



Councilmember Orientation Manual

December 2020

The City Council's Mission Statement:

The City Council exists to represent the public interest, to oversee the City's operations, and to plan for the City's future.

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INTRODUCTION

The objective of this Councilmember Orientation Manual is to outline the fundamental responsibilities of the City of South Lake Tahoe's Elected Officials. It is intended to orient new Councilmembers, serve as a point of reference and assist newly elected Councilmembers in the performance of their new duties.

While this manual is offered as a guide for public officials, it is not all-inclusive nor is it intended to supersede any federal, state or local laws. It is the individual's responsibility to ensure compliance with all applicable laws in regard to carrying out the duties of a public official.

GOVERNMENTAL STRUCTURE

The **City of South Lake Tahoe** is a General Law city located in El Dorado County, California, organized under the statutes of the State of California, and incorporated November 30, 1965. The City is governed by a five-member City Council elected at-large in November of even numbered years to four-year overlapping terms.

The City of South Lake Tahoe is governed by a Council-Manager form of government and authority and responsibility for local legislative acts are vested in the Council. The City Council establishes policy, with the City Manager enacting those policies and also having responsibility for managing the day-to-day operations. As the Councilmembers are considered part-time officials, they devote a great amount of time preparing for and attending Council, subcommittee, and intergovernmental meetings as well as community events. Responsibilities require attendance during regular business hours, and on occasion evenings and weekends. Councilmembers should also be accessible to constituents.

Subsidiary Agencies

The **South Tahoe Redevelopment Agency (STRA)** was formed by Council action on December 15, 1981 and Bylaws were adopted which included appointing the members of the City Council to also serve as the South Tahoe Redevelopment Agency Board Members. The City Redevelopment program officially began with the adoption of the first Redevelopment Plan for Project Area No. 1 on June 28, 1988 by Ordinance No. 746. Subsequently, the following Redevelopment Plan Amendments were adopted: Amendment No. 1 was adopted on December 6, 1994 by Ordinance 854; Amendment No. 2 adopted on June 20, 1999 by Ordinance 905; and Amendment No. 3 adopted on January 3, 2006 by Ordinance No. 962. The Project Size for Project Area No. 1 is 174 acres.

Project Area No. 2 was adopted on May 18, 2010 by Ordinance No. 1014. The initial proposed project size was 1,301 acres. Amendment No. was adopted on November 30, 2010, thereby detaching (removing) 26 parcels equivalent to 234 acres for a total project size of 1,067 acres.

At the January 30, 2012 Special City Council/STRA/STRSA Meeting, the City Council, acting as the Governing Board of the **South Tahoe Redevelopment Successor Agency**, dissolved the South Tahoe Redevelopment Agency as required by AB 1X 26 (AB 26). Also at this meeting, the City Council reestablished the **City of South Lake Tahoe Housing Authority**.

The **South Tahoe Redevelopment Successor Agency** was formed on January 30, 2012 pursuant to AB 1X 26 (AB 26) (*Also see above under South Tahoe Redevelopment Agency*)

The **South Tahoe Joint Powers Authority (STJPFA)** was formed on January 17, 1989 by STJPFA Agreement No. C-2-89. The STJPFA is empowered to issue bonds for financing public capital improvements, working capital, liability and other insurance needs, or projects whenever there are significant public benefits, as determined by the City. The City Council also serves as Authority Members to the STJPFA.

The **South Tahoe Joint Powers Parking Authority (STJPPA)** was formed on June 18, 2002 by STJPPA Resolution No. 2002-001 to address certain parking needs within the City, particularly such parking needs related to the redevelopment activities of the Agency. The City Council also serves as Authority Members to the STJPPA.

STATUTORY REQUIREMENTS/REGULATORY GUIDELINES

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

The Brown Act

The Ralph M. Brown Act, also known as the “Open Meeting Law,” is a law which provides that all meetings of a legislative body, appointed commissions and committees, boards or other bodies of the local agency, whether permanent or temporary, decision making or advisory, shall be open and public, and all persons shall be permitted to attend. Notices of such meetings must include a brief general description of each item of business and be posted in a location freely accessible to the members of the public 72 hours prior to the meeting. A “meeting” takes place whenever a quorum is present and subject matter related to city business is heard, discussed, or deliberated upon.

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

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

01-A copy of Open and Public V is attached.

Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interest or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts

of Interests and Campaign Receipts and Expenditures. (Government Code Sections 87100-87350.)

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

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

02-A copy of the FPPC Guide to the Conflict of Interest Rules of the Political Reform Act is attached.

03-A Copy of Resolution 2020-090 City Conflict of Interest Code is attached.

City Ticket Distribution Policy

The Fair Political Practices Commission (FPPC) adopted Section 18944.1, Title 2, California Code of Regulations (Regulation 18944.1) to regulate the distribution and disclosure by public agencies of certain tickets and passes to public officials and employees.

Regulation 18944.1 provides that a ticket and pass distributed pursuant to an adopted policy and properly disclosed by the agency is not a gift to the public official and does not trigger a disclosure requirement on the official's Statement of Economic Interests, Form 700.

04-A Copy of Resolution 2020-001 Ticket Distribution Policy

Conflict of Interest Maps

Based on the property ownership information provided in Councilmember's conflict of interest forms, map(s) denoting the designated areas where you may be required to abstain from decisions affecting nearby properties will be made for easy reference.

If a Councilmember owns real property within 500 feet from a property the Council will be discussing, it is presumed that the Councilmember has a direct and material economic interest in the governmental decision. Between a 500 foot and 1000 foot radius, a Councilmember must consider a number of factors to determine whether the decision would have a material effect on their property. Over a 1000 foot radius, there is a rebuttable presumption that the decision's effect is not material.

Ethics Training Pursuant to AB 1234 (Enacted October 2005)

In accordance with Government Code Section 53235.: (a) If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the

performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article. (b) Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

The City Council will hold a two hour training session in of every odd numbered year in order to comply with the requirements set forth in Government Code Section 53235.

Also, via the adoption of Resolution No. 2007-006, the City Council has adopted the Institute of Local Government Ethics Publications: Doing the Right Thing-Putting Ethics Principles into Practice in Public Service; Key Ethics Law Principles for Public Servants; and the ABC's of Open Government Laws to provide guidance to elected and appointed City officials in their conduct while discharging their public responsibilities.

05-A copy of Resolution 2007-006 is attached.

City of South Lake Tahoe Municipal Code

The City of South Lake Tahoe Municipal Code consists of those codified ordinances of general municipal regulations and laws. The Office of the City Clerk maintains the [City's Municipal Code](#) which is also available for viewing on the City's website.

CODE OF ETHICS

City Resolution No. 1992-049 and 2010-101 set forth a Code of Ethics which provides guidance to (and includes) elected and appointed City officials and to City employees in their conduct while discharging their public responsibilities.

06-A copy of Resolution 1992-049 and Resolution 2010-101 are attached.

COUNCIL ORGANIZATION

Newly Elected Members

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

Duties of Mayor and Mayor Pro Tempore (Tem)

Pursuant to Chapter 2, Section 2.05.050 of the City of South Lake Tahoe Municipal Code, the following are duties of the Mayor and Mayor Pro Tempore:

§ 2.05.050 Mayor.

- A. The City Council shall, at the first meeting, select a Mayor and Mayor Pro Tempore.
- B. The Mayor Pro Tempore shall have all of the powers and duties of the Mayor in his/her absence.

- C. The Mayor may make or second any motion and present and discuss any matter as a member of the City Council.
- D. The Mayor shall sign all written contracts and conveyances made or entered into by the city and all instruments requiring the city seal, unless the Council otherwise directs.
- E. The Mayor may administer oaths and affirmations, take affidavits and certify them under his hand.
- F. The Mayor may acknowledge the execution of all instruments executed by the city and required to be acknowledged.

Selection of Mayor and Mayor Pro Tempore (Tem)

The Mayor and Mayor Pro Tem shall serve one-year terms. The selection is generally made at the first meeting in December of each year. At said meeting, any Councilmember desiring to be elected Mayor or Mayor Pro Tem (or who desires not to be considered for election to either position) should inform the other Members of the City Council. The Mayor and Mayor Pro Tem are peers of and serve at the pleasure of the other City Councilmembers.

Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask the Mayor Pro Tem or another Councilmember to represent the Council at ceremonial functions or events.

Meeting Attendance by Public Officials

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

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

COUNCIL ADMINISTRATION/PROFESSIONAL DEVELOPMENT

Salaries

Council salaries are established by resolution. California Government Code Section 36516 authorizes and provides specific information for adjusting Council salaries. The City Council's current salary is \$1,147.27 month. Paychecks will be placed in each Councilmembers mail box at the City Admin Center on the established city payday or by direct deposit. Upon request to payroll, a Councilmember may sign up for direct deposit to their bank account and a copy of the paycheck will be placed in the Councilmember's mail box in the City Admin Center.

07-A copy of Ordinance 2020-1149 is attached.

Health Care Benefits/Life Insurance

Councilmembers are eligible to participate in group benefits such as medical, dental, vision and life insurance plans available pursuant to the current compensation plan for the City of South Lake Tahoe. The Human Resources Department will meet with each Councilmember individually and will provide information on eligible benefits and coverage.

Expenses by Elected Officials

As per Council policy, City Councilmembers may receive, upon request, printed business cards, an approved cell phone and be reimbursed for approved expenses including travel, meals and other activities that are necessary for the general well-being of the City. Training/education for purposes of improving his/her comprehension of and proficiency in municipal affairs and/or legislative operations, as well as travel associated with such training/education shall be separately allocated and approved as a line item in the fiscal year budget. For information or requests, please contact the City Clerk's Office.

08-A copy of Resolution 2020-009 Travel & Meeting Financial Amendments

Records Management Policy and Retention Schedule

The Records Management policy provides for the preservation, protection, retention and legal disposition of records. It provides standards regarding the retention or disposal of City of South Lake Tahoe (City) Records and ensures information is available when it is needed. To do this efficiently and thoroughly, Records must be identified, organized, maintained for the requisite number of years as specified by the Retention Schedule, and then destroyed with proper documentation. A sound Records Management program improves customer service, increases staff efficiency, allocates scarce resources effectively, and provides a legal foundation for the maintenance and destruction of Records. It also helps identify opportunities for the use of new technology for administering a Records Management program and workflow.

All Records are the property of the City and shall be delivered by outgoing officials and employees to the City Clerk for disposition. This includes, but is not limited to, general business documents and information regarding contacts with email and phone numbers. Records shall be maintained in the Records location designated by the retention schedule.

09-A copy of the Records Management Policy and Retention Schedule is attached.

CITY COUNCILMEMBER APPOINTMENTS AND ASSIGNMENTS TO VARIOUS BOARDS AND COMMISSIONS

Councilmembers are required and/or requested to serve on various boards and commissions. During the first Council meeting in December at which time appointments are made, any Councilmember desiring to serve on a certain board, committee or commission (or who desires not to be considered) should inform the Council. These appointments are subject to approval by the majority of the Council at the next regular Council meeting in December.

10-A Copy of the 2020 City Council Assignments is attached.

ADVISORY CITY COMMISSIONS AND BOARDS

Advisory Commissions and Boards serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy and forwarding to the City Council with whom final determination rests. Advisory Commissions and Boards are established by Council Resolution, and commissioners are appointed to serve two-year terms and are non-paid volunteers who serve at-will of the City Council until their term expires or until they are removed from the Commission as provided in the resolution. Pursuant to City Council Resolution No. 2017-028, there are currently the following advisory Commissions/Boards: the Airport Land Use Commission, the Building and Housing Board of Appeals, Parks and Recreation Commission and the Planning Commission. Additionally, pursuant to City Council Resolution No. 2018-111, the Independent Oversight Committee reviews and reports on the use of South Lake Tahoe Measure P funds for the design and construction of the new recreational complex. Independent Oversight Committee members will serve 4-year terms.

In accordance with Government Code Section 54972, the City Clerk shall prepare and maintain a list of all commission appointments and their terms. Solicitation for applications shall be ongoing with selection of appointments made at a Council meeting in January of each odd numbered year.

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

11-A copy of Resolution 2019-088 Citizen Commissions and Boards is attached.

Contact with Board/Commission Members

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

MEETING GUIDELINES AND PROCEDURES

Meeting Dates

Regular Meetings – In accordance with Government Code Section 54954(a), regular meeting dates are established annually by Council resolution.

Closed Session – Confidential matters such as personnel issues or litigation, are discussed in Closed Session meetings.

Adjourned/Special/Emergency Meetings – the Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings. A special meeting can be called by the Mayor or a majority of the City Council with posting of the agenda 24 hours prior to the meeting.

Meeting Times

City Council meetings commence at 9:00 a.m. Closed session may be noticed as a special meeting and in those circumstances will generally be held immediately prior to the regular City Council meetings. Closed session may also be held during a regular meeting as appropriate.

Meeting Materials

All regular meeting agendas are posted in accordance with the Brown Act which requires the posting of the agenda 72 hours prior to the meeting. Councilmembers are issued an iPad at the beginning of their term to access the agenda materials using the iLegislate platform.

All City Council meetings are available for viewing live and archived via webstream at <http://www.cityofslt.us/index.aspx?NID=84> and/or www.cityofslt.us The most recent Council meeting is also aired on the City's Government Access Channel 21..

Council Actions

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

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

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

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

Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. The agenda and agenda materials are prepared and distributed by the City Clerk's office. The Agenda packet is generally available Councilmembers by 5:00 p.m. on the Thursday before the Tuesday Council meeting. The City Clerk's Office will email each Councilmember when the agenda packet is available.

The entire agenda packet is available to the public electronically on the City's web site and in hard copy at the Administrative Center lobby located at the 1901 Lisa Maloff Way.

Councilmembers may wish to call or meet with the City Manager before City Council meetings if clarification or additional information is needed on agenda items.

Rules of Order and Decorum of Council Meetings

1. **Definitions:** *order: a condition in which freedom from disorder or disruption is maintained through respect for established authority; a state of peace and serenity; observance*

of the law; orderly conduct. *decorum: proper behavior; action that is seemly and in good taste; a requirement of correct behavior in polite society; procedure*

2. **Purpose:** to insure that government in the City of South Lake Tahoe is conducted in an orderly, open, fair, courteous and efficient manner that encourages open communications between the City Council, City staff members, and members of the public in attendance; to promote understanding and trust in the operation of City government; and to define the roles, responsibilities and expectations of the City Council, City Staff and the public

3. **Preserve Order and Decorum:** In order to preserve order and decorum while in session, all persons, which shall include City Councilmembers, City Staff and Members of the Public, must preserve order and decorum, and any person, neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the rules of order of the Presiding officer.

All persons desiring to speak shall address the Presiding Officer, and upon recognition by the Presiding Officer, shall relate and keep comments to the subject matter at hand or the question under debate and shall be relevant and pertinent to allow expeditious disposition and resolution of the business before the City Council. Once recognized by the Presiding Officer, any person shall not be interrupted when speaking unless called to order by the Mayor, unless a point of order or personal privilege is raised by another member, or unless the speaker chooses to yield to a question by another member of the Council. If any person is called to order, that person shall cease speaking immediately until the question or order is determined, and if determined to be in order, he or she may proceed.

All persons shall not engage in any rude, abusive, slanderous, threatening, derogatory or personal attacks or remarks and shall not engage in disorderly or boisterous conduct on any other person, and shall abide by the following rules of civil debate:

- (1) We may disagree, but we will be respectful and courteous of one another
- (2) All comments will be directed to the matter at hand
- (3) Personal attacks will be avoided

4. **Enforcement of Decorum.** Upon violation of this policy, the Presiding Officer shall request that the person in violation cease such conduct. If after a warning from the Presiding Officer the person persists in disrupting the meeting, the Presiding Officer shall request the person to leave the meeting and the Chief of Police, or his/her authorized designee, who shall serve as the ex-officio Sergeant-at-Arms during the Council meetings, shall carry out the order. Any and all instructions given to the Sergeant-at-Arms by the Presiding Officer, for the purpose of maintaining order in or outside the Council Chambers or any publicly owned meeting room, and throughout the day or evening during the Council meetings, shall be carried out immediately.

Any person who resists removal by the Sergeant-at-Arms may be charged with a violation of this policy and guilty of a misdemeanor.

If a meeting of the City Council is disturbed in such a manner as to make infeasible the restoration of order, the Presiding Officer or a majority of the Council may exercise the authority set forth by California Government Code Section 54957.9:

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.

Any Councilmember may move to require the Mayor to enforce the rules of order and decorum and an affirmative vote to the majority of the Council shall require the Mayor to do so.

5. Closed Sessions: Individual Councilmember Ethics and Responsibilities.

- a. City Councilmembers will keep all written and oral information provided on matters that are confidential under State law in strict confidence to insure that the City's position is not compromised. No dissemination of information or materials will be made to anyone, except Councilmembers, City Attorney, City Manager and City Clerk.
- b. If the City Council, in Closed Session, has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisition or disposal, a proposed pending claim(s) or litigation, and/or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the negotiations or litigation (City Attorney). A Councilmember will not have contact or discussion with the other party or its representative involved with the negotiation during this time and will not communicate any discussion conducted in Closed Sessions to any person(s) or member of the news media without prior approval of the City Council.
- c. Prior to holding a Closed Session, the City Council must state in open session the general reason or reasons for holding the Closed Session, and may cite the statutory authority or other legal authority under which the session is being held. (Government Code Section 54957.7)
- d. At the conclusion of a Closed Session, the Council shall, in open session, report any reportable action taken in the Closed Session.

Violation of any of the in Item 5 (Closed Sessions: Individual Councilmember Ethics and Responsibilities) may result in barring of a Councilmember from future Closed Sessions.

City Council Protocols

The City Council/South Tahoe Redevelopment Agency/South Tahoe Joint Powers Financing Authority/South Tahoe Joint Powers Parking Authority have approved written meeting Protocols

12-A copy of the 2020 Protocols is attached.