

ATTACHMENT #2



**INDIAN WELLS CITY COUNCIL
POLICY MANUAL**

Formatted: Right

Revised May 16, 2024

TABLE OF CONTENTS

TITLE 1 INFORMATION

CHAPTER 1.01 MISSION, VISION AND VALUE STATEMENTS	6
1.01.010 Mission Statement.....	6
1.01.020 Vision Statement.....	6
1.01.030 Value Statement.....	7

TITLE 2 ADMINISTRATIVE

CHAPTER 2.01 POLICY MANUAL PURPOSE	9
2.01.010 Policy Manual Purpose.....	9
2.01.020 Indian Wells Interchangeable Agencies	10
CHAPTER 2.02 FORM OF GOVERNMENT	11
2.02.010 Overview	11
CHAPTER 2.03 COUNCIL FUNCTIONS	12
2.03.010 Introduction.....	12
2.03.020 City Council Functions.....	12
2.03.030 City Council Goals.....	13
2.03.040 Council Attendance Policy.....	14
2.03.050 City Representation.....	14
2.03.060 Council Non-Participation Administration	14
2.03.070 Roles in Disaster	14
2.03.080 Roles in Information Flow.....	14
2.03.090 Magnitude of Information Request	17
CHAPTER 2.04 ROLES AND RESPONSIBILITIES OF COUNCIL MEMEBERS	18
2.04.010 Overview	18
2.04.020 Expectation of Mayor.....	18
CHAPTER 2.05 COUNCIL COMMUNICATION	20
2.05.010 Overview	20
2.05.020 Email	20
2.05.030 Ex Parte Communication.....	21
2.05.040 Election Communications.....	21
CHAPTER 2.06 USE OF PERSONNEL, EQUIPMENT OR RESOURCES	23
2.06.010 Overview	23
2.06.020 Non-City Business.....	23
2.06.030 City Manager Authorization	23

2.06.040 Individual Council Member's Request	23
2.06.050 Council Business.....	24
CHAPTER 2.07 CODE OF ETHICS AND CONFLICT OF INTEREST	25
2.07.010 AB1234 Ethics Training	25
2.07.020 Political Reform Act: Conflict of Interest	25
2.07.030 Identifying Conflicts	26
2.07.040 Nepotism	26
CHAPTER 2.08 PRESS RELATIONS.....	28
2.08.010 Official Position of the City	28
2.08.020 Press Releases	28
2.08.030 Dealing with the Media	28
2.08.040 Council Members Speaking on Their Own Behalf	28
CHAPTER 2.09 CIVILITY GUIDELINES	29
2.09.010 Overview	29
2.09.020 Commitment to Civil Behavior	29
2.09.030 Pledge of Civility.....	29
2.09.040 Council Conduct and Relationship with Electors	30
2.09.050 Council Member Conflicts.....	30
CHAPTER 2.10 ATTORNEY-CLIENT PRIVILEGED INFORMATION.....	32
2.10.010 Release of Attorney-Client Privileged Information	32
CHAPTER 2.11 COUNCIL FINANCIAL MATTERS	33
2.11.010 Budget Expenditures.....	33
TITLE 3 LEGISLATIVE	
CHAPTER 3.01 MEETING SCHEDULE	35
3.01.010 Meeting Schedule.....	35
3.01.020 Criteria for Matters Covered	36
3.01.030 Placing Items on Agenda	36
3.01.040 Removal of Agenda Items	37
3.01.050 Continuing of Agenda Items	37
3.01.060 Communications Received After Agenda Distribution	37
CHAPTER 3.02 RULES OF DECORUM FOR MEMBERS OF THE PUBLIC AT MEETINGS	38
.....	38
3.02.010 Purpose	38
3.02.020 Public Meeting Decorum	38
3.02.030 Addressing the Council.....	38
3.02.040 Values of Respect	39
3.02.050 Enforcement of Order.....	39

CHAPTER 3.03 COMMISSIONS, COMMITTEES AND BOARDS	40
3.03.010 Introduction.....	40
3.03.020 Council Relationship with Commissions, Committees and Boards	40
3.03.030 Role of Ex-Officio Member	41
3.03.040 Work Plan.....	41
3.03.050 Appointment of Resident Members.....	41
3.03.060 Membership of Current Commissions, Committees and Boards.....	42
3.03.070 Policy for Selection and Appointment of Resident Members.....	42
3.03.080 Simultaneous Service Prohibition.....	45
3.03.090 Annual Review of Commission, Committee and Board Relevance	45
 CHAPTER 3.04 OUTSIDE ORGANIZATIONS, REGIONAL AUTHORITIES AND CITY COMMITTEES.....	 46
3.04.010 Outside Organizations, Regional Authorities and City Committees.....	46
3.04.020 Procedure for Council Member Assignments	46
3.04.030 Reporting Responsibilities of Appointees	47
3.04.040 Representational Responsibilities of Appointees.....	47
3.04.050 Current Appointments	48
 CHAPTER 3.05 COUNCIL STANDING AND AD HOC COMMITTEES.....	 49
3.05.010 Establishment of Council Standing and Ad Hoc Committees.....	49
3.05.020 Procedure for Council Ad Hoc Assignments	49
3.05.030 Notice of Standing Committee Meetings	49
3.05.040 Ad Hoc Committee Meetings.....	50
3.05.050 Report of Standing and Ad Hoc Committees.....	50
3.05.060 Annual Review of Standing and Ad Hoc Committees Necessity	50

TITLE 1

INFORMATION

TITLE 1 INFORMATION

Chapters:

1.01 Mission, Vision, and Value Statements

CHAPTER 1.01 MISSION, VISION, AND VALUE STATEMENTS

Sections:

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

1.01.010 MISSION STATEMENT.

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

1.01.020 VISION STATEMENT.

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

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

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

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

1.01.030 VALUE STATEMENT.

The City of Indian Wells is dedicated to:

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

TITLE 2

ADMINISTRATIVE

TITLE 2 ADMINISTRATIVE

Chapters:

- 2.01 Policy Manual Purpose
 - 2.02 Form of Government
 - 2.03 City Council Functions
 - 2.04 Roles and Responsibilities of Council Members
 - 2.05 Council Communication
 - 2.06 Use of City Personnel, Equipment or Resources
 - 2.07 Code of Ethics and Conflict of Interest
 - 2.08 Distribution of City Controlled Tickets to City officials
 - 2.09 Press Relations
 - 2.10 Civility Guidelines
 - 2.11 Attorney-Client Privileged Information
 - 2.12 Council Financial Matters
-

CHAPTER 2.01 POLICY MANUAL PURPOSE

Sections:

- 2.01.010 Policy Manual Purpose.
- 2.01.020 Indian Wells Interchangeable Agencies.

2.01.010 **PURPOSE.**

The City Council (hereafter referred to as the "Council") shall adopt a City Council Policy Manual by resolution detailing the rules of order, policies, and procedures by which the Council shall conduct Council business and activities. The policies and procedures contained herein are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. All elected officials are obligated to follow the policies and procedures contained in this policy and procedure manual.

In the event of any conflict between these policies and procedures and any ordinances, resolutions, agreements or contracts, ordinances, resolutions, agreements, or contracts prevail.

(a) Amending and Updating the Policy Manual.

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

(b) Corrections Not Requiring a Resolution

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

2.01.020 INDIAN WELLS INTERCHANGEABLE AGENCIES.

The City Council Policy Manual shall apply to the Indian Wells Housing Authority, Finance Authority, Successor Agency and for purposes of this document, the terms City, Council, Housing Authority Board, Finance Authority, Successor Agency shall be considered interchangeable. The City Manager shall serve as the Board's Executive Director, City Clerk shall serve as the Board's Secretary and the City Attorney shall serve as the Authority's Legal Counsel.

CHAPTER 2.02 FORM OF GOVERNMENT

Sections:

2.02.010 Overview.

2.02.010 OVERVIEW.

The Council acts as a body. Policies are established by a majority vote of the Council, with all Members having an equal vote. All Council Members, including the Mayor, have equal powers.

While an individual member may disagree with a decision of the majority, the decision of the majority does bind the Council to a course of action. In turn, it is the City Manager's responsibility to ensure that the policy and direction of the Council, as determined by the Council majority, is upheld. Staff's implementation of Council-majority direction does not reflect any bias against a Council Member who held a minority opinion on an issue.

CHAPTER 2.03 CITY COUNCIL FUNCTIONS

Sections:

2.03.010	Introduction
2.03.020	City Council Functions
2.03.030	City Council Goals
2.03.040	Attendance Policy
2.03.050	City Representation
2.03.060	Council Non-Participation in Administration
2.03.070	Role in Disaster
2.03.080	Roles in Information Flow
2.03.090	Magnitude of Information

2.03.010 INTRODUCTION.

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

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

2.03.020 COUNCIL'S FUNCTIONS.

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

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

2.03.030 COUNCIL GOALS.

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

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

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

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

(g) ~~Goals should be reviewed more than once (e.g., quarterly) a year to ensure that goals are being achieved, remain relevant, and that the appropriate resources are being applied.~~

Formatted: Indent: Left: 0.5", No bullets or numbering

2.03.040 COUNCIL ATTENDANCE POLICY.

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

Council Members are expected to always provide their contact information.

2.03.050 CITY REPRESENTATION.

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

2.03.060 COUNCIL NON-PARTICIPATION IN ADMINISTRATION.

To uphold the integrity of the Council-Manager form of government and to provide proper checks and balances, Members of the Council shall refrain from becoming directly involved in the administrative affairs of the City, which includes the Indian Wells Golf Resort, unless directed by a majority of the Council to participate in a specific policy or project.

2.03.070 ROLE IN DISASTER.

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

2.03.080 ROLES AND INFORMATION FLOW.

It is the intent to ensure all Council Members have free and easy access to information from the City and ensure that such information is communicated completely, with candor and without bias.

Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council without fear of reprisal.

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

Should Council Members become dissatisfied with a department, they should address it with the City Manager, not the department head. Concerns about a department or any staff must be taken only to the City Manager; but if not addressed adequately by the City Manager, then the City Council should review the issue in an appropriate performance review process of the City Manager.

(a) Access to Information.

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

To ensure proper responsiveness, Council Members are asked to “cc” both the department head and the City Manager on all correspondence with staff. There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City’s ability to release certain personnel information even to Members of the Council. Certain aspects of police affairs (access to restricted or confidential information related to crimes) may not be available to Council Members.

Council Members have a responsibility for this information flow as well. Council Members should come to meetings well prepared – having read staff reports and attachments and requesting in advance any necessary and available information from staff. If a Council Member has questions on any agenda item, that member should preferably contact the City Manager prior to the meeting in order to allow staff time to research a response for the meeting.

(b) Interactions with Staff.

The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions, and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff

is directed to report to the City Manager any communication with a Council member, other than social communication. Staff is also directed to report to the City Manager any attempts by individual Council Members to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

Council Members shall direct all requests for information, research, and analytical work or give direction only to the City Manager or the City Attorney. The City Manager will delegate the Council Member request to the appropriate department(s) for response. ~~requests for general information not involving significant staff time that can be verbally provided or copied, may be requested from City Department Heads.~~ City staff will make every effort to respond in a timely and professional manner, as directed by the City Manager, to all requests made by individual Council Members for information or assistance; provided that, the request is not of a magnitude, either in terms of workload, or more than two (2) hours total staff time, or policy, which would require that it would be more appropriately assigned to staff through the direction of the whole Council. If a request by an individual Council member is determined to take over two hours or more of staff time to complete, that request will be included on a Council agenda for Council discussion and direction. The City Manager will also disseminate Council Member requests and responses for the benefit of all Council Members. Thus, the reasoning that requests go through the City Manager for assignment.

Formatted: Font: Bold, Underline

Council members may work directly with staff if authorized by the City Manager. Routine administrative requests for assistance (e.g., copies of documents, scheduling, setup of remote meetings, etc.-) may be directed directly to the affected staff member.

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

- State of the City
- ~~Town Hall meetings~~
- Welcome speeches at events
- Mayor's Email Blast (Mayor's Minute/Mayor's Corner) ¹
- Preparation for media interviews
- Promotional or official Mayoral correspondence
- Advertorials (e.g., Palm Springs Life, etc.)
- Crisis communications

Any requests by the Mayor, outside of those listed above, require City Council approval or an amendment of this City Council Policy Manual.

(c) Interactions with Indian Wells Golf Resort Staff, and City Partners.

¹ Mayor's Email blasts are to provide information to the community on various city projects, programs, priorities, or events. Content must be City related, not reflect the opinion of the incumbent Mayor, be contrary to previous City Council direction, or be a platform for the Mayor to advocate a certain position.

Formatted: Font (Default) Tahoma

Formatted: Font (Default) Tahoma

Formatted: Font (Default) Tahoma

City officials recognize that Council work cannot be fully conducted at Council Meetings. The responsibility of the City Manager is to conduct the day-to-day affairs of the City consistent with established Council policy and does not permit Council Members to direct the activities of Golf Resort staff, and City partners. Requests which involve Council policy, expenditure of funds, research or analytical work, or use of more than two hours of total time shall be submitted to the full Council. To avoid misdirection of requests and inefficient use of Golf Resort staff, and City partners time, Council Members shall submit all their requests to the City Manager. In the absence of the City Manager, requests should be made to the City Manager designee.

Specific Council requests made requiring more than two hours total shall require direction to the City Manager given only by a majority of the Council, at a City Council meeting. Requests for information will not burden staff and will be primarily shared with the City Manager at regular meetings between the Council Members and the City Manager.

(d) Interactions with City Attorney.

The City Attorney is the legal advisor for the Council, City Manager and departments. It is important to note that the City Attorney does not represent individual Council Members or staff, but the City's interest. Accordingly, except for conflict-of-interest inquiries, in questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council.

It should be expected that any requests to the City Attorney for services or advice by an individual Council Member will be shared with the City Manager who shall share the request with the Council. Requests that exceed more than two hours of total time shall be submitted to the full Council for approval at a regular or special meeting of the Council. Extraordinary requests for immediate services by an individual Council Member utilizing more than two hours of the City Attorney time may be authorized by the City Attorney.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

2.03.090 MAGNITUDE OF INFORMATION REQUEST.

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

**CHAPTER 2.04
ROLES AND RESPONSIBILITIES OF COUNCIL MEMBERS**

Sections:

- 2.04.010 Overview.
- 2.04.020 Expectations of Newly Elected Council Members
- 2.04.030 Expectations of Mayor

2.04.010 OVERVIEW.

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

Council Members are expected to:

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

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

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

Represent the City at ceremonial functions at the request of the Mayor (provided that any Council Member may attend).

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

Participate in scheduled activities to increase team effectiveness.

2.04.020 EXPECTATIONS OF NEWLY ELECTED COUNCIL MEMBERS.

Newly elected Council Members are expected to attend multiple on-boarding sessions with the City Manager, City Attorney, Department Heads, and other relevant stakeholders to be fully briefed on current matters being considered by the City Council and to better understand your role and responsibilities as a new Council Member. The onboarding will include an introduction on operations and management of each City Department, current development projects, briefings on all pending legal matters and ongoing Closed Session discussions (e.g., memorandums, reports, and notes), review of important and relevant governance documents (e.g., City Charter, City Council Policy Manual, Indian Wells Municipal Code, financial documents, Brown Act, and other

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Indent: Left: 0"

pertinent records and materials), and presentations on various City processes and protocols. Newly elected Council Members will also be encouraged to attend various conferences to assist newly elected Council Members be more successful in their new role (e.g., League of California Cities).

Formatted: Font: 12 pt

2.04.030 EXPECTATIONS OF THE MAYOR.

Council Members expectations of the Mayor are as follows:

- As presiding officer, maintains order, decorum, and the fair and equitable treatment of all speakers in front of the Council.
- Keeps discussion and questions focused on the specific agenda item under consideration.
- Makes parliamentary ruling with advice from the City Attorney. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the chair.
- Leads the Council into an effective, cohesive working team.
- Determines theme and venue for annual State of the City event.
- Recommends Council ad-hoc committees and Members, as appropriate, for formal Council approval at a City Council meeting.
- Serves as the liaison between the Council and the City Manager and City Attorney regarding employee relations.
- Serves as the official City delegate to the League of Cities annual conference.
- The Council may designate the Mayor to administer counseling, verbal reprimands and written warning to commission, committee or board members, and call for investigations of commission, committee, or board member conduct.

2.04.040 COUNCIL LEADERSHIP EXPECTATIONS.

In the absence of the Mayor, the Mayor Pro Tem is authorized to fulfill the duties and responsibilities of the Mayor. As such, the Mayor and Mayor Pro Tem serve leadership roles on the City Council. This includes presiding over City Council meetings, attending community events as a representative of the City, and receive status reports and updates on City Council directed goals. Information shared with the Mayor and Mayor Pro Tem is to be shared equally with all Council Members.

CHAPTER 2.05 COUNCIL COMMUNICATION

Sections:

- 2.05.010 Overview
- 2.05.020 E-mail
- 2.05.030 Ex Parte Communication
- 2.05.040 Election Period Prohibition

2.05.010 OVERVIEW.

The most fundamental role of a Council Member is communication with the public to assess community opinions and needs, and with staff to provide policy direction. Because the Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a Council Member. Equally important, when Council Members are expressing personal views and not those of the Council, the public should be so advised.

Any writing including but not limited to letters, memoranda, and any electronic communications (email, text, tweets, etc.) involving Council Members, the subject of which relates to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. As such, the public or media can request disclosure of such communications by filing a records request with the City Clerk's office.

2.05.020 EMAIL.

Avoiding Serial Meetings: While email facilitates efficient communication between Council Members and City staff, the use of email also raises important legal issues to which Council Members must pay special attention.

"The Brown Act provides that '[a] majority of the members of a legislative body shall not, outside a meeting ... 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.'" (Open & Public V: A Guide to the Ralph M. Brown Act, p. 21, emphasis added.) Note that the terms *discuss, deliberate, and take action* each requires a dialogue or joint action. "A *unilateral* written communication to the legislative body ... does not violate the Brown Act." (Ibid., p. 22, emphasis added.)

Therefore, Council Members must be especially careful when communicating by email because the ease of using the "reply all" button may inadvertently result in a Brown Act violation. (The violation occurs not with the initial unilateral communication from one Council member to others on the Council, but in the response, when it becomes *discussion or deliberation*.) Therefore, as a best practice, Council Members should not email more than one of their colleagues either as direct recipients or as "CC" recipients. Should a Council Member inadvertently include multiple colleagues as direct or "CC" recipients, the sender may follow up with a brief email, by "BCC" to the recipient members, acknowledging the mistake and warning them not to "Reply to All."

Council Members are encouraged to contact the Fair Political Practices Commissions in the case of serious violations.

Personal Views: Using a City email account to express personal views without identifying them as such can cause confusion. To avoid potential confusion that that might cause, Members of the Council should include the following disclaimer when using a City email account to send communications that express personal views:

- The views expressed in this email are those of the sender alone, acting and communicating individually. They do not necessarily represent the official views of the City of Indian Wells.

2.05.030 EX PARTE COMMUNICATIONS

An ex parte communication is a written or oral communication between a Council Member and an interested individual concerning any issue in a formal proceeding other than procedural matters that does not occur in a public forum. It is the duty of each Council Member to publicly disclose ex parte communications that are relevant to a matter under consideration by the Council.

2.05.040 ELECTION COMMUNICATIONS

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

The City of Indian Wells is committed to open, honest communication with residents, businesses, City employees, and visitors. The City's communication procedures provide best-practice guidance to City staff about communication activities during an election.

Within the sixty (60) calendar days preceding a general or special municipal election scheduled to occur in the City, no written newsletter or similar communication request made by the Council, any individual Council Member, or any candidate for City Council at the upcoming election, shall be issued by the City staff to City residents, in either physical or electronic form. Examples of said communication include letters from the Mayor.

Notwithstanding the above, communications related to emergency notifications, development and planning of programs, and services necessary to the successful completion and implementation of these activities are a priority to the City and shall continue during the election period. To that end, during the sixty (60) calendar day pre-election period, the City Manager, or his or her designee, may issue the following to City residents:

- 1) Any communication issued by the City to a City resident in the normal course of City business; including bills or charges for City services, reservations of City facilities, monthly

police activity reports, notifications of special events or other promotional programs (e.g., Coffee with a Cop, Shred Event, Resident Celebrations, etc.), calls for City services, agendas and legal notices, provided that no content is included within the communication at the request of the City Council, any individual Council Member or any candidate for City Council at the upcoming election; or

- 2) An edition of the City's quarterly newsletter, provided it is published in accordance with the City's regular publication schedule and procedure and no content is included within the newsletter at the request of the City Council, any individual Council Member, or any candidate for City Council at the upcoming election; or
- 3) A communication to inform City residents about an emergency or time-sensitive matter if, in the City Manager's judgment:
 - a) Because of the emergency or time sensitivity, issuance of the communication cannot be delayed until after the election; and
 - b) The emergency/time sensitive communication is not being issued, in whole or in part, at the request of the City Council, any individual Council member or any candidate for City Council at the upcoming election.

This policy does not prohibit the City from issuing any written communication to City residents outside of the sixty (60) calendar day pre-election period, provided the communication otherwise complies with applicable law.

This policy does not apply to any written communication issued by public agencies outside of the City, campaign committees, private individuals or by private organizations. However, privately funded communication issued during a pending election may be regulated by the California Political Reform Act and authors are directed to consult the Act for more information.

**CHAPTER 2.06
USE OF CITY PERSONNEL, EQUIPMENT OR RESOURCES**

Sections:

- 2.06.010 Overview.
- 2.06.020 Non-City Business.
- 2.06.030 City Manager Authorization.
- 2.06.040 Individual Council Member's Request.
- 2.06.050 Council Business.

2.06.010 OVERVIEW.

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

2.06.020 NON-CITY BUSINESS.

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

2.06.030 CITY MANAGER AUTHORIZATION.

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

2.06.040 INDIVIDUAL COUNCIL MEMBER'S REQUEST.

Council Members shall make their requests for services or information to the City Manager and not directly to individual member of the City staff, Golf Resort Staff, and City partners. The use of City staff to respond to an individual Council member's requests for any purpose that exceeds more than two hours of total staff time must be approved by the majority vote of the Council. The individual Council member may make their request orally or in writing to the City Manager. The

City Manager shall provide an estimate of the cost and how the request affects the Council's goals and projects. This request will then be considered by the Council at a City Council meeting.

2.06.050 COUNCIL BUSINESS.

All communication with the City, the Council or individual Council Members shall be considered the business of the City Any response by an individual Council member shall be identified as an individual response and not reflective of any position of the City or the Council.

**CHAPTER 2.07
CODE OF ETHICS AND CONFLICT OF INTERST**

Sections:

- 2.07.010 AB 1234 Ethics Training.
- 2.07.020 Political Reform Act.
- 2.07.030 Identifying Conflicts.
- 2.07.040 Nepotism.

2.07.010 AB 1234 ETHICS TRAINING.

The Council is subject to a professional code of ethics trainings. City officials are required to be impartial and responsible in the fulfillment of their duties. State law (California Government Code / 53235, *et seq.*) requires public officials to complete two hours of training in ethics principles and laws every two years.

Council Member compliance with the required state law trainings will be reviewed and reported annually at a regular meeting of the Council. Council Members are required to stay compliant during their time on the Council. Council Members that are not in compliance at the annual review must complete the training within 30 days after the review and must report on the completion at a subsequent meeting of the Council. A persistent violation of the statutory ethics-training requirement can result in the removal of Council member assignments.

2.07.020 POLITICAL REFORM ACT; CONFLICT OF INTEREST.

The Political Reform Act of 1974 ("PRA") is the principal law in California governing conflicts of interest for public officials. The Fair Political Practices Commission ("FPPC") is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules.

The PRA prohibits public officials from making, participating in the making, or in any attempting to use their official position to influence a decision in which they know or have reason to know they have a financial interest. The City Attorney encourages each Council member to contact the City Attorney with any questions regarding the application of these laws. If the determination is that there is a conflict of interest, the Council member shall abstain from any participation in the decision.

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

2.07.030 IDENTIFYING CONFLICTS.

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

2.07.040 NEPOTISM.

The Council's appointment of relatives to a City Commission, Committee, or Board or any City employee's hiring, promoting, or transferring of a relative may cause conflicts of interest and serve as the basis for complaints concerning disparate treatment and favoritism as well as violations of the state's Ethics statute. In addition, no Council shall use his or her position as a City Council to obtain or provide information, access, or anything else of value with the intent or effect of benefiting his or her relative, where such benefit is not available to the public generally.

(a) City Committee, Commissions, and Boards:

The City Council shall not appoint any relatives to City Committee, Commissions and Boards. Such appointments have the potential for adversely impacting the safety, security, morale or efficiency of the City Council, its professional responsibilities, or the smooth functioning of the legislative body, by creating an actual or potential conflict of interest, or the appearance of a conflict of interest. To protect the Council against such conflicts and complaints, and to provide for the ethical and legally consistent treatment of individuals with relatives seeking appointment by the City Council, such appointments are prohibited. To the extent relatives of Council Members appointed prior to the adoption of this policy, shall vacate their position upon the Council assuming office. If any existing member of a City Commission, Committee, or Board, who's relative as defined above, is hereafter elected to the City Council, the member of the City Commission, Committee, or Board, shall resign his or her position upon the assumption of office by the relative Council member.

(b) Council Relatives

In addition, it shall be the policy of the City that relatives of elected and appointed officials, department heads, and any other City employee shall not be hired, promoted, or transferred into positions in which one relative may supervise, directly² or indirectly³, any other relative, or work in a capacity which would allow an employee to evaluate or control the terms, conditions,

Formatted: Indent: Left: 0.06", Space After: 0 pt

² Defined as when one employee is responsible for the day-to-day supervision and direction of another employee. The direct supervisor is the person who assigns, prioritizes, and evaluates the employee's work.

³ Defined as when a relative is hired, promoted, or transferred into the chain of command of another relative, and one of the individuals has management or supervisory responsibilities in the division or section in which both would work even if the relative would not directly supervise or interact with the newly hired, promoted, or transferred employee.

or performance circumstances of employment of a relative. This prohibition shall apply to all full and part-time regular employees, elected and appointed officials, all temporary employees, and all individuals working for the City through a temporary services agency.

For purposes of this policy, "relative" shall be defined by blood or marriage or registered domestic partnership⁴ to include the following:

Spouse⁵, Child/Stepchild, Parent/Stepparent, Grandparent, Grandchild, Brother/Sister

Stepbrother/Stepsister, Aunt/Uncle, Niece/Nephew, Parent-in-law, Brother-in-law/Sister-in-law, Legal guardian, Person with whom one is a Bona Fide Dating Relationship⁶

Relatives shall also include persons who fall into the above categories by a previous marriage, adoption, half-relatives, and step-relatives.

In the employment context, the employee is responsible for immediately notifying his or her department head of an impending or existing relationship covered under this policy with another employee with the same department, or with an appointed or elected official of the City. In the case of reporting by the City Manager or City Attorney, he or she shall report directly to the City Council. The department head shall report directly to the City Manager. Failure to promptly notify the department head of an impending or existing relationship as defined under this policy may be grounds for disciplinary action, up to and including termination, or disqualification from employment or promotion.

Except in the case of a potential violation of this policy by the City Manager or the City Attorney, the City Manager shall determine whether the employment, promotion, or transfer of an employee has the potential for creating an adverse impact on supervision, safety, security, morale, or involves potential conflicts of interest. If the City Manager determines that such potential does exist, the Human Resources Director in consultation with the affected employee(s) will attempt to resolve the situation through the transfer of one or both employees to alleviate the conflict. If accommodations are not feasible, the Human Resources Director in consultation with the affected employee(s) will determine which employee must resign to resolve the conflict.

The City reserves the right to exercise appropriate managerial judgement to take such actions as may be necessary to achieve the intent of this policy. The City reserves the right to vary from the outlined in this policy to address unusual circumstances on a case-by-case basis.

⁴ As defined in California Family Code § 297.

⁵ As defined in Family Code § 300.

⁶ As used in CCR, Title 2, Division 6, § 18942(18)(A).

CHAPTER 2.08 PRESS RELATIONS

Sections:

- 2.08.010 Official Position of the City.
- 2.08.020 Press Releases.
- 2.08.030 Dealing with the Media.
- 2.08.040 Council Members Speaking on Their Own Behalf.

2.08.010 OFFICIAL POSITION OF THE CITY.

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

2.08.020 PRESS RELEASES.

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

2.08.030 DEALING WITH THE MEDIA.

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

2.08.040 COUNCIL MEMBERS SPEAKING ON THEIR OWN BEHALF.

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

CHAPTER 2.09 CIVILITY GUIDELINES

Sections:

- 2.09.010 Overview.
- 2.09.020 Commitment to Civil Behavior.
- 2.09.030 Pledge of Civility.
- 2.09.040 Council Conduct and Relationship with Electors.
- 2.09.050 Council Member Conflicts.

2.09.010 OVERVIEW.

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

2.09.020 COMMITMENT TO CIVIL BEHAVIOR.

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

1. Supporting the City's mission.
2. Bringing City issues to the attention of the Council as appropriate for discussion.
3. Offering alternative solution(s) when addressing a problem or issue.
4. Showing respect to each other as elected officials.
5. Showing respect toward City staff.
6. Promoting civility during Council meetings.
7. Maintaining the confidentiality of material discussed during closed session. Similarly, not disclosing the content or substance of confidential or privileged communications relating to City business.
8. Bringing any matter of criticism, disagreement, or conflict with a staff member(s) to the City Manager for resolution.

2.09.030 PLEDGE OF CIVILITY.

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

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

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

2.09.040 COUNCIL CONDUCT AND RELATIONSHIP TO ELECTORS.

The people elect Council Members to serve as representatives of all the people. Authority and responsibility for legislative enactments are vested in the Council. California follows the Council type of government where it is the function of the representatives to do that which in their best judgments is proper. California does not follow the "Town Meeting" type of government where the people legislate.

The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of Council Members to vote and decide issues, regardless of personal hesitation. The purpose of government is to balance legally, fairly, and without favor the limitations, restrictions, or losses that are to be placed upon the individual or several individuals against the good, the benefit, or welfare of or to a majority of the people.

The electors have delegated to the Council the right, the power, and the duty to act; the same electors have reserved to themselves the rights of 1) petition, 2) election, 3) recall, 4) referendum, 5) initiative and 6) litigation.

2.09.050 COUNCIL MEMBER CONFLICTS.

This policy manual applies only to sitting Council Members and may only be enforced by the Council as a body, by majority vote (i.e., by at least three members of the Council).

Any Council Member who has evidence that a colleague on the council has committed a substantial violation of the policy manual may so indicate during the reporting Council Member's comment period. The Council Member reporting the alleged violation must be specific as to the exact provision of the policy manual that has been allegedly violated. The Council Member may briefly describe evidence to support the claim.

The Council Member may then move to add a Council discussion of the alleged violation to a future Council agenda.

If the motion is seconded, the motion will go to a vote of the Council. Prior to the vote, the Council (including the accused colleague) may only discuss the scope of the motion (i.e., the scope of the discussion on the future agenda); the Council may not debate the merits of the accusation. Any discussion of the motion must be brief to ensure compliance with the Brown Act limits on discussion of items not on the agenda.

Because the item is not on the agenda, and the only question before the Council is whether to add it to a future agenda, no public comment is taken regarding a motion brought under this section.

If the motion passes, the alleged violation may be discussed at the future meeting. The accused colleague will be given an opportunity to speak during the council deliberation on the question. The Council as a body decides, by majority vote, what action, if any, is appropriate to take in response to the reported violation.

CHAPTER 2.10
ATTORNEY-CLIENT PRIVILEGED INFORMATION

Sections:

2.10.010 Release of Attorney-Client Privileged Information.

2.10.010 RELEASE OF ATTORNEY-CLIENT PRIVILEGED INFORMATION.

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

**CHAPTER 2.11
COUNCIL FINANCIAL MATTERS**

Sections:

2.11.010 Budget Expenditures.

2.11.010 BUDGET EXPENDITURES.

The Council establishes within the City budget for each fiscal year a specific sum of money, in an equal amount for each Council Member, available for use by the Council Member as a "City Official" and their accompanying "spouse" (as those terms are defined in Section 2.08.020) for a valid public purpose described in Section 2.89.060; provided that the specific use of such funds during the year for the ordinary and necessary expenses related to the foregoing duties shall receive prior City Council approval pursuant to Section 101 of the City Charter.

A staff report with the following required information will be placed on the City Council consent calendar on an as needed basis for pre-approval of Council Members' event attendance:

- Description of the event including its sponsor, date, and location of event
- Listing of Council Member/s attending the event
- Total cost for each Council Member (and "Spouse") to attend the event.
- City governmental or public purpose for Council member attendance at event

With respect to travel expenses, reimbursement shall be permitted only for meals of Council Members, and the cost of alcohol shall not be reimbursed. Donations to organizations are not eligible for use of such funds. A Council Member may expend up to their individual budgeted annual appropriation for the foregoing purposes. After Council event approval, the City Manager and Finance Director shall monitor the amount of funds remaining available for use by each Council Member as the fiscal year progresses.

TITLE 3

LEGISLATIVE

TITLE 3 LEGISLATIVE

Chapters:

- 3.01 Meeting Schedule.
 - 3.02 Rules of Decorum for Member of the Public at Meetings.
 - 3.03 Commissions, Committees, and Boards.
 - 3.04 Outside Organizations, Regional Authorizes & City Committees
 - 3.05 Council Standing and Ad Hoc Committee's.
-

CHAPTER 3.01 MEETING AGENDAS

Sections:

- 3.01.010 Meeting Schedule.
- 3.01.020 Criteria for Matters Covered.
- 3.01.030 Placing Items on Agenda.
- 3.01.040 Removal of Items on the Agenda.
- 3.01.050 Continuing of Agenda Items.
- 3.01.060 Communications Received After Agenda Distribution

3.01.010 MEETING SCHEDULE.

Regular meetings are held in the City Council Chambers, 44-950 Eldorado Drive, on the first and third Thursday of every month at 1:30 p.m.

From time to time, the Council may hold study sessions or workshops to give the Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is directly engaged in the dialogue. While general direction or suggestions may be given to staff or to others in a study session, no formal action by the Council is taken in a study session unless it was anticipated and properly noticed and agendized before the meeting.

Regular Council and study session meetings are open to the public and are videotaped when held in the Council Chamber.

3.01.020 CRITERIA FOR MATTERS COVERED.

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

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

Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting “infeasible”; the media may remain unless they participate in the disruption.

3.01.030 PLACING ITEMS ON THE AGENDA.

A Council Member may request an item be considered on a future agenda, verbally during a City Council meeting or by informing the City Manager. The request shall be submitted wherever reasonably possible at least -at 14 calendar days in advance of a Council meeting. The item will be agendized at the next regularly scheduled meeting for consideration by the Council under the Council Reports section of the agenda with the initiating Council member's name. This initial staff report will include a brief summary of the matter by staff. The Council Member may, at their discretion, prepare a written report to attach to the staff report. At the Council meeting, the Council will direct the matter to come back at a subsequent City Council Meeting, direct to an existing Council Ad hoc or Subcommittee, create a new Ad hoc Committee to review the matter, or decline to further consider the matter.

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

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters, and other severe emergencies. Adding an emergency item requires a majority vote and is very rare. Non-agendized items are matters that come to the attention of the

City after the agenda is posted. Non-agendized items may be added to the agenda only if the Council makes findings that 1) the need to consider the item arose after the posting of the agenda, and 2) there is a need to take immediate action at this meeting of the Council. These findings must be approved by a 4/5 vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

3.01.040 **REMOVAL OF ITEMS ON THE AGENDA.**

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

3.01.050 **CONTINUING OF AGENDA ITEMS.**

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

3.01.060 **COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION.**

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

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

**CHAPTER 3.02
RULES OF DECORUM FOR MEMBERS OF THE PUBLIC AT MEETINGS**

Sections:

- 3.02.010 Purpose.
- 3.02.020 Public Meeting Decorum.
- 3.02.030 Addressing the Council.
- 3.02.040 Values of Respect.
- 3.02.050 Enforcement of Order.

3.02.010 PURPOSE.

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

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

3.02.020 PUBLIC MEETING DECORUM.

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

Appropriate attire, including shoes and shirts, are always required in the Council Chamber and conference room. No food, drink (other than bottled water with a cap) or chewing gum will be allowed in the Council Chamber and conference room.

3.02.030 ADDRESSING THE COUNCIL

Persons wishing to speak on an agenda item or during public comments are asked to complete a speaker blue card and submit the card to the City Clerk or other staff at the meeting. Speakers should discuss topics related to City business on the agenda unless they are speaking during public comments within the Council's subject matter jurisdiction. Speaker's comments should be addressed to the full body. Requests to engage the Mayor in conversation will not be honored. Abusive language is inappropriate and not allowed. Speakers and any other member of the public will not approach the dais during the meeting without prior consent from the Mayor. Speakers should return to their seat after their comments and not continue to stand at the podium.

When the Mayor has recognized speakers, they shall come forward to the lectern and state their name and City of residence for the record. Any documents used by the speaker shall be given to the City Clerk for distribution to the Council. A three-minute limit is the policy of the Council; however, the time limit is at the discretion of the Council.

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

After the Mayor has announced the public comments, portion is done, or a motion has been made, or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority of the Council.

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

3.02.040 **VALUES OF RESPECT.**

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

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

3.02.050 **ENFORCEMENT OF ORDER.**

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

**CHAPTER 3.03
COMMISSIONS, COMMITTEES AND BOARDS**

Sections:

- 3.03.010 Introduction.
- 3.03.020 Council Relationship with Commissions, Committees and Boards.
- 3.03.030 Role of Ex-Officio Member.
- 3.03.040 Work Plan.
- 3.03.050 Appointment of Resident Members.
- 3.03.060 Membership of Current Commissions, Committees and Boards.
- 3.03.070 Policy for Selection and Appointment of Resident Members.
- 3.03.080 Simultaneous Service Prohibition.
- 3.03.090 Annual Review of Commission, Committee and Board Relevance.

3.03.010 INTRODUCTION.

The Council shall establish such commissions, committees, and boards as it deems appropriate to provide recommendations. Committees may be either standing committees, or ad hoc committees established by the Council from time to time. Each Commission, Committee, and Board shall be advisory only, unless otherwise specified in the resolution or motion establishing the Commission, Committee, or Board, and shall be established by a specific resolution or motion with its purpose, duties, and number of members defined by the resolution or motion. In addition, the Council periodically appoints persons other than Council Members to certain outside organizations or regional authorities listed in Section 3.04.010. Such outside organizations and regional authorities shall be governed by their own policies.

3.03.020 COUNCIL RELATIONSHIP WITH COMMISSIONS, COMMITTEES AND BOARDS.

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

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

Council Members choosing to attend Commission, Committee, or Board meetings should be sensitive to the fact that they are not participating members of the body. Council Members have the rights, and only the rights, of ordinary citizens with respect to Commission, Committee, or Board– including the right to write to and speak to the Commission, Committee, or Board during public comment periods.

3.03.030 **ROLE OF EX-OFFICIO MEMBER.**

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

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

3.03.040 **WORK PLAN.**

All programs, projects, funding, and staffing requests must be approved by the Council. The work plan of every Commission, Committee and Board shall include those items under their purview along with any additional duties or assignments delegated to the body by the City Council.

3.03.050 **APPOINTMENT OF RESIDENT MEMBERS.**

Resident members of each Commission, Committee, or Board, shall be appointed by the Council during a regular or special meeting of the Council. The terms of all appointees shall expire on June 30. Appointees shall take office on July 1.

Council recommendations of resident members to outside organizations and regional authorities shall be made during a regular or special meeting of the City Council. Resident terms on outside organization and regional authorities shall be subject to the policies and procedures of such outside organizations and regional authorities.

3.03.060 MEMBERSHIP OF CURRENT COMMISSIONS, COMMITTEES AND BOARDS.

Current City standing Commission, Committee, and Board subject to appointment procedures of this Chapter 3.03 are:

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

Current outside organizations or regional authorities are subject to selection procedures of this Chapter 3.03 and subject to appointment and terms governed by the relevant outside organization/regional authorities' policies and procedures:

Joslyn Senior Center Board Either 1 Council Member or other Indian Wells resident

Coachella Valley Mosquito & Vector Control Either 1 Council Member or other Indian Wells resident

Palm Springs International Airport Regional Commission Either 1 Council Member or other Indian Wells resident

3.03.070 POLICY FOR SELECTION AND APPOINTMENT OF RESIDENT MEMBERS.

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

(a) Eligibility Criteria.

All members of a Commission, Committee or Board shall be residents of the City, must be a minimum age of 18, unless an exception is provided by the Council. Also, the membership of such bodies shall be representative of the entire community to that extent as possible, and members on such Commissions, Committees, and Boards shall be willing to serve as a civic responsibility and without compensation.

⁷ Marketing Committee membership includes local hotels and resorts, Indian Wells Golf Resort, and other City partners. Membership of the Marketing Committee fluctuates based on participation from these partners.

(b) Term Limitations.

The term of appointees to a City Commission, Committee or Board shall be one (1) term unless reappointed by the Council. The term of appointees serving on outside organizations and regional authorities, and any term limits applicable thereto shall be subject to the policies and procedures of such organization or regional authority.

The following provisions shall apply to City Commission, Committee, and Board appointees. Appointees are limited to two (2) consecutive two-year terms of membership on a specific commission, committee, or board, including a partial term. An appointee may not be reappointed to the same Commission, Committee, or Board after completion of two consecutive terms, including a partial term. After serving a maximum of two two-year terms (including a partial term), an appointee shall not be reappointed to the same commission, committee or board unless at least one year has elapsed between the expired term limit and the effective date of commencement of the new term. Notwithstanding any provision to the contrary, an appointee shall not be precluded at any time following completion of service on a Commission, Committee or Board from being appointed to another commission, committee, or board without the lapse of time between appointments. Notwithstanding any provision to the contrary, if a committee is placed on hiatus by City Council action, the appointee's term is considered active and continuous; therefore, any period that the committee is on hiatus shall be included as part of appointee's term.

(c) Outreach Efforts.

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

(d) Application Process.

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

(e) Selection Process.

As a part of the selection/appointment process applicable to proposed members other than Council Members, the Council may interview any or all the individual's submitting applications, as

determined by the Council, in its discretion. The Council will implement a two Council Member Ad-hoc Committee to interview the applicants. Council Members serving in a committee will be assigned to that Ad-Hoc Interview Committee. Additional Council Members will be designated to all other Commission, Committees, and Boards without Council representation. Each Ad-hoc Committee will select interview dates and after candidates, if any, have been interviewed, the Ad-hoc Committees will forward their recommendations to the City Clerk.

The Council has the option, at its sole discretion, of re-appointing current Commission, Committee or Board Members if said member have a two-year term remaining on the same Commission, Committee or Board.

(f) Voting Procedure.

In a regularly scheduled or special Council meeting, the Council shall vote for the proposed Ad-Hoc Council Interview Committee recommendations. All candidates will be appointed by majority of vote for a particular commission, committee, or board.

(g) Appointment Requirements.

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

(g)(2) Expired Term.

By the first Council meeting in May every year, the City Clerk shall submit to the Council a "Council Appointments List" of vacancies for terms expiring on June 30 of that year on all Commission, Committee and Board. Both incumbents seeking re-appointment and new applicants must apply. Appointments should be made by the second Council meeting in June every year. For the Planning Commission, appointments to be made by the second Council meeting in December of each year.

(g)(3) Unscheduled Vacancies.

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

The Council may consider candidates for unscheduled or foreseen committee vacancies that occur within a 6-month period of the annual recruitment. Following the conclusion of the annual recruitment, applications will remain active in the City Clerk's office for 6-months.

3.03.080 **SIMULTANEOUS SERVICE PROHIBITION.**

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

3.03.090 **REVIEW OF COMMISSIONS, COMMITTEES AND BOARDS RELEVANCE.**

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

**CHAPTER 3.04
OUTSIDE ORGANIZATIONS, REGIONAL AUTHORITIES
AND CITY COMMITTEES**

Sections:

- 3.04.010 Outside Organizations, Regional Authorities and City Committees.
- 3.04.020 Procedure for Council Member Assignments.
- 3.04.030 Reporting Responsibilities of Appointees.
- 3.04.040 Representational Responsibilities of Appointees.
- 3.04.050 Current Appointments.

3.04.010 OUTSIDE ORGANIZATIONS, REGIONAL AUTHORITIES AND CITY COMMITTEES.

The City of Indian Wells has numerous relationships with outside organizations and regional authorities, such as the League of California Cities and the Coachella Valley Association of Governments (CVAG). The City Council annually assigns, pursuant to the “Draft” system set forth in section 3.04.020, one or more Council Members, as applicable, to serve as the City’s representative on the governing bodies of such organizations and authorities. Alternates appointed to these outside organizations have the same authority as the primary appointee when the appointee is absent. Once a Council Member has been assigned to participate in an outside organization or regional authority, separate approval is not needed to participate in a subcommittee of that organization or regional authority. The Council also annually assigns, pursuant to the “Draft” system set forth in section 3.04.020, Council Members to serve on City standing committees. Finally, the Council from time to time assigns Council Members to serve on City Ad-Hoc Committees without using the “Draft” system (See Chapter 3.05).

These outside organizations and regional authorities may provide a stipend, compensation, or reimbursement of expenses. Income derived from serving on these outside organizations and regional authorities is to be reported as required by the FPPC (Form 806).

3.04.020 PROCEDURE FOR COUNCIL MEMBER ASSIGNMENTS.

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

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

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

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

Concerning the foregoing Council Member assignments, Council Members serve as "non-voting" Members on their assigned City Commissions, Committees and Boards, including any Ad-Hoc Committee that includes resident members. For those years that there is/are no new Council Member(s), the Council in its sole discretion can chose to retain the existing assignments for another year, make some modifications to the existing assignments, or utilize the "draft" for Council member assignments.

3.04.030 REPORTING RESPONSIBILITIES OF APPOINTEES.

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

3.04.040 REPRESENTATIONAL RESPONSIBILITIES OF APPOINTEES.

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

3.04.050 CURRENT APPOINTMENTS.

Current assignments to outside organizations and regional authorities are on file in the office of the City Clerk.

Sections:

- 3.05.010 Establishment of Council Standing and Ad-Hoc Committees.
- 3.05.020 Procedure for Council Ad-Hoc Assignments.
- 3.05.030 Notice of Standing Committee Meetings.
- 3.05.040 Ad-Hoc Committee Meetings.
- 3.05.050 Report on Standing and Ad-Hoc Committees.
- 3.05.060 Annual Review of Standing and Ad-Hoc Committees Necessity.

3.05.010 ESTABLISHMENT OF COUNCIL STANDING AND AD HOC COMMITTEES.

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

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

3.05.020 PROCEDURE FOR COUNCIL AD HOC ASSIGNMENTS.

The Mayor will make a recommendation as to the appointment of members to Ad-Hoc Committees, if the assignments are not made at the time the Ad-Hoc Committees is formed subject to Council approval. The Mayor shall assign a replacement of members unable to participate on the designated Ad-Hoc Committee. The recommended appointments will be agendized for formal action by the entire Council at the next City Council meeting.

3.05.030 NOTICE OF STANDING COMMITTEE MEETINGS.

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

3.05.040 AD HOC COMMITTEE MEETINGS.

No member of the Council who is not a member of an Ad-Hoc Committee may attend a meeting of that Ad-Hoc Committee; however, exceptions can be made.

3.05.050 REPORT OF STANDING AND AD HOC COMMITTEES.

Standing and Ad-Hoc Committees will report on the work of the committee during Council Member Reports & Comments section as listed in on of the City Council agenda. These Ad-Hoc reports are to be presented at the first regularly scheduled City Council meeting, following each Ad-Hoc meeting. Reports may be given verbally or in writing. Whether or not there is agreement between the two members of the standing or Ad-Hoc Committees, the report to the entire Council will reflect the position of both members.

3.05.060 ANNUAL REVIEW OF STANDING AND AD HOC COMMITTEES NECESSITY.

The Council will review annually the relevance of the Council's standing and Ad-Hoc Committees to the Council's current Strategic Plan Goals and Objectives and will eliminate those which are determined by a majority of the Council to be no longer necessary.