



Handbook for City of Arroyo Grande Commissions, Committees and Boards

Updated by the Legislative and Information Services Department

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INTRODUCTION

The Mayor and City Council of the City of Arroyo Grande thank you for accepting your appointment as Commissioner, Committee, or Board Member (“Commissioner”) and welcome you to the group of citizens contributing to the welfare of the Arroyo Grande community.

The objective of this Handbook is to outline certain fundamental responsibilities expected from those persons appointed to serve on various commissions, boards, and committees of the City of Arroyo Grande and to set forth a standardized code of ethics by which an individual member may measure his or her own actions, as well as by which the member may be judged by those served.

In addition, this Handbook is designed to orient the new member and to outline what the commission, board, or committee is, what it is established to do, and how it should be organized and operated.

HISTORY OF ARROYO GRANDE

The earliest inhabitants of the Arroyo Grande Valley were the northern or Obispeno Chumash Indians. They still occupied the valley at the time of contact with the first Spanish explorer, Juan Cabrillo. During the colonial settlement of California, the Arroyo Grande Valley became separated into two major ranchos granted by the Mexican government around 1840. In the mid-1860's, a severe drought decimated the cattle population, forcing the large ranchos to subdivide property and sell smaller parcels to new settlers for agriculture uses. In 1862, the San Luis Obispo County Board of Supervisors established the township of Arroyo Grande. The City was incorporated on July 10, 1911.

GOVERNMENT AND CITY DEPARTMENT STRUCTURE

In order to familiarize commissioners with the governmental and departmental structure of the City, a brief description is as follows:

Government

Arroyo Grande is a general law City with a Council-Manager form of government. Under this form of government, the City Council is the policy making body and the City Manager is responsible for carrying out Council policy.

The City of Arroyo Grande is governed by a five member City Council, consisting of a directly elected Mayor and four Council Members elected from the city at large. Municipal elections are held each even-numbered year in November, with the Mayor and two Council Members elected on each occasion. The Mayor is elected for a two-year term, and Council Members are elected for four-year terms. The City Council meets in public session the second and fourth Tuesday evenings of every month. The City Council Members and the Mayor have equally weighted votes.

The Mayor and Council Members are not full-time officials. They are business people, homemakers, retirees, and employees from all of life's endeavors. Because they are citizen representatives charged with developing the City's policies, the Mayor and City Council appoint a City Manager, who is trained and experienced in municipal affairs and operations, and invest the responsibility of the City's administration and operation to the appointee. The City Manager also serves as an advisor to the Mayor and City Council.

City Departments

The following is a short description of the services of each of the City's departments. Also included is an organizational chart reflecting the relationships within the City governmental structure.

City Manager

The City Manager serves at the will of the City Council and is responsible for providing them with policy and operational recommendations, staff support, and to implement their directions and decisions. The City Manager supervises the department directors and is responsible for overall direction and coordination of the City organization to provide services and projects in an efficient manner. The City Manager coordinates with community organizations and individuals to ensure the City is responsive to requests and issues of concern.

City Attorney

The City Council appoints a City Attorney to whom it turns for legal advice. She/he is required by law to be present at all City Council meetings to counsel on points of law and to insure that all proper procedures are maintained. The City Attorney also provides legal services to the City Manager and City departments.

Administrative Services

The Administrative Services Department collects and disburses all City monies. It maintains accounting records of all monetary transactions, involving cash receipts, accounts payable, payroll, utility billing, business licensing, and oversees the human resources function of the City. The Department manages the prudent investment of currently idle City funds. It also prepares the proposed annual City budget, in conference with various City department directors and key personnel and under the general direction of the City Manager. Following City Council adoption, the final budget is then prepared.

Legislative and Information Services

The Legislative and Information Services Department is responsible for managing the legislative history of the City; responding to requests for information and researching legislative data for the public, staff, media, and the City Council; recording actions taken at City Council meetings; preparing and distributing City Council meeting agenda packets; coordinating official filings with the California Fair Political Practices Commission; updating the City's Conflict of Interest and Municipal Codes; maintaining official records and archives of the City including ordinances, resolutions, contracts, agreements, deeds, insurance documents and minutes; and conducting elections for the City. The Legislative and Information Services Department also has management oversight of Information Technology for the City and is responsible for the City's website and local government access channel.

Recreation Services

The Recreation Services Department is responsible for providing recreation and leisure opportunities for residents and visitors of all ages. These programs are offered with the hope that they not only meet the community's interests, but also inspire residents to try something new. The Department offers adult and youth programs and classes, sport leagues, childcare programs, and special events which are highlighted in a seasonal Activity Guide. The Recreation Services Department manages scheduling and reservations for all recreational facilities, including parks and barbeque areas, community centers, and athletic fields.

Community Development

The primary goal of the Community Development Department is to assist the community, City Council, and Planning Commission in preparing for the City's future growth and development, as well as review current development plans for consistency with local ordinances. The Department deals with transportation, housing, community facilities, public safety, open space, design, and the use of land. Additionally, the Department oversees economic development efforts to create an atmosphere conducive to the retention, expansion, and creation of quality businesses, consistent with the community's vision of Arroyo Grande. This effort will result in maintaining and increasing the number of jobs and enhancing the fiscal position of the City through increased business tax, sales, tax, and property tax revenues. The capital improvement projects division administers the design, construction and inspection of all publicly funded capital projects. The engineering division ensures all construction in the public right-of-way related to land development entitlements comply with adopted codes and

engineering standards. Engineering is also responsible for all subdivision processing, approval of final subdivision maps, accepting related offers of dedications and entering into agreements to complete subdivision agreements. The Department provides staff assistance for the Planning Commission, Architectural Review Committee, and Downtown Parking Advisory Board.

Public Works

The Public Works Department is responsible for maintaining all City infrastructure (streets, parks, sports complex, city-owned buildings, water and sewer facilities) as well as maintaining the City's vehicle fleet and equipment. The Public Works Department also administers the City of Arroyo Grande Community Tree Program including the administration of tree removal requests.

Police

The mission of the Police Department is to maintain the public peace, safeguard lives and property, and to provide for a quality of life whereby those persons within the City have a sense of security and freedom in their daily activities. To accomplish this, the Department provides a wide variety of public safety-related services. These services are provided through the program areas: Uniformed patrol, traffic management, investigations, crime prevention, delinquency prevention, records management, communications, and disaster management.

Five Cities Fire Authority

Pursuant to the Joint Exercise of Powers Agreement creating the Five Cities Fire Authority (FCFA), the FCFA serves the City of Arroyo Grande to provide its citizens with fire protection and other emergency services. The Fire Prevention Division assists in the elimination of fire hazards through inspection of commercial, residential, and industrial areas. The Fire Division is also responsible for the fire protection requirements on new subdivisions and occupancies.

ORGANIZATIONAL VALUES

We, as an organization, share the following values, which guide our actions and decisions. They serve as the driving force for how we operate and treat our customers and each other. Our collective commitment to these values enables us to create a positive environment in which to work and serve. As a government agency, we also recognize our responsibility to serve at a higher level of ethics and accountability.

PRIDE

We are proud of the important role each of us plays in serving the community and strive to do so through common vision, innovation, and creative problem solving. We are motivated by our responsibility and by those who depend on us to make Arroyo Grande the best place possible for all who live, work and visit here.

SERVICE

We are committed to providing excellent customer service, striving to exceed the expectations of those we serve, both within the community and the organization. We shall be responsive to our customers in a timely, courteous, and friendly manner. While serving our community, we recognize the importance of each individual's needs.

PROFESSIONALISM

We conduct ourselves in a professional manner at all times, treating the public and each other with respect, integrity and honesty. We maintain credibility and trust by applying current knowledge and skills in the interests of those we serve.

TEAMWORK

We work effectively toward achieving common goals through cooperation, coordination and communication. In working together, each of us is committed to doing our part for the benefit of the team. We create a special work environment by supporting each other, recognizing each employee's accomplishments, and maintaining a spirit of humor and fun.

COMMITMENT

We are dedicated, loyal and work hard to always do our best, while continuing to strive for improvement. We hold ourselves accountable for our actions and perform our responsibilities through a deep commitment to benefit the community we serve and to make a positive difference. We strive for the highest quality in the work we do, while carrying out our responsibilities in a fiscally sound and responsible manner. We are passionate about the work we do and care about the people we work with and serve.

GENERAL INFORMATION

The City of Arroyo Grande has the following Advisory Boards (also referred to herein as “commission, committee or board”) authorized by the City Council. They are as follows:

- Planning Commission
- Downtown Parking Advisory Board
- Architectural Review Committee
- Tourism Business Improvement District (TBID) Advisory Board

There are five members on each of the above groups with the exception of the TBID, which consists of nine members. Members of the Planning Commission and Architectural Review Committee must be qualified electors of the City of Arroyo Grande. Members of the Downtown Parking Advisory Board may live outside the City but must own a business in the Downtown District. Members of the TBID Advisory Board may live outside the City but should have knowledge of tourism and/or the lodging industry. The members are appointed by the members of the City Council. Prior to serving, each appointee is required to take the Oath of Office as administered by the City Clerk or his/her Deputy. Upon completion of the Oath, the appointee is authorized to attend meetings and vote.

In the event an individual finds that he or she is unable to perform as a member for reasons of health, business requirements or personal reasons, a formal letter of resignation shall be submitted to the Council. Copies will be forwarded to the City Council, City Manager, City Clerk, the Department Director, and the board, commission, or committee Chair. Additionally, any member of a board, commission or committee may be removed from office by a majority vote of the full City Council. When an unscheduled vacancy occurs, a notice will be posted and applications solicited. An active file of qualified potential citizens is maintained and reviewed by the City Council so that appointments can be made when required without delay. When there is at least one qualified applicant, the appointment will be scheduled for the next City Council meeting. An applicant is appointed to fill that vacancy by the affirmative vote of the majority of the City Council. Appointments made during the middle of a term are for the unexpired portion of that term.

Commissions have the authority and duty to consider, advise and/or recommend to the City Council or staff regarding its commission’s area of interest. These recommendations may encompass, but are not limited to, programming of improvements; land acquisition; development of ordinances and development of public interest. Commissions may have other authorities and duties as the City Council may, by ordinance, confer upon them.

Commission, committee, and board members do not receive a stipend or compensation or benefits of any kind. The City Council, if necessary, will provide funds, equipment, and accommodations necessary for the work of the commission. The City Manager provides staffing for the commissions. It is appropriate for members of commissions to attend conferences, hearings on legislation, and meetings, when

authorized by the City Council. Expenses incidental to a commissioner's attendance are proper charges against the funds appropriated.

All officials of the City, public boards and other commissions shall furnish, upon request and within a reasonable time, such information as an individual commission may require for its work.

In all cases each commission elects its own Chair, who will serve in that position for a period of one year beginning at a time established in its By-Laws. The Chair is not authorized to serve for more than two consecutive terms on any one commission.

How a meeting is run is largely the responsibility of the Chair and is a direct result of that person's approach. The Chair is responsible to expedite consideration of items on the agenda with reasonable time allocated to each. The Chair should make sure that petitioners, proponents and opponents are heard but not permitted to disrupt the meeting; and that all actions are properly moved, seconded, and voted upon.

As an aid to orderly and efficient conduct of meetings, an agenda is prepared in advance of each meeting by the City staff member assigned to the commission. The agenda normally includes public comment, public hearings, consideration of matters referred to them by the City Council, City Manager, and City staff. The agenda is distributed a minimum of 72 hours prior to each regular meeting.

Staff members prepare supporting documents and materials, which are submitted to the commission with their agenda in advance of meetings. It is the responsibility of commission members to familiarize themselves with such information. If necessary, they should make field visits to areas where situations are under commission consideration prior to commission meetings, in order to be fully prepared to discuss, evaluate, and act on matters brought before the commission at its next regular meeting.

The Planning Commission and Architectural Review Committee are required to meet twice monthly, and the TBID meets once monthly. The Downtown Parking Advisory Board meets as needed. Subject to proper notice and when a quorum is present, special meetings may be called by staff or the Chair for the transaction of business. It is expected that all commission members will make an earnest effort in performance of their duties and shall attend at least seventy-five percent (75%) of the meetings of the bodies on which they serve, unless they have an approval for an extended absence by the City Council.

Further, an individual commissioner shall not miss more than three consecutive meetings without prior consent of the City Council. Such unexcused absences shall constitute the resignation of such absent member and the position shall be declared vacant. It is incumbent upon each commissioner to study the applicable basic laws and ordinances and to become familiar with and participate in all functions of the commission. Above all, each commissioner should demonstrate, by his/her every official act, that he/she considers his/her public office to be a public trust.

All finalized actions taken by any given commission are based on a majority vote of the commission. Sturgis' Standard Code of Parliamentary Procedure relating to voting procedures will apply. In the event a commissioner abstains during any vote, it will be a policy that such abstention be explained in sufficient detail so it can be clearly reflected in the record. A general summary of policies and procedures for conducting business is provided in this Handbook.

There may be times when an individual commissioner is inclined to contact City employees regarding commission business. All commission business is conducted through the City staff representative assigned to the commission. In the event that avenue is unavailable, contact should be made with the City Manager. City employees may be directed only by the City Manager and department director to whom they are assigned.

Commissioners are encouraged to contact the staff representative assigned to their commission with questions or concerns regarding agenda items prior to meetings. This will enable staff to be better prepared to accurately respond to commissioners' questions.

The occasional exception to this rule is in instances where an individual commissioner may require additional material or clarification on data being submitted, in which case the appropriate commission secretary may be able to provide the information. Formal transactions with the City Council shall be through the commission Chair.

The State of California has established strict regulations regarding communications by elected officials and appointed advisory bodies. A summary of these regulations starts on Page 45.

Certain commissions are required by State law to adopt rules for the transaction of their business. Such rules properly should include the time and place of regular meetings; designation of a quorum; how special meetings may be called; the title of officers, with their duties and terms of office specified; and such standing or special committees as may be necessary.

Regardless of whether or not State laws govern, each commission is responsible for maintaining a public record of its resolution, findings, and determinations. Further, each commission is required to adopt specific rules and regulations pertaining to its meetings and the transactions of its business.

Primarily, the commission itself is established to assure citizen participation in the particular program responsibility; however, the City Council may desire to have a more general citizen participation on a particular project. One satisfactory way to get such active participation is for the City Council to appoint special subcommittees to assist the City Council when required. A commission may appoint a subcommittee of its members for limited purposes.

The City of Arroyo Grande has professional and civic groups whose assistance can be secured. Such groups can normally be expected to respond to an invitation to designate members to serve on an advisory committee to help the City Council work out a plan for some project of direct interest to it. Usually such advisory committees are not permanent, but are appointed to assist with some specific project or plan. The City Council welcomes ideas and appreciates the support a well-selected advisory committee can produce.

The City Council of Arroyo Grande is aware of the fact that no person can serve two masters who have interests in conflict and that appointees to commissions of the City must be ethical in official business.

In order to provide a guide from which commissioners may measure their own action and upon which they may be judged by those whom they serve, the following is provided:

1. Never use information received in the performance of duty as a means for making private profit or advancing the financial interests of others.
2. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.
3. Do not accept gifts or benefits that could be construed by reasonable persons as influencing the performance of official duties.
4. Make every effort to find more efficient and economical ways of accomplishing assigned missions.
5. Exercise caution so that a statement cannot be construed as a promise that would be binding upon the duties of office inasmuch as private word can be binding on public duty.
6. Avoid negotiations entered into by the City involving sale of goods or materials while acting in the capacity of a City Council appointee. In the event this occurs, Number 7 below applies.
7. Disqualify yourself promptly from consideration and determination and state the nature of your interest on a matter that involves conflict of interest.
8. Do not vote on any matter in which you or any person, firm or corporation from which you are an attorney, officer, director, employee or agent has a financial interest.
9. State law requires that commissioners must file "Statement of Economic Interests" forms and levies fines against individuals who do not meet the established deadline. Forms with deadlines are provided to all commission, board, and committee members by the City Clerk. More information about this is provided in this Handbook. Ethical standards adopted by the City Council are also provided in this Handbook.

It is an important goal for the City to ensure that all speakers at meetings feel welcome and all applicants feel appreciated for their desire to invest in our community. The relationship between advisory bodies and staff plays an important role in maintaining employee morale and effectiveness. Lastly, the way in which commissioners interact with each other is critical to maintaining trust and pride in the City by its citizens. Therefore, it is of utmost importance to address all meeting participants with respect and professionalism. Commissions play an important role in accomplishing the City's overall customer service goals. Included on Page 8 are organizational values established by the City that serve as guidelines to how we treat others and make decisions.

RELATIONS

Relations with City Council.

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

Relations with City Staff.

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

Commissions may not direct staff to initiate major projects without approval from the City Council, and individual commission members may not direct staff to initiate any program or study. Individual board and commission members may make requests of City staff for research information and the like without the formal concurrence of a majority of the member's colleagues; provided, however, that such requests are through the appropriate Department Director.

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

Relations with Fellow Commission Members.

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

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

Commission Relations with the Public.

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

Relationship with other Commissions.

From time to time, issues come before the City that involve two or more commissions. When this occurs, each commission should focus on their own advisory responsibilities, not on areas that are under the jurisdiction of other commissions. The responsibilities of the commissions are, at times, very close to one another, and care should be taken to avoid overlapping to the greatest degree possible.

Commission Relations with Media.

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

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

COMMISSIONS, COMMITTEES, AND BOARDS

PLANNING COMMISSION

INTRODUCTION

The Planning Commission is responsible for advising the City Council and Community Development Department on all matters pertaining to the growth and development of the City.

QUALIFICATIONS

The Planning Commission shall consist of five members, who shall be qualified electors of the City, but who shall not otherwise be officials of the City.

GENERAL PURPOSES AND DUTIES

The Planning Commission shall have the responsibility to:

1. Investigate and make recommendations to the City Council regarding reasonable and practical means for implementing the General Plan or any element thereof, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and for the efficient and effective expenditure of public funds relating to the subjects addressed in the General Plan.

2. Provide annual reports to the City Council on the status of the General Plan and progress in its implementation.

3. Clarify ambiguities regarding Municipal Code Title 16 as set forth in Section 16.04.050.

4. Review and approve the following:

- Conditional Use Permits
- Surface Mining Permits
- Variances
- Tentative Maps
- Vesting Tentative Maps
- Lot Line Adjustments
- Lot Mergers
- Reversion to Acreage
- Certificate of Compliance
- Notice of Violations
- Planned Sign Program

Viewshed Review Permits (if necessary)
Planned Unit Development Permits
Extensions of Time (for projects originally approved by
Planning Commission)
Architectural Review
Historical Preservation Review
Appeals of Community Development Director Determinations

5. Make recommendations to the City Council on the following:

General Plan Amendments
Specific Plans and Amendments to Specific Plans
Amendments to Title 16 pursuant to Section 16.16.040(B);
Development Agreements
Permits, Licenses, or Approvals within an Approved
Planned Development

AUTHORITY

The Planning Commission is authorized by the Arroyo Grande Municipal Code Title 2, Chapter 2.18.

MEETINGS

The meetings shall be held on the first and third Tuesdays of the month at 6:00 p.m. in City Council Chambers. Meetings are televised live on Arroyo Grande's Government Access Channel 20 and then rebroadcast each day for one week at 9:00 am, 6:00 pm, and 1:00 am and the following Thursday and Sunday at 6:00 pm. Special meetings may be called as required.

TERMS OF OFFICE

Members of the Commission shall serve for a term ending the January 31st following the expiration of the term of the respective appointing Mayor or Council Member, as applicable. Members of the Commission may be removed prior to expiration of their terms by a majority vote of the Council.

ORGANIZATION

The Planning Commission shall appoint a Chair and Vice-Chair. The terms of office of the Chair and Vice-Chair shall be established by the Commission.

STAFF LIAISON

The Director of Community Development is the Planning Commission staff liaison. The Director, or his or her designee, shall act as Secretary to the Planning Commission and shall maintain accurate minutes of the actions of the Commission.

AGENDA ITEMS

Items are placed on the agenda by the Director of Community Development. Any citizen may request an item be placed on the agenda for hearing, provided it is submitted in writing to the City Manager, the Director of Community Development, or any member of the City Council. Members of the commission may request an item be placed on the agenda in the same manner or on subsequent agendas during the discussion period of any regular meeting.

APPEAL OF COMMISSION RECOMMENDATIONS

Any citizen may appeal a recommendation or decision of the Planning Commission to the City Council. The appeal must be submitted in writing to the City Clerk within ten (10) calendar days following the date of action for which an appeal is made.

DOWNTOWN PARKING ADVISORY BOARD

INTRODUCTION

The Downtown Parking Advisory Board is responsible for advising the City Council on the use of funds acquired within the parking assessment district.

QUALIFICATIONS

The members of the Downtown Parking Advisory Board shall consist of five members, appointed by the City Council. Such members are to be persons who have businesses within the "Area" and pay an additional levy of license taxes as provided for by Municipal Code Title 3, Chapter 3.28.

GENERAL PURPOSES AND DUTIES

The duties and responsibilities of the Downtown Parking Advisory Board shall be to advise the City Council and make recommendations as to how the revenue derived from the additional levy of license taxes shall be used and to have and to perform such other powers and duties as the Council may determine.

AUTHORITY

The Downtown Parking Advisory Board is authorized by Section 3.28.090 of Chapter 3.28, Title 3 of the Arroyo Grande Municipal Code.

MEETINGS

Meetings shall be held as needed in the City Council Chambers.

TERMS OF OFFICE

Members of the Board shall serve for a term ending the January 31st following the expiration of the term of the respective appointing Mayor or Council Member, as applicable. Members of the Board may be removed prior to expiration of their term by a majority vote of the Council.

ORGANIZATION

The Downtown Parking Advisory Board shall appoint a Chair and Vice-Chair. The terms of office of the Chair and Vice-Chair shall be established by the Commission.

STAFF LIAISON

The Community Development Director is the staff liaison for the Downtown Parking Advisory Board. The Community Development Director shall appoint a Secretary to the Board who shall maintain accurate minutes of the actions of the Board.

AGENDA ITEMS

Items are placed on the agenda by the Chair in conjunction with the Director of Community Development. Any citizen may request an item be placed on the agenda for hearing, provided it is submitted in writing to the City Manager, the Director of Community Development, or any member of the City Council. Members of the board may request an item be placed on the agenda in the same manner or on subsequent agendas during the discussion period of any regular meeting.

APPEAL OF BOARD RECOMMENDATIONS

Any citizen may appeal a recommendation or decision of the Downtown Parking Advisory Board to the City Council. The appeal must be submitted in writing to the City Clerk.

ARCHITECTURAL REVIEW COMMITTEE

INTRODUCTION

The Architectural Review Committee shall advise the Community Development Department, Planning Commission, and the City Council on those aspects of an aesthetic nature and structural analysis of the buildings in the City.

QUALIFICATIONS

The Committee shall consist of five (5) members. Three (3) members should have technical design and/or landscaping design knowledge and experience and should be able to read and interpret mechanical, architectural and engineering drawings as they relate to the appearance of a proposed building, signage, structure, and landscaping upon a site and the surrounding community. The two (2) other members of the Committee may, but need not, have technical design and/or landscaping design knowledge and experience. As vacancies occur, staff would advise Council Members recommending appointments of the current background of existing ARC members so that a determination can be made whether a technical or non-technical member is needed for replacement on the Committee. If there are multiple vacancies, which do not all require the technical qualifications, it would require Council Members recommending appointments to coordinate their recommendations.

GUIDING PURPOSES IN REVIEWING PROJECTS

In reviewing projects, the Architectural Review Committee shall be guided by the following purposes and intent:

- Ensure consistency with the General Plan and compliance with the Provisions of this Title;
- Recognize the interdependence of the land values and aesthetics and to provide a method by which the City may implement this interdependence to its benefit and to the benefit of its individual citizens;
- Preserve and enhance the beauty and environmental amenities of the City;
- Promote and protect the safety, convenience, comfort, prosperity, and general welfare of the citizens of the City.

FUNCTIONS, DUTIES, AND PROCEDURES

The function of the Committee shall be to make recommendations to the Council, Commission and/or Community Development Director (the "Director") regarding the administration of the provisions of this Title, whenever applicable, in a manner that will:

- Be consistent with the requirements of the General Plan and of this Title;
- Develop and maintain a pleasant and harmonious environment;
- Promote and enhance real property values;

- Conserve the City's natural beauty;
- Preserve and enhance its distinctive visual character;
- Ensure the orderly and harmonious development of the City;
- Preserve the historic structures and neighborhoods.

The Committee shall prepare, review, and recommend appropriate architectural standards and guidelines, subject to Commission and Council approval. Standards and guidelines are to be set forth in pictorial and/or narrative form, and may illustrate undesirable as well as desirable examples of design. The Committee shall periodically review these standards and guidelines and may make recommendation for appropriate amendments.

The Committee shall make itself available to advise and assist the Council, Commission and Director in the application of its architectural standards and guidelines to projects during schematic and development stages.

The Committee shall review and make recommendations to the Council, Commission and/or Director regarding applications for Architectural Review and Planned Sign Program review, pursuant to the Development Code, unless the Committee or the Director certifies that the nature of the work is minor or incidental and need not be reviewed by the Committee. When, in the opinion of the Director, applications for projects other than architectural or sign review may create an architectural impact contrary to the objective of this Ordinance, the Committee may review the application prior to the Planning Commission and/or City Council hearings.

The Committee shall have the authority to review and approve plans pursuant to conditions of project approval imposed by the Planning Commission or City Council.

AUTHORITY

The Architectural Review Committee is authorized by the Arroyo Grande Municipal Code Title 2, Sections 2.19.010 through 2.19.090.

MEETINGS

Regular meetings shall be held on the first and third Monday of each month at 2:30 p.m. in the City Hall Upstairs Conference Room. Special meetings may be called as necessary.

TERMS OF OFFICE

Members of the Committee shall serve for a term ending the January 31st following the expiration of the term of the respective appointing Mayor or Council Member, as applicable. Members of the Committee may be removed prior to expiration of their term by a majority vote of the Council.

ORGANIZATION

The Architectural Review Committee shall adopt bylaws, which shall establish rules, regulations, and procedures to conduct meetings. The bylaws shall include provisions for appointment of a Chair and a Vice-Chair. The terms of office of the Chair and Vice-Chair shall be established by the Commission.

STAFF LIAISON

Staff shall consist of a member of the Community Development Department appointed by the Community Development Director. Action minutes shall be prepared and maintained for all meetings.

AGENDA ITEMS

Items are placed on the agenda by the Chair in conjunction with the Director of Community Development. Any citizen may request an item be placed on the agenda for hearing, provided it is submitted in writing to the City Manager, the Director of Community Development, or any member of the City Council. Members of the commission may request an item be placed on the agenda in the same manner or on subsequent agendas during the discussion period of any regular meeting.

APPEAL OF RECOMMENDATION

Any affected person may appeal a decision of the Community Development Director or the Architectural Review Committee to the Planning Commission. A decision of the Planning Commission on such appeal may be further appealed to the City Council, whose decision shall be final.

TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) **ADVISORY BOARD**

INTRODUCTION

The TBID Advisory Board shall be responsible for advising the city council in the administration and use of the assessment funds. The Board recommends projects to the City of Arroyo Grande to promote tourism to directly benefit the City's lodging industry.

QUALIFICATIONS

The members of the TBID Advisory Board may live outside the City but should have knowledge of tourism and/or the lodging industry and shall serve without compensation. The members of the Board shall include a minimum of three but not more than nine members of the public, 2/3 of which shall be owners of lodging businesses within the AGTBID or others with knowledge of tourism and/or lodging industry.

GENERAL PURPOSES AND DUTIES

A. The function of the Board shall be to make recommendations to the City Council regarding the administration and use of lodging assessment funds.

B. The Board shall prepare, review and recommend appropriate projects to the City of Arroyo Grande to promote tourism to directly benefit the City's lodging industry.

C. The Board shall have the authority to review and approve use of assessment funds as defined in the City Council approved TBID budget. Any expenditures not defined in the TBID budget shall be approved by the City Council.

D. Pursuant to Streets and Highways Code Section 36533, the Advisory Board shall prepare an Annual Report, which is to be submitted to the City Council for its review and approval.

AUTHORITY

The TBID Advisory Board is authorized by the Arroyo Grande Municipal Code Title 3, Section 3.46.100.

MEETINGS

The meetings shall be held on the fourth Monday of the month at 3:30 p.m. at the South County Chambers of Commerce. Special meetings may be called as required.

TERMS OF OFFICE

Members of the Board shall serve a four-year term as appointed by the City Council. Members of the Board may be removed prior to expiration of their term by a majority vote of the Council.

ORGANIZATION

The TBID Advisory Board shall adopt bylaws, which shall establish rules, regulations, and procedures to conduct meetings. The bylaws shall include provisions for appointment of a Chair and a Vice-Chair. The terms of office of the Chair and Vice-Chair shall also be established by the Board.

STAFF LIAISON

The City Manager or his or her designee is the staff liaison to the TBID Advisory Board. The City has entered into an agreement with the Chamber of Commerce to administer and manage the activities of the AGTBID and its Advisory Board.

AGENDA ITEMS

Items are placed on the agenda by the South County Chambers of Commerce CEO or staff liaison. Any citizen may request an item be placed on the agenda for hearing, provided it is submitted in writing to the City Manager or any member of the City Council. Members of the Board may request an item be placed on the agenda in the same manner or on subsequent agendas during the discussion period of any regular meeting.

APPEAL OF RECOMMENDATIONS

Any citizen may appeal a recommendation or decision of the TBID Advisory Board to the City Council. The appeal must be submitted in writing to the City Clerk.

DATES AND TIMES OF MEETINGS

City Council

Every 2nd and 4th Tuesday of each month
Council Chambers 6:00 p.m.

Planning Commission

Every 1st and 3rd Tuesday of each month
Council Chambers 6:00 p.m.

Downtown Parking Advisory Board

As Needed
Council Chambers

Architectural Review Committee

1st & 3rd Monday of each month
City Hall Conference Room 2:30 p.m.

Tourism Business Improvement District (TBID) Advisory Board

4th Monday of each month
South County Chambers of Commerce 3:30 p.m.

POLICY/PROCEDURE FOR CONDUCTING BUSINESS

The following guidelines were established to assist the City Council in the conduct of City business and are procedural only. These guidelines should also be followed by the members of the City's various Commissions, Committees, and Boards. Failure to strictly observe such procedures shall not affect the jurisdiction of the Council nor invalidate any action taken at a meeting that is otherwise held in conformance with the law.

Except as otherwise provided for in this Policy, any special rule adopted by the City Council, or as otherwise provided by state statute, the procedures of the City Council meetings shall be governed by the latest revised edition of "*Sturgis Standard Code of Parliamentary Procedure*", as modified by Council practices. The City Attorney is designated as the parliamentarian for City Council meetings. The City Manager shall preside as the parliamentarian in the City Attorney's absence.

1. MEETINGS

- A. The City Council shall meet in regular session on the second and fourth Tuesday of each month.
- B. Business at regular sessions shall be conducted from 6:00 PM to 11:00 PM only, unless extended by unanimous consent of the City Council Members present.
- C. A special meeting may be called at any time by the presiding officer or by a majority of the City Council.
- D. The order of business for the City Council shall be as arranged by the City Manager, except for matters set at a specific time by the Council.

2. ADDRESSING THE CITY COUNCIL

- A. Each person desiring to address the Council shall proceed to the speaker's stand upon recognition from the Mayor. The speaker shall state for the record his/her name and address. Unless further time is granted by the Mayor, (unless overruled by a majority vote of the Council), the speaker shall limit his/her remarks to three (3) minutes unless special circumstances exist. All remarks shall be pertinent to the subject at hand. All remarks must be addressed to the Council as a whole and not to any Member individually. No questions shall be asked of a Council Member or member of City staff without the permission of the Mayor.
- B. In order to avoid repetitious presentations and delay in the business of the Council, whenever any group of persons wishes to address the Council on

the same subject matter, it shall be proper for the Mayor to request a spokesperson be chosen by the group to represent its position. The Mayor may, in his discretion, grant additional time for a speaker that has been recognized or designated by a group to present comments on their behalf.

- C. After a motion has been made and seconded, 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 from the Mayor or a majority vote of the Council.

3. DISTURBANCE OF CITY COUNCIL MEETINGS

The following procedure and format will be used by the City Council to address disruptive persons at a Council Meeting:

- A. The Presiding Officer shall make the following announcement:

As the Presiding Officer, I am advising you that your comments have violated the City Council's rules of procedure for addressing the City Council and you are causing a serious disruption to this meeting. I must ask you to immediately cease the disturbance before further action is necessary. At this time, I am going to recess the meeting for 10 minutes. We will then reconvene our meeting.

- B. Recess and call for police to be present when meeting reconvenes.

- C. If the disturbance continues after reconvening the meeting, the Presiding Officer shall make the following announcement:

As Presiding Officer, since you are continuing this disturbance, I must advise you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor. If you do not immediately cease this disturbance, I will request the police to arrest you under Penal Code Section 403.

- D. If the disturbance continues, request the police to come forward to make the arrest. (Government Code Section 54957.9)

4. PROCEDURES

- A. Council ordinances and resolutions must be reviewed in written form before binding action is taken on same.

- B. A Council order applies mainly as a directive to City officers or employees. It need not be in writing, as it generally applies to one specific act only.
- C. In the absence or inability of the Mayor and the Mayor Pro Tem to attend a meeting of the City Council, the Members present shall select one Member to temporarily preside.
- D. A motion shall not be debated or “put to vote”, unless the same is seconded. When a motion is seconded, if requested, it shall be stated by the Mayor or the City Clerk before debate.
- E. Upon a motion having been made and seconded, it shall be deemed to be in possession of the Council, but it may be withdrawn at any time, before decision or amendment, with the assent of a second.
- F. A Member called to order should relinquish the floor, unless permitted to explain; and the Council, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Mayor shall be final.
- G. Upon demand of any Council Member, or at the discretion of the Mayor, the vote shall be by roll call, except that the vote on all ordinances or resolutions shall be by roll call vote.
- H. Tie votes shall be lost motions.
- I. Tie votes on the appeal of a Commission/Board/Committee or staff decision sustain the action of the Commission/Board/Committee, or staff.
- J. Every Council Member, unless disqualified by reason of a conflict of interest or as otherwise provided by law, shall cast his/her vote upon any matter put to vote by the legislative body.
- K. Any Council Member who abstains from voting without a valid reason shall be deemed to have voted with the majority on that particular issue.
- L. A Council Member who publicly announces that he/she is abstaining from voting on a particular matter for specified reasons shall not subsequently be allowed to withdraw that abstention.

- M. In order to avoid any attack on the validity of Council hearings, Council Members shall avoid forming final conclusions or making commitments with proponents and opponents during any meetings, conferences, or discussions regarding the merits of the matter or issue before the body, including but not limited to, specific zoning and related land-use proposals, comprehensive planning, and like matters.
- N. A motion to reconsider a legislative or quasi-legislative action taken by the Council may be made only at the same meeting at which the action was taken. Quasi-judicial actions shall not be subject to a motion to reconsider.

5. COMMITTEES

- A. The Council shall appoint committees as deemed necessary for the proper conduct of City business.
- B. No committee shall include in its membership more than two (2) Council Members.
- C. The City Manager, or his/her designee, shall be an ex-officio member of all committees.

6. AGENDAS

- A. Agendas for the Council will be prepared by the City Manager.
- B. The purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council Goals, Long Term Financial Plan and Budget, Critical Needs Action Plan and also work programs, objectives, and business of the City as established by the City Council. Agenda items may also include, but not be limited to, recommendations to the City Council from advisory bodies, public hearings for land use and zoning actions or appeals, awarding bids, contracts, agreements, and adoption of resolutions and ordinances establishing various City regulations or policies. Agenda items will be within the policy context established by the Council, the scope of existing work programs, and within the jurisdiction of the City.

For items that are of a regional, State, or Federal nature, including but not limited to proposed legislation, the item may be placed on the City Council agenda if it meets any of the following criteria:

1. Items that will result in any direct significant financial impact to the City;
2. Items that involve new regulations, requirements or other impacts that will result in a significant impact to staff workload or adversely impact Arroyo Grande businesses or citizens;
3. Items that will create or increase a fee, tax or other charge unique to Arroyo Grande residents.

B. Agendas shall be posted on a bulletin board, publicly accessible, in City Hall and/or the Council Chamber, and posted on the City website.

7. COUNCIL MEMBER REQUESTS AND QUESTIONS

A. Under the Council Communications portion of the meeting agenda, Council Members may ask a question for clarification, make an announcement, or report briefly on his or her activities. Council Members may also request staff to report back to the Council at a subsequent meeting concerning any matter or request that staff place a matter of business on a future agenda. Any request to place a matter of business for original consideration on a future agenda requires the concurrence of at least one other Council Member.

B. Proper action will then be taken by staff.

8. MISCELLANEOUS

A. Items referred to departments for action by the City Council shall be routed through the City Manager's Office.

B. The City Council shall occasionally review this Policy/Procedure.

C. Amendments to this Policy/Procedure shall be by majority vote of the Council.

CONFLICT OF INTEREST

1. The duties of an advisory body member shall be performed in good faith and in a manner which the member believes to be in the best interest of the City.
2. It is improper for any member of an advisory body to utilize, for personal financial gain or in an otherwise self-dealing manner, any information which is received by reason of said membership and is not a matter of public record.
3. No member of an advisory body shall have a financial interest in any contract or other transaction involving that advisory body. The member shall promptly disclose such interest in any proposed activity of the advisory body and shall not participate in any related deliberations or actions of that body, nor vote on the matter. Participation when such interests exist are prohibited by law (reference Government Code Section 1090).
4. Potential conflicts of interest may arise when an advisory body member serves on another board within the community and there is a clash of duties between the two positions, e.g. when one board exercises supervisory, auditory, or removal powers over the other.
5. The Political Reform Act of 1974, as amended (Government Code sections 81000-91014) and the City's Conflict of Interest Code require certain elected and appointed officials and designated employees to disclose certain personal financial holdings. Some of the City's advisory bodies are solely advisory, meaning that final decisions are made by the City Council. However, the following City advisory bodies have limited decision-making authority, and are required to file Form 700 with the Office of the City Clerk:

Planning Commission
Downtown Parking Advisory Board
Architectural Review Committee
Tourism Business Improvement District (TBID) Advisory Board

Filing dates for Form 700 are as follows:

- Assuming Office Statement – Must be filed within 30 days of taking office
- Annual Statements – Must be filed by April 1st of each year
- Leaving Office Statement – Must be filed within 30 days of leaving office.

ETHICAL STANDARDS

CITY OF ARROYO GRANDE ADMINISTRATIVE POLICY AND PROCEDURE A-030

POLICY:

It shall be the City's policy to have fair, ethical and accountable local government, which has earned the public's confidence for its integrity. To do this requires that public officials be independent, impartial and responsible in their judgment and actions to the people. City employees are also in a position of public trust and have an obligation to do their jobs in the spirit of public service. As such, it is the City's policy that City officials and employees conduct themselves in an ethical manner, both on and off the job, and in a manner that does not present the appearance of a conflict of interest.

PROCEDURE:

A. Act in the Public Interest

Recognizing that stewardship of the public interest be their primary concern, officials and employees shall work for the common good of the people of Arroyo Grande and not for any private or personal political or financial business interest. Officials and employees shall assure fair and equal treatment of all persons, claims and transactions.

B. Comply with the Law

Officials and employees shall comply with all federal, state and local laws in the performance of their duties. These laws include, but are not limited to, the Constitutions of the United States of America and State of California; the City of Arroyo Grande Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and other City resolutions and policies.

C. Personal Conduct

The conduct of officials and employees must be above reproach and avoid the appearance of any impropriety. Officials and employees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other officials, employees or the public. Officials and employees shall conduct their official and private affairs so as not to give the impression that they can be improperly influenced in the performance of their duties. Officials and employees will make impartial decisions, free of bribes, unlawful gifts, narrow political interests and be truthful in what they say and do.

D. Use of Public Resources

Officials and employees shall not use public resources that are not available to the public in general for private gain or personal purposes. Officials and employees shall use their titles and City letterhead for official City business related purposes only.

E. Respect for Established Processes and Procedures

Officials and employees shall perform their duties in accordance with the processes and rules of order established by the City Council, City Manager and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

F. Conduct of Public Meetings

Officials and employees shall prepare themselves for public issues, listen courteously and attentively to all public discussions, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

G. Decisions Based on Merit

Officials and employees shall base their decisions on the merits and substance of the matter at hand rather than on unrelated considerations.

H. Conflict of Interest

To assure independence and impartiality on behalf of the common good, officials and employees shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest. In accordance with the law, officials and designated employees shall disclose investments, interests in real property, sources of income, and gifts. They shall also abstain from participating in deliberations and decision-making where conflicts may exist. However, this does not preclude the right of any individual to participate in deliberations as a member of the general public.

I. Gifts and Favors

Officials and employees shall not take any special advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits that might compromise their independence of judgement or action or give the appearance of being compromised.

J. Confidentiality

Officials and employees shall respect the confidentiality of information concerning litigation, personnel, property, or other affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

K. Advocacy

Officials and employees shall represent official policies and positions of the City to the best of their ability when designated for this purpose. When representing individual opinions and positions, officials and employees shall explicitly state they do not represent their body or the City of Arroyo Grande, nor will they allow the inference that they do.

L. Roles of Officials and Employees

Officials and employees shall respect and adhere to the Council-Manager structure of government as outlined in the City of Arroyo Grande Municipal Code. In this structure, the City Council determines policies of the City with the advice, information and analysis provided by the public, boards and commissions, and staff. Elected and appointed officials shall not interfere with the administrative functions of the City or professional duties of City staff. City employees shall not take actions that establish or conflict with policy decisions reserved for the City Council's authority. In order to maintain the value of the independent advice of boards and commissions, the City Council shall also refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

M. Travel

To effectively conserve City resources, officials and employees shall attempt to use the most reasonable, economical and cost efficient means of travel related expenditures when conducting City business for which the City may reimburse them.

N. Positive Work Place Environment

Officials and employees shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Officials and employees shall be committed to the organization's value statements, which serve as the overall guideline to how officials and employees treat each other and the customers the City serves.

O. Implementation

Officials and employees have the primary responsibility to assure that ethical standards are understood and adhered to and that the public can continue to have full confidence in the integrity of its government. Therefore, the following measures shall be taken on an ongoing basis to inform and reinforce the ethical standards of conduct described in this policy and procedure:

1. Ethical standards shall be included in the regular orientation for newly elected and appointed officials, board members and commission members, and employees.
2. Ethics training shall be required every two years for all elected officials, board members and commissioners, and department directors. Training shall be required every three years for all other City employees. Those required to complete training shall have the option of attending and/or participating in programs provided by:

- a. League of California Cities
 - b. Central Coast Employment Relations Consortium
 - c. Institute for Local Government
 - d. State of California Department of Justice
 - e. Special training programs contracted directly by the City or provided by the City Attorney
3. Each individual shall obtain and provide to the City Clerk a certificate of completion.
 4. The Mayor and chairs of boards and commissions have the responsibility to intervene when actions of fellow officials appear to be in violation of the City's Ethics Policy are brought to their attention. If the Mayor or Chair is the subject of the complaint, the Mayor Pro Tem or vice Chair shall be responsible. Employees may be subject to disciplinary action when conduct does not comply with these ethical standards. Employees are expected to secure the advice from their department director or City Manager when in doubt about the meaning or application of any conduct requirement applying to their specific situation.

BROWN ACT

The State Legislature has declared that the actions of public bodies be taken openly and that their deliberations be conducted openly. California's Ralph M. Brown Act (found in the Government Code Sections 54950 through 54961), also known as the "open meeting law," applies to all advisory bodies, and requires that they:

1. Meet within the jurisdictional limits of the City.
2. Post the agenda 72 hours before a regular meeting containing a brief general description of each item of business to be transacted or discussed.
3. Hold open and public meetings.
4. Give notice of the meetings to any requesting party at least 24 hours prior to the meeting.
5. Provide in bylaws or rules for time and place of regular meetings, if regular meetings are to be held.

A **meeting** is defined as a gathering of a majority (quorum) of the advisory body for the purpose of discussing items before the body or conducting other business of the body. It is important to understand that the Brown Act generally prohibits any action or discussion of items not on the posted agenda.

There are **posting requirements** for advisory body agendas:

Regular Meetings – 72 hours in advance

Special Meetings – 24 hours in advance

Adjourned Meetings – a regular or special meeting may be adjourned to a specific time and place (usually to continue a public hearing or other business). A special notice is required and should be posted within 24 hours of adjournment.

BROWN ACT PROVIDES FOR PUBLIC COMMENTS

The Brown Act mandates that regular meeting agendas allow for two types of public comment periods. The first is a general audience comment period, where the public can comment on any item of interest that is within subject matter jurisdiction of the local agency and that is not listed on the posted agenda. This general audience comment period may come at any time during a meeting (§54954.3).

The second type of public comment period is the specific comment period pertaining to items on the advisory body's agenda. The Brown Act requires that the advisory body allow these specific comment periods on agenda items to occur prior to or during the advisory body's consideration of that item (§54954.3), including consent calendar items.

Public Comments at Special Meetings. The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to speak about any item listed on the agenda prior to the advisory body's consideration of that item (§54954.3). Therefore, for special meetings, advisory bodies must allow public comments for items on the agenda, however (unlike regular meetings), a public comment period for items not on the agenda is not required.

Limitations on Length and Content of Public's Comments. The Brown Act allows a legislative body to adopt reasonable regulations limiting total amount of time allocated for public testimony. In Arroyo Grande, the typical time limit for speakers is three (3) minutes.

It is not permissible to prohibit public criticism of policies, procedures, programs, or services of the City or acts or omissions of the City (§54954.3(c)). This does not mean that a member of the public may speak on "anything." If the topic is not within the subject matter jurisdiction of the advisory body, the Chair should remind the speaker to direct his/her comments to only those subjects within the advisory body's purview.

COMMON QUESTIONS ABOUT THE BROWN ACT

The following is intended to give advisory body members a broad understanding of the Brown Act. Please consult with the staff liaison, the City Clerk, or the City Attorney for more specifics.

1. What are serial meetings?

A serial meeting is any direct communication amongst a majority of the members, outside of a meeting, to develop a collective concurrence as to action to be taken on an item by the members. Serial meetings are strictly prohibited by the Brown Act. Even though a majority of members never gather in a room at the same time, a Brown Act violation may occur if ideas are exchanged among the majority by going through any person acting as an intermediary (including staff), and/or through the use of a technological devices, e.g. telephone answering machine, computer email, or voice mail.

2. What are some examples of serial meetings?

The most common example of a serial meeting is when "Member A" calls "Member B" and then "Member B" calls "Member C," and so on to share ideas among a majority of the advisory body.

Another example: A member of a five-member advisory body receives a letter regarding City business and writes a note on that letter that says "I agree," and then provides a copy of the letter to two other members.

Email can also be troublesome. Here's an example of how easy it can be to unintentionally conduct a serial meeting: A staff member sends out via email a document in draft form for review by the advisory body prior to a meeting. "Member A" recommends to staff a revision and copies fellow advisory body members. "Member B" disagrees with the proposed change and others begin to "weigh in" on the subject.

3. This seems restrictive . . . aren't there any exceptions?

Of course, prohibition against serial meetings does not prohibit all communication between individuals regarding City business. The Brown Act only prohibits use of serial meetings for the purpose of "developing a collective concurrence" concerning an issue. This does not prohibit a staff person from "briefing" members provided that the briefing is limited to furnishing information, and the staff person does not solicit opinions concerning an appropriate course of action for City and then share them among the members.

4. What's a Quorum?

A quorum is the majority (more than half) of the total number of established members of the committee. A quorum must be present for any business discussion or action to take place. A quorum must be present for the duration of a meeting. If a member leaves during the meeting, resulting in the lack of a quorum, no further business may be conducted and the meeting must be adjourned. If vacancies exist on the advisory body, those vacant positions still count towards the quorum. For example, if one seat is vacant on a five-member body, and two members are absent there is not a quorum.

5. If a member is absent, can he/she still vote?

No, only members physically present at a meeting may participate and vote when a quorum is present. Voting shall not occur by proxy.

6. What are some exceptions to the Brown Act?

Advisory body members may attend and/or participate in the following events as long as a majority of the members do not discuss amongst themselves matters that are within the subject jurisdiction of the advisory body:

- Informational or educational workshops or conferences
- Community meetings, such as town hall meetings, workshops, forums, etc. not sponsored by the advisory body
- A meeting of another body of the local agency
- Social or ceremonial events.

7. Can an advisory body conduct a retreat?

"Team building" or "goal setting" retreats may be held, but they must be held within the City, be properly noticed, and be open to the public.

PROTOCOL REGARDING COMMUNICATIONS WITH PROJECT APPLICANTS

The following are informal protocol guidelines and procedures that have been established regarding meetings between developers and City Council members to discuss upcoming projects. These guidelines should also be followed by the members of the City's various Commissions, Committees, and Boards.

1. When meeting with a project applicant, a council member should state that they represent one vote on the City Council and any statements represent the opinion of the individual council member only. Formal direction or action requires consideration and approval by a majority of the City Council at a lawfully scheduled and notified meeting.
2. A council member should encourage the applicant to meet with all other members of the City Council and to seek their input.
3. When a council member meets with an applicant regarding a potential project, the council member should attempt to notify the City Manager when possible. When appropriate, the City Manager will contact the applicant and request they meet with other members of the City Council.
4. If any materials are provided by an applicant, the council member should provide them to the City Manager, who will forward copies to each of the other members of the City Council.
5. A council member may request staff to attend a meeting if desired. If staff attends, it should be communicated to the applicant that staff is present to answer any process or technical questions. It is not appropriate for staff to participate in discussion regarding the merits of the project at such a meeting.
6. While the meeting is an appropriate opportunity to express concerns, ask questions and identify issues, the council member should refrain from stating how he/she intends to vote on a project and should avoid making representation or commitments regarding future actions. A vote should be based upon information presented as part of the formal application process.
7. Council members are encouraged to disclose ex parte contacts with a project applicant before consideration of the project.