor, with the concurrence of the City Council, may alter any of the numerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

- b. **Presentations Submitted in Writing** - Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.

5. **Power Point Presentations** – Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment, provided that the public make their request to the City Clerk 72 hours in advance of the meeting in order to coordinate with the Information Systems Division for the use of the equipment.

- a. All Power Point presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.

- b. A printed hard copy of the Power Point presentation must be provided to the City Clerk for the public record.

6. **Comments in Writing Encouraged** - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council in care of the City Clerk relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the City Council in its judgment may deem appropriate. If a written communication is regarding an item on the Council agenda, citizens are requested to present their written communications at least one day prior to the Council meeting. If a citizen wishes his/her communication be included in the Council's agenda packet prior to the meeting, it must be received no later than Thursday Noon prior to the Tuesday Council meeting. ALL WRITTEN COMMUNICATIONS RECEIVED PRIOR TO OR AT THE MEETING WILL BE NOTED AT THE MEETING AS PART OF THE PERMANENT PUBLIC RECORD and will be included in the agenda packet and posted on the City's website.

7. **Comment Cards (Use Speaker Forms)** - Members of the public who do not wish to or cannot verbally address the Council during a meeting may use a Speaker Form. A person may indicate their comments and their opposition or support for an agenda item on a comment card.

During the public testimony of the item, the Mayor shall ask the City Clerk if any comment cards have been received, and ask the Clerk to note the number of comment cards received and the name of person(s) in support or opposition of the project or issue. The minutes will reflect the Council's receipt of comment cards in opposition and support of the project or issue.

8. Repetitious or Dilatory Comments Prohibited

- a. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

- b. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Mayor may extend the time allocation for a designated spokesperson.

9. **Suspending of the Rules** - Any of the foregoing rules may be waived by two-thirds (2/3) vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

10. **Non Exclusive Rules** - The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

V. APPEALS

1. General Procedure - The Council procedure for the conduct of appeals is generally as follows:
 - a. The Mayor explains the Council is considering the appeal of _____ regarding _____, and confirms that notice of the appeal hearing has been given to the appellant.
 - b. Council hears evidence and testimony in the following order:

- 1) Any opening statement or remarks by the appellant and/or appellant's attorney and evidence or testimony from the appellant (requested time limit - 10 minutes) followed by any questions by Councilmembers or others (including staff) who wish to ask questions (suggested time - 3 minutes per Councilmember).
 - 2) Any evidence or testimony from staff members concerning any issues raised surrounding this matter (time scheduled - 10 minutes), followed by any questions by the appellant and Councilmembers.
 - 3) Any evidence or testimony from the appellant and/or appellants attorney in rebuttal to or in clarification of any other evidence or testimony presented, and any closing statement or remarks that the appellant wishes to make (requested time limit - 5 minutes).
- c. The Mayor shall conduct the appeal in such a manner as to afford due process to the appellant.
 - d. Following the presentation of testimony, the Council deliberates on the evidence and testimony presented, and votes on whether to grant the appeal, provided they have all the necessary information. If issues are raised during the appeal hearing that cannot be immediately responded to by Staff, the Hearing should be continued to have such information available for the appeal process.
 - e. The City Clerk announces the final decision of the Council.

VI. CLOSED SESSION

1. Announcement prior to closed sessions

- 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.

2. Statement of Reasons for Closed Sessions

- a. Prior to adjourning to any closed session, the City Council shall announce in open session the general reason or reasons for the closed session, and must cite and explain the statutory or case authority under which the session is being closed.
- b. In the case of a closed session item added to the agenda pursuant to Government Code Section 54954.2(b) herein, the statement shall be made in open session concurrent with the findings required pursuant to that section.
- c. If a closed session item or session has been adjourned or continued from a prior meeting, the body shall re-state the reasons for closed session before reconvening the closed session.
- d. Nothing in this section shall require or authorize a disclosure of information that is confidential under law.

3. Conduct of closed session.

The Council shall consider in closed session only those matters authorized by the Ralph M. Brown Act.

4. Disclosure of closed session discussions and actions.

- a. In accordance with Government Code Section 54963 and as provided below, a person present at a closed session may not disclose confidential information received.
- b. In addition to the required disclosures pursuant to Government Code Section 54957.1 and subsection C below, the Council may, by motion and vote in open session, elect to disclose any other information obtained in closed session which a majority of the members of the body deems to be in the public interest. Any disclosure pursuant to this section shall be made through the Mayor or such other person present in the closed session, designated to convey the information.
- c. Immediately following the closed session the Council shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:
 - i. Real Property Negotiations: Approval of an agreement concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval requires action from another party to the negotiations, the Council shall disclose the fact of its approval, the substance of the agreement and the body's vote or votes thereon after the other party or its agent has informed the Council of its action upon (a) inquiry by any person, and, (b) in any event, at the next meeting of the Council. If notwithstanding the final approval there are conditions precedent to the final consummation of the transaction, or if there are multiple

- contiguous or closely located properties that are being considered for transfer, the report specified in this section need not be made until the conditions have been satisfied or an agreement has been reached with respect to all the properties, or both.
- ii. **Litigation:** Direction or approval given to the Council's legal counsel to prosecute, defend, seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the body's intentions would not be contrary to the public interest. The report shall identify the names and capacities of all parties to the litigation, the court of jurisdiction and case number, the type of case, any existing claim or order to be defended against, or any factual circumstances or contractual dispute giving rise to the litigation.
 - iii. **Settlement:** If a body accepts a settlement offer signed by an opposing party, the Council shall report its vote of approval and identify the substance of the agreement. If final approval rests with another part or with the court, the Council shall disclose its vote of approval and the substance of the agreement to any person upon inquiry as soon as the settlement becomes final, but in no case later than the next meeting following final approval of settlement. The Council shall neither solicit nor agree to any term in a settlement agreement which would preclude the release, upon request, of the text of the settlement agreement itself and any related documentation communicated to or received from the adverse party or parties. Where the disclosure of documents in settled litigation could affect litigation on a closely related case, the report, settlement agreement and any documents described in this section need not be disclosed until the closely related case is settled or otherwise finally concluded.
- d. Reports required to be made pursuant to this section may be made orally or in writing. Copies of any contracts, settlement agreements, or other documents related to the items or transactions that were finally approved or adopted in closed session and which contain the information required to be disclosed under this section shall be made available for inspection and copying, upon request, at the time the report is made or after any substantive amendments have been retyped into the document.
 - e. A written summary of the information required to be reported immediately pursuant to this section, or documents containing that information, shall be made available for inspection and copying by the close of business on the next business day following the meeting.
 - f. Action taken in closed session which is not immediately disclosable under this section shall be disclosed and noticed under the procedures set forth in (C) above at such time as disclosure is required.

5. Violations of Disclosure of Confidential Information

- a. A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Government Code Sections 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 Council authorizes disclosure of that confidential information as set forth above.
- b. "Confidential Information" means a communication made in a closed session that is specifically related to the basis for the Council to meet lawfully in closed session under the Ralph M. Brown Act.
- c. Disclosure of confidential information in violation of the Brown Act may be addressed by the use of such remedies as are currently available by law, including, but not limited to:
 - i. City Council may by three affirmative votes censure a member of the Council who is disclosing confidential information. Censure may include other penalties, including but not limited to, the removal of the member of the legislative from committees, prohibiting travel of Council Member on official City business, removal of Council Member picture from any public displays, the prohibition of Council Member speaking at any function on the behalf of the Council. The City Council shall review any censure of a Council Member at the first regular Council Meeting after 30 days from the censure.
 - ii. Direction to City Attorney to refer a member of the Council who has willfully disclosed confidential information in violation of this section to the District Attorney and/or grand jury.
 - iii. Direction to City Attorney to file for Injunctive relief against a member of the City Council allegedly disclosing confidential information to prevent further disclosure of confidential information prohibited by this section.
 - iv. Disciplinary action against the City Manager or City Attorney who has willfully disclosed confidential information in violation of this section.
- d. Disciplinary action pursuant to section (c) of subdivision (ii) 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. The Council 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:
 - i. 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 the Council 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 the Council.

- ii. Expressing an opinion concerning the propriety or legality of actions taken by the Council in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
 - iii. Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.
- f. Nothing herein 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 the Government Code.

6. Procedures for Censure of a Council Member

Any member of the City Council may request to place on a future agenda, a censure hearing of a Council Member. The request must include specific allegations of conduct in violation of federal, state or City ordinances or policies upon which the proposed censure is based. If at least one (1) additional Council Member supports the request, direction shall be given to City Manager to calendar the item for a future agenda or Council shall appoint an ad hoc committee to investigate the charges.

If a majority of the Council determines an investigation is warranted, Council shall designate an ad hoc committee consisting of two of its members, including the Mayor (unless the Mayor is the subject of the charges in which case the Mayor Pro Tem shall be appointed), to conduct the investigation. The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee to conduct the investigation.

In the course of the investigation, the committee must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its subpoena power granted under the Government Code.

At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results, any two individual Council members may file a request for censure hearing in accordance with the provisions of this policy.

- a. The following guidelines apply to ad hoc committee investigations:
 - i. The committee may be staffed by administrative and legal staff.
 - ii. If authorized by City Council, the committee may subpoena witnesses and documents.
 - iii. In making a determination, the committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.

- iv. The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.
- b. If a censure hearing is set, it must be set far enough in advance to give the member of Council subject to the charges adequate time to prepare a defense, and that member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The member subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or Mayor Pro Tem if the Mayor is the subject of the charges, shall preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.

A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by the affirmative vote of at least three (3) Council Members

In accordance with Government Code section 995, upon request of a Council Member, the City shall reimburse the Council Member's reasonable attorney fees and costs in defending himself/herself.

VII. POLICY DECISION MAKING PROCESSES

1. **Subcommittees** - City Council subcommittees are formed on an as needed basis with a clearly defined purpose and term. Subcommittees will consist of two Councilmembers agreed upon by a consensus of the Council. Meetings of the Council subcommittees are not open to the public, unless specified by the Council.
2. **Councilmember Appointments & Assignments** - The City Council at their December meeting of each year shall discuss and make appointments and assignments to various boards and commissions and then will vote and approve the final list at their next regular meeting. A copy of the list is made a part of the public record and kept on file in the City Clerk's Office.
2. **Mayor to Act as Council Ceremonial Representative** - The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the Mayor Pro Tem assumes this responsibility. In both the Mayor and Mayor Pro Tem's absence, the Mayor will appoint another Councilmember to assume this responsibility. The Mayor may use the Council's Meetings and Travel Budget to pay for such functions.
3. **Councilmember Participation in Community Activities** - From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. This is allowable under the Brown Act. *The Brown Act*

permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if the majority engages in a collective deliberation process outside a scheduled meeting of the body. The term meeting is not limited to gatherings at which action is taken but also includes deliberative gatherings.

4. **Workshops** – A workshop is a time to study or examine a particular issue in greater depth and to allow additional time for questions. A workshop may be held during a regular or special meeting and generally no formal action will be taken on workshop items or during a workshop. Questions raised during workshops by Councilmembers and/or members of the public will be directed to staff. Staff may request a brief recess in order to provide verbal answers not readily available, or, the information may be provided to the Council at the time the item is placed back on the agenda for further discussion and action.
5. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the City Council's adopted protocols.
6. **Applicability of Protocols** - The City of South Lake Tahoe City Council Protocols shall also apply to the City Council when sitting as other entities or agencies.
7. **Conflicts of Interest** – No Councilmember shall make, participate in making, or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from so doing by law. A Councilmember disqualified from participation due to a conflict of interest shall not be considered present at the meeting for the item(s) of business on which such member is disqualified.

*References: Ralph M. Brown Act
Rosenberg's Rules of Order*

City Council Travel

The City's adopted Financial Management Meeting and Travel Policy (Attachment 3), primarily provided policies for travel and reimbursements for City employees that were inconsistently applied to City Councilmembers. The policy did not consider Councilmembers' occasional travel, each individual Councilmembers decisions on travel and meeting attendance. The following guidelines are recommendations for City Council considerations:

- **Approving Official:** The Mayor shall be the City Manager's Approving Official for Travel and Reimbursement Requests. The Mayor shall be the Approving Official for City Councilmember Travel and Reimbursement Requests.
- **General Travel on Behalf of the City:** Councilmembers traveling on behalf of the City expecting reimbursement of expenses must first obtain approval of the travel by the City Council and coordinate their travel through the City Clerk's

office who will generally charge all expenses to the City (rather than reimburse Councilmembers). As noted in the policy (pg 10), any unused reservation will be paid for by the Councilmember.

- **Councilmembers appointed by the City Council to serve on a committee or board on behalf of the City or as a representative of the City:** Councilmembers shall be entitled to reimbursement for mileage and meals for meetings outside of Lake Tahoe Basin in accordance with the adopted Travel Policy. Councilmembers may be request reimbursement for one overnight stay for a meeting more than two hours away from South Lake Tahoe.
- **Councilmembers serving on a committee or board of their own choosing:** Councilmembers may request reimbursement for travel expenses from the City Council.
- **Conferences/Professional Events:** Councilmembers who wish to attend a conference or professional event related to their work as a public official shall request approval of their travel in advance by the City Council at a regular Council meeting. The City Clerk shall place the request on the next available Council agenda.
- **Miscellaneous expenses:** Councilmembers may request reimbursement from the City Council for miscellaneous expenses related to their work as a City Councilmember that could include, but are not limited to, representing the City's interests at organized activities, events, meetings and formal and informal gatherings.