ADVISORY BODY HANDBOOK

CONFERENCE & VISITORS BUREAU BOARD

PARKING ADVISORY COMMITTEE

PARKS, RECREATION & BEAUTIFICATION COMMISSION

PLANNING COMMISSION

SPECIAL EVENTS COMMITTEE

TRAFFIC SAFETY COMMITTEE

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I. INTRODUCTION

Advisory Body service is a unique opportunity for citizens to help shape their communities by interfacing with their local government. Volunteer service on an Advisory Body is a mutually beneficial relationship that advances the goals of the Council and the City, serves the interests of the public at large, and is personally enriching for members.

For many, Advisory Body service is their first transition from member of the public to public official. The goal of this Handbook is to help prospective members determine whether Advisory Body service may be right for them, demystify the associated responsibilities and regulations, and help current members navigate their role.

Staff and the Council greatly appreciate your interest in serving your community. Current and potential applicants, current members, and others are encouraged to contact staff for more information about any of the topics covered in this Handbook.

With much gratitude,

The City of Pismo Beach



II. ADVISORY BODY OVERVIEW

Advisory Bodies are commissions, committees, and boards consisting of volunteer community members appointed by the City Council to review and make recommendations on matters within a certain purview. These bodies report directly to the City Council and receive support from assigned City staff. The City of Pismo Beach has six Advisory Bodies, four legislative and two non-legislative. Legislative Advisory Bodies hold public meetings that serve as a community forum on the matters assigned to the body, provide feedback to staff on technical matters, and make recommendations to the Council on certain policy issues. Non-legislative Advisory Bodies are not created by action of the City Council, but they consider certain requests from the public and provide feedback to staff on technical matters.

The legislative bodies, as defined by Government Code, are subject to the Brown Act and their members are subject to state-mandated training requirements including ethics and harassment prevention. All bodies are subject to the City's Code of Ethics and portions of the Political Reform Act, and most Members file "Form 700" statements of financial interest. Most bodies have adopted Bylaws, and some are also regulated by City municipal code provisions.

Most bodies consist of Pismo Beach residents; a few have specialized provisions for qualified non-resident members. All Advisory Body members are interviewed and appointed by the entire City Council at Special Meetings that are open to the public.

Advisory Body seats carry a term of two years, expiring the last day of February every other year, with no term limits. Terms are staggered so approximately half of each body's seats come up for reappointment each year. This approach is designed to achieve a balance between continuity of experience and diversity of viewpoints. The City Clerk's Office conducts an annual recruitment between November and January for all seats expiring the following February. Additionally, if unscheduled mid-term vacancies arise due to resignation or removal, the City Council may direct the Clerk's Office to conduct a special recruitment to fill the vacancies.

Complete Purpose Statements and meeting schedules are set forth in each body's Bylaws and summarized in Section IX, which will be updated as any Council-directed changes occur to the constitution of the bodies.

Legislative Bodies	Summary of Purview
Conference & Visitors Bureau / LBID Board	Attraction of tourism; use of LBID funds
Parking Advisory Committee	City parking facility planning and operations
Parks, Recreation & Beautification Commission	Recreation facilities; art and beautification programs
Planning Commission	Interpretation of land use regulations; development entitlement

Non-Legislative Bodies	Summary of Purview
Special Events Committee	Permitting of certain privately-sponsored special events on public property
Traffic Safety Committee	Evaluation and implementation of traffic safety measures

III. PHILOSOPHY

A. How Advisory Bodies Benefit the City and the City Council

The subject matter jurisdiction of the City Council is quite broad, and making well-informed decisions regarding every matter that comes before the Council for consideration requires a significant investment of time and effort. It would be practically infeasible for Council Members to become subject matter experts on all items requiring the application of Council policy. Thus, for subjects warranting the most thorough study or requiring the most specialized knowledge in order to be adequately addressed, the City Council creates citizen Advisory Bodies.

These citizens are tasked with investing energy and leveraging specialized knowledge to distill the issues within their assigned subject matter. The resulting recommendations inform the policy decisions of the Council, which in turn helps the City achieve its mission of service to the public. Delegating power to the Planning Commission to make certain discretionary decisions also helps limit the number of matters that must be considered directly by the Council.

Finally, Advisory Bodies act as a proxy for the Council in their collection of community input on topics within the bodies' purviews. Advisory Body Members are community members who interact with Pismo Beach's residents, visitors, and business community every day, and the majority of bodies hold comment periods at every meeting. Thus, Advisory Bodies greatly increase the City's capacity for receiving public input.

B. How Advisory Bodies Benefit the Public

Advisory Bodies and their Members provide many opportunities for the public to provide their input to the City. By itself, the City Council provides approximately two meetings per month at which public input may be provided to the entire Council, and five Members at large who live in the community and serve as a conduit for community feedback. Among the City Council and Advisory Bodies combined, however, the public has approximately five meetings per month at which to provide input and more than 25 Members at large to interact with.

For matters requiring Advisory Body consideration, Advisory Body meetings can provide an earlier opportunity for the public to provide input. In addition, Advisory Body meetings, which are less formal than City Council meetings, can be a way for members of the public to ease into participating in meetings of local decision-makers.

C. How Advisory Bodies Benefit their Members

Advisory Body service is a unique opportunity for members of the public to help make measurable improvements to the community, improve the quality of life for fellow community members, get to know local public officials, and gain valuable insight. Volunteering on an Advisory Body allows members of the public to experience being a public official, with the associated esteem and responsibility, but without the rigors of attaining elected office. The threshold for entry is relatively low, and Members get to experience their own government from the inside, gaining a balanced and well-informed perspective on the operation of the government that serves them and their neighbors.

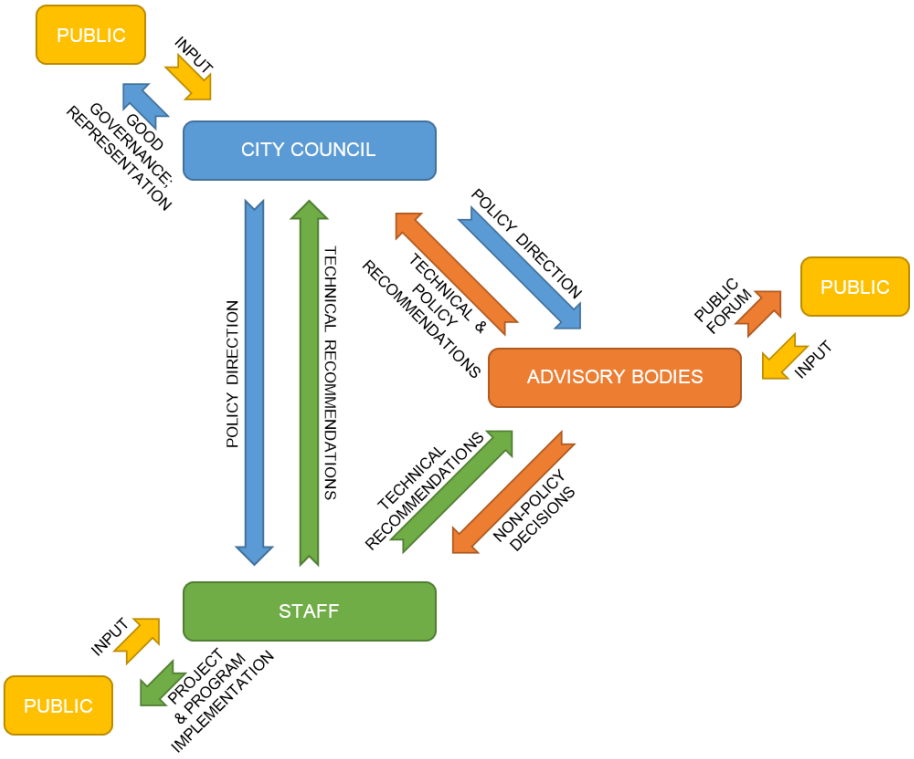
Advisory Body service is also a desirable addition to a resume, demonstrating a willingness to serve the community, and an ability to maintain a commitment and function in a responsible role with a variety of demands. Many Pismo Beach residents who are interested in holding public office serve at least one term on an Advisory Body before running for election to the City Council.

IV. ROLES, RELATIONSHIPS, AND EXPECTATIONS

Advisory Bodies exist to serve the public, just as the City's staff and elected officials do. Their purpose is to further the work of the City, which is undertaken in the interest of the public good. The greatest service to the public is achieved when Advisory Body Members are focused, professional, efficient, and accountable. All of these characteristics amount to good stewardship of public trust and public resources.

Within the City organization, Advisory Body Members function in the space between the policy direction of the City Council and the technical recommendations of staff. Staff liaisons render technical recommendations to Advisory Bodies; Advisory Bodies render recommendations to Council; in turn, the Council adopts policy that guides the workload of staff and Advisory Bodies. At all levels, public input is considered and recommendations and decisions are made with the welfare of the public in mind. Refer to the diagram below.

Local Government Process & Relationships



Continually bearing these relationships and expectations in mind is key to the success of Advisory Bodies and their Members.

A. Relationship with the City Council

The City Council is the elected legislative body of the City and is responsible for making policy decisions, including adopting a budget, policy resolutions, and City laws. Thus, Council Members are expected to make sound decisions regarding a wide variety of issues, in service to an array of constituents. The Council relies on Advisory Bodies to act as subject matter experts on the topics within their purview, making the Council's decision-making more efficient and well-informed.

Inherent in the City Council's policymaking role is the need to consider the broader context of, and weigh the trade-offs involved in, each decision. Consequently, when an Advisory Body renders a recommendation to the Council, the Council may ultimately accept, reject, or modify the recommendation. It is important to bear in mind that, even when the Council declines to act on the recommendation of an Advisory Body, the body has still played a crucial part in the process, acting as a conduit to maximize public input and distilling key points for consideration.

In addition to the policymaking relationship between Advisory Bodies and the City Council, the City Council exercises sole supervisory authority over Advisory Bodies and their members. Members are appointed by, and directly accountable to, the City Council as a whole. Except as otherwise limited by state law (see Maddy Act, page 35), the Council reserves the authority to create, modify, and dissolve Advisory Bodies, and to appoint, discipline, and terminate Members as it deems appropriate.

B. Relationships with Other Advisory Body Members

Rapport, civility, and a spirit of teamwork among Members plays an important role in the success of City Advisory Bodies. While a certain degree of differing viewpoints is a given among the Members of any decision-making body, working to build consensus where possible and dealing professionally with disagreements is key to the conduct of City business and serving the interests of the public. The following are recommended starting points for cultivating positive, productive relationships among Members.

- Remember that Advisory Body Members (along with the City Council and staff) are a "team" working toward a common goal of good governance and improving quality of life for residents, business owners, and visitors.
- Remember that these goals are accomplished in large part by decision-making bodies getting their work done—holding meetings and making decisions efficiently.
- Remember that each Member has been chosen by the Council because of a demonstrated willingness and ability to help fulfill the City's mission, and that one of the goals in appointing Members is viewpoint diversity.
- Work to identify points of agreement as the starting point of a deliberation.
- If points of disagreement remain, identify the bases for the differing viewpoints. Depending on the context, Members may simply agree to disagree, or may need to work to reconcile differing viewpoints. When Advisory Body members interact respectfully, even in case of disagreement, the group as a whole will be more effective.
- Allow each member (and other meeting participants) a fair opportunity to voice their viewpoint, whatever it may be.
- Don't allow technical or professional disagreements to negatively influence personal relationships between Members, and vice versa.
- Defer to the Chair to run meetings and represent the body.
- Welcome new Members and facilitate their orientation.
- Respect the contributions of prior members and bear in mind that Members may resign their positions, or may not be reappointed, for a variety of reasons.

C. Relationship with Staff

Each Advisory Body receives staff support from a City department, as assigned by the City Manager. These staff liaisons support Advisory Body Members by providing technical recommendations and identifying the decision-making framework for the issues before the body. Advisory Body Members interact most often with their primary Staff Liaison and Secretary:

Advisory Body	Primary Liaison	Secretary
CVBB	TED Director	Tourism Coordinator
PAC	CDD Director	Planning Admin Secretary
PRBC	Recreation Manager	Facilities Coordinator
PC	CDD Dir./Planning Manager	Planning Admin Secretary
SEC	TED Director (Chair)	Tourism Coordinator
TSC	Public Works Director	Engineering Technician

Advisory Bodies and their Members do not supervise, and are not supervised by, City staff. While staff are charged with assisting Advisory Bodies in accomplishing their duties, staff are accountable to their supervisors and ultimately the City Manager.

Staff liaisons invest a significant amount of time researching, writing reports, and crafting recommendations for matters to be brought before the body. Staff are responsible for providing clear analysis of sometimes complex issues to facilitate the decision-making work of Advisory Bodies. Because staff must render recommendations that they deem to be in the best interest of the public and most appropriate for the City—legally, operationally, fiscally, and otherwise—staff's recommendations to the City Council may at times differ from the recommendations of Advisory Bodies. In the event the Council will consider a matter where staff and Advisory Body recommendations differ, both recommendations will be analyzed for the Council's consideration.

In addition to the technical and legislative support provided by staff liaisons, each body and its Members receive administrative support from the City Clerk's Office relating to membership, training, and regulatory compliance.

1. Support Provided by Staff

Liaison staff provide comprehensive support to their Advisory Bodies by setting and publishing meeting agendas; attending meetings and facilitating parliamentary process; providing technical reports and recommendations in the form of written staff reports and oral presentations; clerking meetings and preparing meeting minutes; curating and providing public access to records; providing information regarding Council policy framework; and providing procedural guidance relating to the Brown Act, Political Reform Act, and other applicable laws. In addition, liaison staff act as a conduit to other City staff and departments.

The City Clerk's Office is responsible for conducting recruitments, arranging interviews with the City Council, administering membership records, keeping training records, and providing procedural guidance relating to the Brown Act, Political Reform Act, and other applicable laws.

2. Support Not Provided by Staff

Liaison staff do not provide administrative support to Members outside the routine business of the body; undertake research or other assignments from individual Members, undertake assignments from

the body outside Council policy direction; or provide legal advice to individual Members or the body as a whole.

D. Relationships with the General Public and Media

As discussed above, as public officials, Advisory Bodies exist to serve the public by aiding the conduct of the City's business. To this end, Advisory Bodies play a role in advising the City Council's decision-making, and responsible, ethical use of this power is necessary to earn the public's trust. Advisory Body Members, who are themselves members of the public, can appreciate the type of character and conduct that make a Member trustworthy and credible, and should try to embody these traits.

A fundamental purpose of Advisory Body meetings is to provide a forum for discussion on specific issues. Advisory Bodies welcome citizen input to aid the body in understanding community concerns and gauging community reaction to various courses of action under consideration.

When speaking publicly on matters relating to Advisory Body business, Members must accurately portray the position of their body. If the body has already taken action on a particular matter, a factual account of the action may be given. A Member may publicly express their own reasons for supporting or opposing a particular matter, so long as the Member clarifies that they are only expressing their individual views. If the body has not deliberated as a whole on a particular matter that is known or likely to be scheduled on an upcoming agenda, speculation as to the probable outcome should not be undertaken publicly. Further, Members should not publicly state an intent to support or oppose the item in advance of the meeting, as this can lead to Brown Act violations and, for certain items, impede due process.

1. Media Inquiries

Advisory Body Members are strongly encouraged to refer media inquiries to City staff for comment. The Mayor and the City Manager most commonly represent the City in the media.

E. Political Activity

All City offices, including those of elected and appointed officials, are non-partisan. Staff and Advisory Body Members are expected to be politically neutral in the interest of equity for the public. However, as private citizens, Members have a right to expression of personal political views on their own time and using their own resources. Discretion is still advised, since the overall efficacy of City government depends on the public's trust in its officials' political neutrality.

When expressing political viewpoints unrelated to City business, Members must avoid references to their capacity as a City official, and not otherwise imply or leverage any connection to, or endorsement by, the City. Political activity by Advisory Body Members may not be undertaken on City premises, utilizing City resources, or while acting in an official capacity. For more information on the limitations on the political activities of public officials, see *CA GC §3201—3209*.

During City elections season (generally, between July and Election Day in November of even-numbered years, or any time active campaigns for Mayor or City Council Members are underway), Advisory Body Members should carefully consider whether or not to publicly support or oppose a particular Mayoral or City Council candidate or local ballot measure.

Sitting Advisory Body Members who are contemplating running for an elected position while serving on an Advisory Body are encouraged to consult with staff regarding the interplay between the two roles.

V. PROCEDURAL INFORMATION

A. Application and Appointment

The procedures described below are an outline of typical practices for recruitment and appointment of Advisory Body Members. The City Council reserves the authority to modify or suspend any of these practices as it sees fit for any vacancy or group of vacancies, except as required by the Maddy Act.

1. Opportunities & Eligibility

The City of Pismo Beach encourages its residents and business owners to participate in their local government by applying to serve on an Advisory Body. Applicants may not be City officials and must be at least 18 years of age at time of appointment. *Municipal Code Section 2.24* prohibits the appointment of individuals with any felony conviction. Additional eligibility requirements for each Advisory Body may vary. See Section IX for an overview of each body's individual requirements. Applicant eligibility is verified by the City Clerk's Office for both new applicants and incumbents.

Residency Requirements

The majority of Advisory Body seats require that the Member be a Pismo Beach resident. (Certain seats on the CVB Board and PAC permit an exception if the applicant owns or represents a business or commercial property in the city and has related expertise.) The Advisory Body application form asks whether the applicant is a resident, and whether the applicant is a registered Pismo Beach voter, which information can be used by the City Council to help gauge an applicant's involvement in the community. While voter registration is desirable as an indicator of civic engagement and usually a clear indicator that an applicant is a resident, lack of voter registration will *not* be used to disqualify an applicant. Applicants claiming residency who are not registered to vote will be asked to provide alternative evidence of residency, such as a utility billing account, or driver's license showing the residence address.

2. Vacancies

Advisory Body seats become vacant in three ways:

- *Routine Expiration of Term (Scheduled Vacancy)*

Each Advisory Body seat automatically becomes vacant on the last day of February of every other year. A "Local Appointments List" (also called a "Maddy List") is posted by the Clerk's Office at least once per year, no later than December 31, identifying all current and scheduled vacancies.

- *Resignation Prior to End of Term (Unscheduled Vacancy)*

Refer to Resignation from Office, below.

- *Removal from Office (Unscheduled Vacancy)*

Refer to Removal from Office, below.

3. Recruitment

An annual recruitment beginning in November or December is undertaken by the City Clerk's Office to fill all vacancies scheduled to occur the following February, as well as any existing vacancies. Notices are posted online and at City Hall, and distributed through traditional and social media. The Clerk's Office collects applications forms and verifies eligibility.

In accordance with the Maddy Act, whenever an unscheduled vacancy occurs (due to resignation, removal from office, or other reason, prior to the end of a term), the Clerk's Office will publish a Notice of Vacancy no more than 20 days before, and no more than 20 days after, the seat becomes vacant.

Subject to determination of the Mayor and/or Council, the Clerk's Office will either proceed with a solo recruitment or allow the vacancy to remain open until the next annual recruitment period.

4. Application Process

New Applicants

Each person applying for Advisory Body service must submit an application form to the City Clerk's Office. The application form is submitted online at *pismobeach.org/abapply*. Applications for all bodies are accepted on an ongoing basis, whether or not vacancies exist.

Applicants may apply for service on more than one Advisory Body, but may only serve on two bodies under limited circumstances. Refer to Dual Service, page 40. Applicants interested in more than one Advisory Body are encouraged to apply only for the two or three bodies which best suit their interests and skills, and indicate their order of preference on their application.

Application tips:

- At least one reliable phone number must be provided for use by staff.
- At least one reliable email address must be provided for use by staff. Staff rely upon email communication during all stages of the recruitment process. Applicants without access to email should make special arrangements with the Clerk's Office.
- Applicants are encouraged to attach additional pages (resumes, letters of interest).
- Contact information disclosure (option A or B) must be checked. See below.
- Form must be signed (electronic or scanned signatures acceptable).

Contact information provided on this form is primarily for staff's use. Only the contact information authorized by each applicant, if any, will be advertised on the City's website and pamphlets. However, Advisory Body application forms are public records, and applicants with specific safety concerns relating to the privacy of their personal contact information should notify the Clerk's Office when applying.

Reapplying

Applicants with a current application on file (submitted within the past year) who have not been appointed to an Advisory Body may request that their application be considered for any recruitment that occurs while their application is still active, or may submit a new application.

Current Advisory Body Members are encouraged to notify the City Clerk's Office as to whether they wish to reapply for their current seat at the end of their term. Reapplying Members may indicate that they wish to reapply using the application already on file, or may submit a new application with updated information prior to the advertised deadline.

Lifetime of Application

Applications remain "on file" (are considered active) for one year from the date of submittal. During this time, applicants who have not been appointed to a body will be invited to interview for any vacancy within their Advisory Body(ies) of interest, for which they are eligible. Current Members will not be invited to interview for vacancies on other bodies unless specifically requested. One year from submittal, applications for un-appointed individuals are deactivated without notice to the applicant, however the individual may reapply at any time.

5. Interviews

Following the closure of the application period, the City Clerk's Office will schedule interviews with all eligible applicants. Interviews of Advisory Body applicants are held with the entire City Council as part of

a special Council meeting. These meetings are required by law to be public, however public attendance is typically minimal to none. For annual recruitments, interviews are held in February and terms begin March 1. For recruitments to fill unscheduled vacancies, interview dates vary and terms begin immediately.

Applicants are encouraged to become familiar with this handbook and attend at least one Advisory Body meeting prior to interviewing with the Council. Additionally, recent legislative documents (agendas and minutes) for the body may be reviewed online or requested from staff (see Staying Informed & Being Responsive, page 19). Applicants are encouraged to contact staff with questions ahead of time in order to fully understand the nature of Advisory Body service and associated responsibilities, including meeting schedules, time commitment, ethics considerations, training, and conflict of interest regulations.

The Council interviews applicants individually, typically for 15 to 20 minutes. Questions typically pertain to issues germane to the applicant's Advisory Body(ies) of interest. Council Members may ask whichever questions they deem fit; applicants may be asked about the reasons for their interest in serving, their experience relevant to the body, their understanding of the issues within the body's purview, and their availability to attend meetings.

6. Appointment

Once all applicants have been interviewed, Council Members cast their votes in open session; the top vote-getters are appointed until all available seats have been filled. The Council also reserves the right to appoint individuals who did not appear for an interview, or to leave a seat vacant for the time being. Following the tally of votes, results are announced by the City Clerk, and notices are sent to all applicants.

In the event the Council does not fill all available seats following interviews, the Council will direct the City Clerk to either conduct a new recruitment for the vacancy(ies) or allow them to remain unfilled until the next recruitment cycle. The Maddy Act provides that if an emergency exists, the Council may immediately appoint an interim Member to fill a vacant seat until such time that a final appointment may be made.

B. Orientation, Training & Holding Office

1. Orientation

Prior to a Member's first meeting, the City Clerk's Office and the body's liaison department will each provide an orientation session. Orientation with liaison staff lasts approximately an hour and will cover technical documents relating to the purview of the body, operational norms for the department, introduction of liaison staff, and a brief tour of the office and Council Chamber. Orientation with the Clerk's Office lasts 45 minutes to an hour and covers administrative (membership) onboarding, an overview of applicable regulations, and various filing deadlines.

Following orientation, the following items must be returned in order for a Member to hold office:

- IRS Form W-9 (if the Member wishes to receive a stipend)
- Volunteer Program Waiver (within 30 days from term start)
- Statement of Commitment to the City Ethics Policy (within 30 days from term start)
- Form 700 Assuming Office Statement (within 30 days from first term start)
- Harassment Prevention Training Certificate (within 6 months from term start)
- Ethics Training Certificate (within one year from term start)

2. Oath of Office

Following appointment, the City Clerk or a deputy will administer an Oath of Office to incoming Advisory Body Members (see Appendix 3: Oath of Office). This oath is a promise to uphold state and federal constitutions and execute the duties of office in good faith. Traditionally, oaths are administered as a ceremonial item at the beginning of the member's first meeting.

In the alternative, the oath may be given at any time before the member's first seated meeting. The member may not commence service on the body until their term begins *and* their oath has been administered. As with elected officials, a new oath is administered at the start of each term for reappointed Advisory Body Members.

3. Annual City Advisory Body Academy

Each spring, City staff hosts a training at City Hall for all Advisory Body Members. Each Member is required to attend only every other year (once per term), but attending each year is recommended. Topics include parliamentary process, Brown Act and Political Reform Act compliance, and ethics laws (however, this training is not accredited ethics training, which must be completed separately pursuant to AB 1234). The City Manager or other staff typically also provide an overview of the Council Goals for the year and their impact on the workload of Advisory Bodies. This training session is designed to ensure that Members are engaged and as well-informed as possible.

4. League of California Cities Planning Commissioners Academy

New Planning Commissioners, or continuing Planning Commissioners who have not attended recently, may have the opportunity to attend the League of California Cities Planning Commissioners Academy, depending on timing and availability of resources. Information about recent and upcoming sessions is available on the *League of California Cities website*.

5. Ongoing Training Requirements

For the duration of a Member's term, certain filing and training deadlines must be met on a recurring basis. Failure to meet these requirements may have disciplinary or legal consequences. Training completion records are forwarded to the Council for their consideration on a quarterly basis. Below are the training and filing deadlines that apply to most Members. Regulations are subject to change and this

list may not necessarily be complete. Also see Section VII for more information about training regulations and Section VIII for more information regarding local disciplinary policies.

- Form 700 Financial Interest Disclosures (state law; all bodies except TSC)
    - Form 700 Assuming Office Statement (within 30 days from first term start)
    - Form 700 Annual Statement (every year no later than April 1 while in office)
    - Form 700 Leaving Office Statement (within 30 days from leaving office)

- Ethics Training (AB 1234) (state law; all bodies except SEC and TSC)
    - Training Completion Certificate (2 hours) (within one year from term start)
    - Training Completion Certificate (2 hours) (at least once every two years thereafter.

- Harassment Prevention Training (AB 1661) (state law; all bodies except SEC and TSC)
    - Training Completion Certificate (2 hours) (within 6 months from term start)
    - Training Completion Certificate (2 hours) (at least once every two years thereafter)

- City-hosted Advisory Body Academy (all bodies except SEC and TSC; SEC recommended)
    - City Advisory Body Academy (at least once per term)

6. Attendance

Throughout a Member's term, satisfactory attendance is required in order for the Member to fulfill their duties of office and remain in good standing. Attendance records are forwarded to the Council for their consideration on a quarterly basis. Further information about expectations and potential disciplinary consequences for poor attendance may be found in Section VIII.A.

7. Terms of Office

The term of office for all Advisory Body seats is two years, with no term limits. Two or three of each legislative body's five seats expire each year in order to achieve staggering of tenure, and to encourage policy continuity and development of institutional knowledge while allowing time for new members with new and different points of view to be integrated into the body.

Appointments made to fill scheduled vacancies (routine term expirations) commence March 1 of each year and expire the last day of February two years later. Appointments to fill unanticipated vacancies begin the day the appointment is made by the Council and expire at the expiration of the seat’s term, unless otherwise directed by Council.

8. Resignation Procedures

See section VIII.H, Resignation from Office.

9. Suspension or Removal from Office

See section VIII.I, Suspension; Removal from Office.

C. Conduct of Business

1. Staff Liaisons

Members' primary points of contact at the City are their staff liaisons and the City Clerk. See Relationship with Staff, page 9, for more information. Generally speaking, information about agendas, applicable regulations, and the body's technical purview will be received from, and questions should be directed to, each body's assigned liaison staff. Members will also have frequent direct contact with staff from the City Clerk's Office regarding membership administration, regulatory compliance, and training requirements.

2. Meeting Agendas

Each Advisory Body has a specific purview, assigned by the City Council, and the work undertaken by staff is guided by the Council-adopted biennial Budget and Goals. Working within these parameters, staff identifies and schedules the items that need to be taken to each Advisory Body for consideration. Occasionally, the City Council may also direct staff to schedule a specific item for Advisory Body consideration.

Members who identify a particular matter that may be suitable for consideration by their Advisory Body may seek consensus from the body's membership in open session to schedule the item for consideration as part of a future agenda. Members wishing to propose an item are encouraged to carefully consider whether the matter falls within the policy and work plan direction of the Council, consulting with staff if needed.

Staff formulates the agenda for each meeting in the weeks leading up to the meeting. Agendas for each legislative (Brown Act) body meeting are typically published four or five days before the meeting. (State law requires at least 72 hours for regular meetings and 24 hours for special meetings.) Agendas for SEC and TSC meetings, which are not regulated by the Brown Act, are typically published 1–4 days before the meeting.

Agenda materials for all legislative body meetings are distributed via Notify Me mailing list and are available online at *www.pismobeach.org/agenda*, and archived in the *Access Pismo* public records portal at *www.pismobeach.org/accesspismo*. Most bodies will also receive their agenda by email from their liaison staff; hard copies are available upon arrangement with staff.

3. Meeting Administration

Each body's meeting regular schedule is set forth in Section IX. Special Meetings will be scheduled as needed, and regular meetings may be cancelled if there is no business of immediate concern. Specific regulations for scheduling and cancelling meetings are set forth in each body's Bylaws.

Traditionally, July meetings of all bodies, including the City Council, are cancelled to permit members to take vacations and to permit staff a break in staff report work to focus on other priorities. Additionally, meetings that fall on or proximate to holidays are cancelled. Most often, this includes the first meeting of January and the meeting closest to Thanksgiving or Christmas. A list of City holidays is available from staff upon request.

Unless otherwise noticed, meetings of all legislative bodies are held in the Council Chamber at City Hall. Meetings of non-legislative bodies are generally held in the Administration Conference room at City Hall. Staff liaisons are responsible for securing and setting up meeting rooms, testing and operating equipment, and providing for public access. Water is typically provided for Members and the public. Members should bring writing implements, and any copies of agenda materials desired for deliberation and note-taking. Other light refreshments may be consumed during the meeting if no disruption occurs.

Business casual attire, at a minimum, is encouraged, and layers of clothing are recommended as meeting room temperatures may fluctuate.

4. Meeting Management (Parliamentary Process & Etiquette)

Conduct of meetings is dictated by the order of agenda items, each body's Bylaw provisions, and legal requirements for public participation (see Brown Act, page 23). Where no other policy provision exists, *Robert's Rules* or *Rosenberg's Rules* may be used as a guide. The Chair is generally responsible for moving the meeting, including keeping participants focused, facilitating discussion, and informing the audience as to actions being taken.

An overview of typical parliamentary process considerations is provided below for ease of reference. Some provisions, such as the requirement that public comment be solicited before the body takes action on an item, are required by law. Most other provisions vary somewhat from body to body and are detailed in each body's Bylaws.

Goals of Parliamentary Procedure:

- Establishment of framework for orderly conduct
- Facilitation of efficient decisionmaking
- Guaranteeing participation opportunity for the public
- Enforcing the direction of the majority while protecting the rights of the minority

Role of the Chair

- Must understand procedural policies and laws
- Must know the agenda
- Takes the lead role; Moves the meeting along
- Ensures opportunity for public participation
- Keeps member discussion focused
- If necessary, maintains order
- Takes less active role in debate; rarely moves

Tips for Members

- Stay focused on the issue that is the intended subject of deliberation
- Defer to the Chair to run the meeting, and ask the Chair's permission before taking actions that may be out of order
- Wait to be recognized before speaking (more formal bodies)
- When in doubt, err on the side of decorum
- Address other members as "Committee Member X" or "Commissioner X"
- Address staff by title and last name, e.g. "Recreation Manager X" or "Director X"

Typical Agenda Format (Orders of Business)

- Call to order and roll call
- Open public comment period (required for regular meetings)
- Adoption of prior meeting minutes
- Public hearings, if any
- Business items, if any
- Staff comment period
- Member comment period
- Adjournment

Typical Procedure for Action Items:

- Chair announces the agenda item
- Any Members with a conflict of interest announce their recusal and leave the dais
- Staff provides a report on the item
- Members ask technical questions of staff
- Chair invites public comment
- Deliberation
- Chair invites a motion
- Motion is made
- Motion is seconded
- Additional debate "under discussion"; amendments to motion if desired
- Clerk calls the vote, then announces the result

Motions and Counting Votes

The threshold for passage of a motion is a simple majority (more than half) of all members *present and voting*, with very rare legal exceptions. This means that absent, abstaining, and recused members are not counted.

Examples of passing motions for a 5-member body:

4 yes—1 no (5 members present and voting - 0 members absent/abstaining/recused)

3 yes—2 no (5 members present and voting - 0 members absent/abstaining/recused)

3 yes—1 no (4 members present and voting - 1 member absent/abstaining/recused)

2 yes—1 no (3 members present and voting - 2 members absent/abstaining/recused)

Note in the *2 yes—1 no* scenario that less than a majority of the body's members (2 out of 5) have actually passed a motion on behalf of the entire body. This may seem counter-intuitive, but it is permissible except in cases where the law requires an affirmative vote of the majority of the full body.

A motion is deemed to have failed when less than a majority of those present and voting vote yes on the motion, which includes tie vote scenarios.

Examples of failing motions for a 5-member body:

2 yes—3 no (5 members present and voting - 0 members absent/abstaining/recused)

2 yes—2 no (4 members present and voting - 1 member absent/abstaining/recused)

It is important to note that the failure of a motion is simply a failure of the body to act. It does not constitute a denial of the matter at hand. To illustrate potential scenarios:

Motion	Vote Count	Resulting Action
Approve the project.	3 yes—2 no (motion passed)	Project approved.
Approve the project.	2 yes—3 no (motion failed)	No action taken.
Deny the project.	3 yes—2 no (motion passed)	Project denied.

VI. BEST PRACTICES AND RULES OF THUMB

The following highlights some of the best practices and key concepts that should be borne in mind during a Member's term of service. More detailed information about each of these topics is provided elsewhere in this handbook, and available from staff.

A. Staying Informed & Being Responsive

1. Communications from Staff

Staff spends a significant amount of time researching and preparing agenda reports and other communications to their Advisory Bodies, preparing training and orientation materials, and administering membership. Every communication delivered to Advisory Body Members is designed to help Members make well-informed decisions, meet training and filing deadlines, and stay current on regulations. Staff are aware that Advisory Body Members are community members with busy lives, and communications are generally tailored with this in mind.

A significant portion of communication to Advisory Body Members is accomplished by email, and Members are encouraged to promptly and thoroughly read emails received from staff. Prompt responses to requests for information, such as availability for special meeting dates, are very much appreciated by staff and help expedite the work of the body.

2. Updates for Staff

Throughout their term of office, Members should notify staff promptly if any of the following occur:

- Change of residence address
- Sale or purchase of real property
- Sale or purchase of a business
- Change of employer
- Change of phone number
- Change of email address

Changes to a Member's location of residence, sources of income, and financial interests in real property and business entities may have material effects on the Member's eligibility to serve, reportable interests, and disqualifying conflicts of interest.

3. Agenda Materials & Mailing Lists

In addition to thoroughly reading and considering the information provided by staff liaisons, Members are encouraged to stay up-to-date on the activities of the City Council and City in general. Being aware of the broader context within which Advisory Body decisions are made allows Members to anticipate forthcoming agenda items and be as well-informed as possible.

Members are encouraged to sign up for the City's "Notify Me" service to receive meeting agendas by email. Advisory Body Members will be signed up by staff to receive their own body's agendas by email, as a failsafe to avoid the possibility of a "missed" agenda email from staff, and City Council agendas, which are an efficient way to get a "big picture" read on City activities and upcoming Council actions that may impact Advisory Bodies. Visit *www.pismobeach.org/notifyme* to register for other lists. A number of other "Notify Me" lists are available, including Bid Postings, Ordinance updates, City Newsletter, and public notices.

In addition, agendas, minutes, and other legislative records for the Council, as well as all Advisory Bodies, are archived online at *www.pismobeach.org/accesspismo*.

Members are encouraged to attend or watch City Council Meetings as a source of general information. Regular meetings are held the 1st and 3rd Tuesdays of each month at 5:30 p.m. Additional Special Meetings are noticed periodically. Meetings of the Council are streamed live on government access Channel 20 in Pismo Beach and on the City's website. Live and archived meeting video are available online at *www.pismobeach.org/agenda*.

4. City Social Media Content

The City regularly posts social media content on the platforms below. It should be noted that Advisory Body Members should not interact with ("like," share, comment on) the City's social media posts, in that any comment made by a City official regarding City business could be considered an official record, and in that liking or sharing posts related to discretionary projects may be deemed as an endorsement and have Brown Act or due process implications.

- Facebook (City): *facebook.com/cityofpismobeach*
- Facebook (Classic California): *facebook.com/pismobeachca*
- Instagram: *instagram.com/pismobeachca*
- Twitter (City): *twitter.com/cityofpismo*
- Twitter (Classic California): *twitter.com/pismotravel*

5. Google Alerts

Visit *www.google.com/alerts* and sign up to receive alerts by email when web content relating to Pismo Beach, such as news content, is posted. Subscribe to the keyword "City of Pismo Beach" (with quotation marks) to receive alerts about the City. Subscribe to "Pismo Beach" for broader information about the area.

B. Legal and Regulatory Best Practices

For detailed information about specific regulations, see Section VII. State and Local Regulations.

1. Ethics and Conflict of Interest

While the concepts of ethics and conflict of interest are rooted in common sense, the technically correct application of ethics and conflict of interest laws may not always be intuitive. Advisory Body Members are encouraged to bear in mind rules of thumb to avoid inadvertently running afoul of laws and public perceptions relating to ethics and conflict of interest, and to seek technical advice when in doubt.

When a change in the life circumstances of a Member or Member's immediate family occurs, Members are encouraged to consider whether the change involves new financial interests (e.g. new source of income, new investments, new real property holdings, new business relationships) and evaluate early on whether those new interests may intersect with the Advisory Body's business. Such changes in financial interests may need to be reported on the Member's next Form 700 and/or warrant the Member's disqualification from making certain decisions. Also see page 27 for precautions relating to Government Code §1090, which prohibits self-dealing by influencing public contracts.

In addition to being aware of potential sources of financial conflict, Members should evaluate whether a change in life circumstances creates new relationships that could create the *perception* of conflict of interest or other non-financial bias.

Members are encouraged to be conservative in determining which interests and affiliations may constitute conflicts of interest and recuse themselves when in doubt. Members who determine that a particular project or other agenda matter will constitute an actual or perceived conflict of interest should notify staff as soon as possible—if a member's recusal may pose a parliamentary problem (for

example, if only three members will be in attendance at a meeting and one of them may have a conflict of interest), a careful evaluation of the Member's ability to participate must be made in advance.

If a Member wishes to seek formal advice as to whether their participation in a particular decision is permitted by the Political Reform Act or Government Code §1090, or whether a particular interest must be reported on the Member's Form 700, formal advice should be sought from the FPPC as early as possible to allow for processing time. For more information about informal and formal advice from the FPPC, please visit *fppc.ca.gov/advice.html*. Additionally, a Member may opt to consult with a personal attorney. While the City Attorney can provide general information regarding conflicts as a measure to avert potential legal issues for the City, the City Attorney does not represent individual Advisory Body members, and no immunity is conferred upon the Member by relying on information provided by the City Attorney. Only formal advice from the FPPC provides such immunity.

As public officials whose potential conflicts of interest are both regulated by law and closely scrutinized by the public, Advisory Body Members are encouraged, as a general rule, to avoid the acceptance of things of value from developers, businesses, other entities, and members of the public (some exceptions apply to family and personal friends). The acceptance of certain items *may* be legally permissible depending on the source and value, and some may require reporting, however others are simply prohibited outright. All scenarios have the potential to create negative public perception, thus caution is warranted.

In summary, Members should:

- Evaluate life changes in the context of financial interest, non-financial biases, and potential connection to City business
- Recuse themselves from participation, when in doubt
- Notify staff early on when a potential conflict is foreseen
- Seek FPPC advice early on, if a formal determination is desired
- Avoid the acceptance of gifts and other things of value as a general rule

2. Brown Act and Transparency

For detailed information about the applicability of the Brown Act and other records-related regulations to Advisory Bodies, see Section VII.

Underlying Principles:

- Public officials derive their authority from, and conduct their business on behalf of, the public.
- The people’s business must therefore be conducted publicly.
- The public is guaranteed the right to observe and participate in decisionmaking proceedings, with very limited exceptions.

Basic Rules:

- Any gathering of a majority of body members where business is discussed is a "meeting." (Note: informal gatherings, serial emails, and other communications can constitute a "meeting.")
- A meeting may not be held without providing public notice. The agenda constitutes this notice.
- Whenever a meeting is held, public access must be allowed, with very limited exceptions.
- During a meeting, deliberation can only take place on noticed agenda items.
- Any deliberative or informational materials made available to a majority of body members must be made available to the public.

Best Practices for Members:

- Avoid discussing deliberative matters with other members outside of noticed meetings
- Avoid engaging in group emails or texts with other members
- Copy City staff members on communications with the public about City business
- Provide staff with copies of correspondence received directly from the public

3. Training and Filing Deadlines

Staff will make a good-faith effort to remind Advisory Body Members of upcoming training and filing deadlines (detailed on page 14). However, Members are ultimately responsible for their own compliance with applicable regulations, and are encouraged to set recurring calendar reminders for filing deadlines throughout their term.

VII. STATE AND LOCAL REGULATIONS

The information below describes the frequently-encountered state and local laws that regulate the conduct of Advisory Body Members and administration of their membership. This information is by no means exhaustive, and it is not intended to be solely relied upon for making decisions about proper or legal conduct. Staff may be consulted for expanded technical information about any of the topics below. While the City Attorney may render legal advice to staff or the Council relating to the work of an Advisory Body, individual Advisory Body Members generally may not expect to rely on the City Attorney as a resource for determinations relating to these regulations. With regard to conflict of interest laws in particular, Members may wish to consult directly with the FPPC or a personal attorney.

A. State Laws

1. Brown Act

When the Brown Act was adopted in 1953 following a San Francisco Chronicle exposé on the widespread practice of closed-door decision-making by local government officials, the California Legislature declared: *"…The public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."*

The Brown Act, *CA GC §54950—54963*, is California's "open meeting" law. While the statute has become more complex over time, its intent is still best captured by one of its earliest provisions: *"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."* "Except as provided" refers to permissible "Closed Sessions" that may be held in order to discuss topics which, if discussed publicly, would unduly compromise individual privacy or the integrity of certain negotiating processes. Closed Session provisions are only exercised by the City Council and thus are not fully reflected in the guidelines below.

Applicability

The Brown Act applies to "legislative bodies" as defined in the Act. At the city government level, legislative bodies generally include the City Council and advisory bodies created by the City Council. In Pismo Beach, Brown Act requirements apply to the meetings and members of the City Council, Planning Commission, CVB Board, PAC, and PRBC. Under state law, individuals who have been elected to the City Council but have yet to assume office are already subject to the Brown Act, and the City deems this provision to extend to newly-appointed Advisory Body Members who have yet to assume office. The SEC and TSC are not subject to the Brown Act, in short because they were not created by the Council.

Underlying Principles:

- Public officials derive their authority from, and conduct their business on behalf of, the public.
- The people's business must therefore be conducted publicly.
- The public is guaranteed the right to observe and participate in decisionmaking proceedings, with very limited exceptions.

Basic Rules:

- Any gathering of a majority of body members where business is discussed is a "meeting." (Informal gatherings, serial emails, and other communications can constitute illegal "meetings.")
- A meeting may not be held without providing public notice. The agenda constitutes this notice.
- Whenever a meeting is held, public access must be allowed, with very limited exceptions.

- During a meeting, deliberation can only take place on noticed agenda items.
- Any deliberative or informational materials made available to a majority of body members must be made available to the public.

Meetings

What is a meeting?

Any situation involving a majority (more than half) of the members of a legislative body where matters within the purview of the body are discussed or acted upon is a meeting. "Meetings" can be deemed to occur when members interact in person, via telephone or electronic medium, or via intermediaries. "Meetings" can occur at one time, or serially, where member A talks to member B, who talks to member C, and so on.

Only meetings held at one time, with advance notice to the public, where public access and participation are allowed, are legal. All other types of meetings (except permissible Closed Sessions) are violations of the Brown Act.

What is *not* a meeting? (Permissible exceptions)

- A situation where *less than* a majority of members discuss business within the body's purview, provided none of them communicate with other members about the matter outside of a noticed meeting.
- A situation where a majority of members are gathered for a social, educational, or ceremonial event, or a noticed meeting of another Brown Act body, provided no discussion of specific business within the body's jurisdiction occurs.
- Communications with staff. Each member of a body may communicate with staff individually or in groups of less than a quorum, so long as the staff member does not convey the positions of members to each other.

What is prohibited?

- Any meeting that is conducted without required notice.
- Any meeting that is conducted without public access.

Basics of Compliance

Agendas (Noticing):

- For a regular meeting (the body's usual meeting day and time), the agenda must be posted publicly at least 72 hours in advance, in a freely-accessible physical location and on the City website. A brief description of each matter to be discussed must be included.
- For a special meeting (anything other than the body's usual meeting day and time), the agenda must be posted publicly at least 24 hours in advance, in a freely-accessible physical location and on the City website. A brief description of each matter to be discussed must be included.
- Limited "emergency" exceptions apply, typically for the City Council only.

Meeting Conduct and Public Access:

- All meetings must be open to all members of the public without qualification. For example, no fee may be charged, and sign-in sheets must be marked as optional.
- Meetings must be held in facilities accessible to the disabled in most cases, and other reasonable accommodations must be made for individuals with disabilities.

- At Regular Meetings, members of the public must be given the opportunity to address the body on any topic within its purview during an open public comment period. Reasonable time limits may be imposed and undue disruption may be prohibited.
- At all meetings, members of the public must be given the opportunity to speak on agenda items before action is taken.
- Speakers cannot be required to give their name or address, but it may be requested.
- Members of the public must be allowed to record the proceedings, so long as no disruption occurs.
- The body may not act on an item that is not on the agenda. However, the body may direct staff to place a particular item on a future agenda for consideration. (Limited "emergency" exceptions apply.)

Handling of Materials:

- All agenda packet materials, and any other materials distributed to members in connection with a matter being considered at a meeting, are public, and must be provided without delay. In Pismo Beach, these materials are proactively posted and distributed, including online.
- Any additional document/information provided to a majority of the members of a body is public, except where exempt from disclosure by law.
- If materials are distributed to members within 72 hours before the meeting, the materials must be made available to public at the same time.
- If materials are distributed to members at the meeting by staff, the materials must be made available to public at the meeting.
- If materials are distributed to members at the meeting by a third party, the materials must be made available to public by staff as soon as feasible the next day.

Common Questions about the Brown Act

What are "serial" meetings?

Serial meetings are communications among a majority of a body's members about business, which occur outside of a noticed meeting and do not involve a majority of the body meeting at the same place and time. All forms of serials meetings are violations of the Brown Act.

In a "daisy chain" meeting, Member A communicates with Member B, who then communicates with Member C. For example: Member A tells Member B that they plan to vote for an upcoming project, then Member B calls Member C to tell Member C how Member A plans to vote.

In a "hub-and-spoke" meeting, members communicate individually with a third party, who then either deliberately or inadvertently conveys the members' positions to each other. For example: A developer meets with two Planning Commissioners, who indicate that they support the developer's project, then the developer meets with a third Planning Commissioner and tells the third Planning Commissioner that two other Commissioners are in favor of the project.

Why are serial meetings illegal, and ethically problematic?

In both scenarios, an illegal meeting (deliberation, or development of concurrence, among a majority of members outside a noticed meeting) has occurred as soon as a third member becomes involved. One Member becoming aware of the positions of two or more other members constitutes a meeting, because de facto deliberation among a majority of members has occurred, even though they haven't necessarily convened at the same time and place. Because this deliberation took place outside a noticed

meeting, and the public was not provided proper notice and therefore denied the opportunity to observe and participate, it is a Brown Act violation.

Key concept: These scenarios illustrate the way in which foreknowledge of how other members plan to vote can jeopardize a member's ability to act as a fair and impartial decision-maker, and undermine due process for the applicant and other participants, who expect the body and its members to conduct open, merit-based deliberations. Regarding fair and impartial decision-making, also see Due Process, page 34.

What is a Quorum?

A quorum is the majority (more than half) of the total number of established members of a body, regardless of whether any seats are vacant. A quorum must be present in order for a meeting to be held or action to be taken. 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 immediately adjourned.

If a member is absent, can the member still vote? No.

Can members participate virtually?

Generally, yes. There are a number of legal frameworks within which a member can participate virtually (known technically as teleconferencing):

- Participation during a state of declared emergency: Legislation originally enacted under AB 361 in response to the COVID-19 pandemic allows an unlimited number of members to participate in a meeting remotely during a declared state of emergency, if there is an actual nexus between the emergency and their need to be remote. This option is simple to administer, but states of declared emergency are very uncommon.

- Participation under AB 2449 for "emergency circumstances" (such as a medical emergency) or "just cause" (such as being away on city-sanctioned travel): Exercising either of these options requires advance notice to staff, compliance measures conducted publicly during the meeting, and is limited to only a handful of uses per year. For more information, see the City's *AB 2449 Teleconference Meeting Participation Policy*. This option is the most work to administer for both staff and the member, and is constrained by both circumstance and frequency.

- Participation under "traditional" teleconference rules: Predating the pandemic and Zoom era, the Brown Act has a provision allowing a member to participate remotely (originally by telephone), provided their remote location is shown on the agenda itself, the agenda is posted and public comment is solicited at the remote location, and other compliance measures. This option is simplest to administer for staff, but is more work for the member and requires disclosure of their address.

Can Advisory Body Members communicate via email or text to discuss business?

The nature of email and group text conversations can lend itself to inadvertent Brown Act violations. While two members of a five-member board, for example, may appropriately communicate with one another about Advisory Body business by text message, the forwarding of such a message to a third member would result in a violation. Or, while it's routine for staff to send an email to all members with information about an item, a member who replies to all with a comment about the matter can easily cause a Brown Act violation. For these reasons, email and text communication among members about body business should be kept to a minimum.

2. Conflict of Interest Regulations

"Conflict of interest" doctrine is the common-sense idea that a public official cannot act impartially and in the public interest when the official has a financial or other personal interest in a decision to be made. For this reason, public officials including Advisory Body members must decline to participate in any decision in which they have a material financial interest or other bias.

While there exists a stigma around the concept of conflict of interest, it should be carefully noted that the existence of conflict of interest, in and of itself, is not necessarily illegal. Conflicts of interest are relatively common in a city the size of Pismo Beach. The Member's *conduct* with regard to disclosure and disqualification, i.e. whether they make required disclosures and whether they disqualify themselves from certain decisions when warranted, is what determines whether the letter and intent of the law has been met. For that reason, Advisory Body Members are encouraged to develop a working familiarity with applicable regulations and their underlying concepts, and consult with staff for more information if needed.

Conflict of interest regulations comprise numerous state laws, regulations, and legal opinions, the cornerstone of which is the Political Reform Act (PRA). The PRA and other conflict of interest statutes including Government Code §1090 et seq. (contracts and self-dealing) are summarized here for reference.

AB 1234 / Ethics Training

Assembly Bill 1234 (*CA GC §53234 et seq.*), adopted in 2005, stipulates that if a local agency provides compensation to any member of a legislative (Brown Act) body, all members of the agency's legislative bodies must receive ethics training. While the training is billed as "ethics" training and covers a wide away of ethical considerations, a large portion of the content relates to conflict of interest regulations. See page 33 for detailed information.

Government Code §1090 et seq.

CA GC §1090 stipulates that local public officials, including Advisory Body Members, shall not be involved in the making of any contract in which the official has a financial interest, and may not be a party to any purchase or sale made by the official in their official capacity. These restrictions are commonly known as "self-dealing" prohibitions. While Advisory Bodies do not have the power to bind the City to contracts or make purchasing decisions, there may be occasions where an Advisory Body or individual Members have an opportunity to directly or indirectly influence the selection of a vendor or other contract service provider.

When beginning Advisory Body service, Members should carefully consider whether they, or any immediate family member, have any financial interest in any vendor, service provider, or any other entity of the type likely to do business with a city (i.e. provide goods or services to a city in exchange for payment). Members are encouraged to notify staff if any such financial ties exist, and be vigilant in avoiding involvement in any kind of vendor/contractor selection processes that may relate to a financial interest. (Additionally, this type of financial interest may need to be disclosed on the Member's Form 700).

Severe penalties may attach to violations, both willful and inadvertent, of Government Code §1090, including voiding of the contract, misdemeanor or felony charges, and a ban on holding public office. Great caution should be exercised in determining whether an Advisory Body Member is sufficiently disinterested from a contract which may be made by the City.

Contracts with the City

The City has established a prohibition on Advisory Body Members acting as a consultant, contractor, or other vendor to the City, unless the City Attorney determines in advance that the Member's financial interest in the arrangement is completely unrelated to the Member's purview as an Advisory Body Member, and that minimal or no risk to the City will be incurred. For the full policy, see Section VII.B.6.

Political Reform Act

The Political Reform Act of 1974 was adopted by the California legislature in the wake of the Watergate scandal. The core principle of Political Reform Act is that the financial affairs of public officials must be transparent in order to expose potential conflicts of interest. This transparency helps prevent improperly biased decision-making, and allows the public to evaluate whether an official is sufficiently disinterested in their official decision-making activities.

The Fair Political Practices Commission (FPPC) is the non-partisan state agency created to promulgate the Political Reform Act and related regulations, by providing advice, holding hearings, and pursuing enforcement actions. As of 2013, the FPPC also has the authority to issue advice and pursue enforcement actions relating to Government Code Section §1090 (self-dealing prohibitions), although these regulations are not part of the Political Reform Act. The FPPC also offers the online ethics training course most frequently used by Advisory Body Members, although the ethics training requirement is not part of the Political Reform Act.

The Political Reform Act (*CA GC §81000 et seq.*) regulates various groups of City officials differently:

- Most broadly, *Section 87100 et seq.* of the Act says that *no* public official shall participate in a decision if the official has a conflict of interest therein; this regulation applies to all elected and appointed officials and staff, from state to local level.
- *Section 87200* of the Act stipulates that Planning Commissioners are directly regulated in the same manner as City Council Members and the City Manager, City Attorney, and City Treasurer (known as "87200" filers). Planning Commissioners are regulated more rigorously than other Advisory Body Members because Planning Commissions are recognized by state law, and are granted discretionary power to make certain land use decisions that are final if not appealed.
- The Act requires the City to adopt a local Conflict of Interest Code, which identifies all other City officials, such as Advisory Body Members and management staff, with enough decision-making authority to be potentially susceptible to conflicts of interest (known as "Designated" filers). The City's Conflict of Interest Code establishes the Form 700 filing requirements for these officials, as well as other local conflict of interest policies.
- In addition to the above, the Act applies to most elected officials and certain appointed officials throughout state and local governments, including the Governor, district attorneys, and county supervisors, and regulates campaign finance limitations and disclosures for all elections.

The provisions of the Political Reform Act that apply to Advisory Body Members can generally be divided into two components: *disqualification*, the principle that public officials with decision-making authority must not participate in making decisions in which they have or may have a financial interest, and *disclosure*, which requires public officials with decision-making authority to file disclosures of certain personal financial interests.

Disqualification (All City Officials)

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." The Political Reform Act sets forth this broad tenet prohibiting all public officials from acting in cases where they have a conflict of interest (a financial tie to the decision being made, as defined by the law). Not participating in a governmental decision due to conflict of interest is known as "disqualification." This general disqualification requirement applies to all City employees, contract staff, volunteers, Advisory Body Members, and City Council Members.

The types of financial interests that constitute disqualifying conflicts of interest under the Political Reform Act are set forth in *CA GC §87103*. Additional provisions for interpreting these regulations, such as determining what constitutes a "material financial effect," are contained in FPPC Regulations (*CA Title 2 CCR §18700 et seq.*). What distinguishes a statutorily recognized conflict may not always be intuitive, and careful consideration is warranted. Members are responsible for making their own determinations as to when to disqualify themselves, and staff may not provide legal advice as to what constitutes a conflict of interest, however staff is available to help Members locate pertinent regulations.

CA Title 2 CCR §18700(a) sets forth this "Basic Rule" for determining whether a prohibited conflict of interest exists. Parsing the wording of this section, a useful decision-making framework emerges:

- A *public official* at any level of state or local government… (*CA GC §82048*)
- …has a prohibited conflict of interest and may not make, participate in making, or in any way use or attempt to use his or her official position to *influence a governmental decision*… (*CA Title 2 CCR §18704*)
- …when he or she knows or has reason to know he or she has a disqualifying financial interest.
- A public official has a disqualifying financial interest if the decision will have a *reasonably foreseeable*… (*CA Title 2 CCR §18701*)
- …*material financial effect*… (*CA Title 2 CCR §18702 et seq.*)
- …distinguishable from the effect on the *public generally*… (*CA Title 2 CCR §18703*)
- …directly on the official, or his or her *immediate family*… (*CA GC §82029*)
- …or on any *financial interest*. (*CA GC §87103*; *CA Title CCR §18700(c)(6)*)

Members may wish to use third-party publications such as the Institute for Local Government's *Understanding the Basics of Public Service Ethics Laws* as guide to understanding disqualifying financial interests. Members are encouraged to consult with the FPPC for advice in advance when a formal determination is sought regarding the ability to participate in a particular decision.

Real Property Conflicts

A common topic of concern among Advisory Body Members is conflict of interest arising from real property interests. Real property interest is defined by *CA GC §87103*, and standards for determining whether a particular decision will have a "material effect" on an official's real property interests are set forth in *CA Title 2 CCR §18702.2*.

Subject to the availability of staff resources, Advisory Body Members subject to these regulations will be provided with maps showing parcels of land within the vicinity of their own real property interests, to aid in making determinations of material financial effect under CA Title 2 CCR §18702.2.

Recusal Procedure

When a Member needs or desires to disqualify themselves from an agenda item due to conflict of interest, the Member is encouraged to notify staff as early as possible, and to still attend the meeting. Following the announcement of the item by the Chair, the Member will announce the reason for their recusal and leave the dais before discussion commences. Members are technically permitted to remain in the audience for the duration of the item and even address their own body as a member of the public, but only to discuss their personal interests in the item. Members are encouraged to carefully weigh the possible perception of this approach, and are generally encouraged to leave the room for the duration of the discussion. The recusal procedure for Planning Commissioners is set forth in *CA GC §87105* and *CA Title 2 CCR §18707*; recusal procedures for other Advisory Body Members, as set forth in each body's Bylaws, have been written to mirror these regulations.

Note: Recusal differs from *abstention*, in which a Member voluntarily declines to participate in a vote for a reason other than conflict of interest, and does not need to vacate their seat or announce a reason for the abstention.

Disclosure (Form 700 filers)

In addition to the disqualification requirements outlined above, the Political Reform Act uses proactive disclosure of financial interests as a principal tool for achieving transparency. The core of "Disclosure" for public officials is the FPPC *Form 700, Statement of Economic Interests*. Generally, the more authority an official has, the greater their potential for conflict of interest, and the more personal financial interests they must disclose on their Form 700. This information helps the public to evaluate whether an official is sufficiently disinterested from decisions made.

The Act requires that Planning Commissioners and other Section 87200 filers file a Form 700 disclosing financial interests held in each recognized category (investments; real property; income, loans, & business positions; gifts; travel payments). The City's *Conflict of Interest Code* requires that other Advisory Body Members and certain staff disclose financial interests within a subset of the above categories. To determine which types of interests must be disclosed, Members should refer to the Conflict of Interest Code to find their body's "Disclosure Category."

The investments that must be disclosed in each category are generally limited to those within the official's decision-making jurisdiction or otherwise bearing on the official's business with the City, however certain exceptions apply. Each type of interest is reported on a separate "schedule" and the instructions included with each schedule should be carefully considered.

All Advisory Body Members except Traffic Safety Committee Members must file Form 700s at the following intervals:

- An "Assuming Office" Statement, due 30 days from term start
    - Reports investments, interests in real property, and business positions, if required to disclose, held on date of assuming office; and loans, gifts, and travel payments, if required to disclose, held within the year prior

- Annual Statements, due every year before April 1
    - Reports financial interests within the Member's Disclosure Category held during the *prior* calendar year, or between date of assuming office and end of year

- A "Leaving Office" Statement, due 30 days from leaving office
    - Reports financial interests within the Member's Disclosure Category held between the most recent Statement (Assuming or Annual) and the date of leaving office

Note on the Effect of Disclosure

While disclosure is a critical measure of conflict of interest compliance and transparency, the act of disclosing a particular financial interest, in itself, does not mitigate any associated conflict of interest. For example, if a PRBC Member discloses a 20% ownership interest in a local corporation on their Form 700, disclosure of the conflict does not relieve the Commissioner of the obligation to disqualify themselves if the business appears before the body with a development proposal. In the same vein, disclosing a financial interest that is already prohibited does not make it any less prohibited. For example, if a Planning Commissioner has accepted $600 in gifts from a local business in the past year, disclosing receipt of the gift on the Commissioner's Form 700 does not make it legal to have accepted the gift (which is over the dollar amount limit for Commissioners).

Prohibitions

In addition to the general limitation that no public official may influence a decision if the official has a conflict of interest, and the requirement that certain types of interests must be proactively disclosed, other types of financial "interests" are simply prohibited outright. No type of disclosure or disqualification makes such interests permissible. Some prohibitions, including receiving gifts above a certain dollar amount and all honoraria (speaking fees), apply statutorily to Planning Commissioners and other 87200 filers only. However, all Advisory Body Members are encouraged to comport themselves in accordance with these limitations in the interest of maintaining the highest ethical standards.

Enforcement

If it is found that a public official has failed to disqualify themselves from participating in a decision in which the official had a conflict of interest, or failed to properly disclose an interest (including late or incomplete Form 700 filings), the official may be subject to fines by the City, found guilty of a crime, or be subject to civil penalties. The FPPC may also pursue administrative penalties and the subject action may be invalidated.

Note on the Scope of the PRA

While the Political Reform Act is popularly synonymous with the principle of conflict of interest as it relates to public officials, it should be noted that the Act is only one piece of the puzzle. "Conflict of interest" within the meaning of the Act is a set of defined financial conflicts, but the Act is not the only statutory source of financial conflict of interest prohibitions. Further, while financial conflict is at the heart of conflict of interest doctrine, care should be taken to recognize that other types of conflicts, such as real or perceived personal biases, have a real impact on a public official's ethics, whether prohibited by statute or not.

Perceived and Common Law Conflicts of Interest

In addition to the disqualification requirement that exists when a Member has a recognized financial conflict of interest in a decision, Members must be mindful of "perceived" and "common law" conflicts of interest. Even when an official does not have a conflict of interest as defined by the law (statutory conflict), the Member may have some other non-financial connection to the decision at hand, such as being personal friends with a project applicant, which may cause a reasonable member of the public to doubt the Member's ability to consider the matter impartially, and compromise due process for the parties involved.

A Member who participates in making a decision despite the existence of an external factor that may bias their decision-making is likely to incur negative public perception. For this reason alone, the existence of such non-financial conflict may be sufficient to warrant the Member's disqualification. Further, courts have at times found a public official to have acted improperly despite the absence of a statutory conflict of interest, and at times in the absence of financial interest altogether.

The City's Code of Ethics (See Appendix 2: Code of Ethics) says that Advisory Body Members shall not use their positions to influence decisions which "which may give the appearance of a conflict of interest," a measure that assures the public that Advisory Body Members act impartially and in good faith to the greatest extent.

Miscellaneous Provisions

Additional conflict of interest regulations include a prohibition on public officials, including Advisory Body Members, engaging in "incompatible outside activities" for compensation or holding "incompatible offices."

- The "incompatible outside activities" prohibition (*CA GC §1125 et seq.*) says that public officials "shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to" their duties as a public official or the functions of the City.
- The "incompatible offices" prohibition (*CA GC §1099*) says that public officials may not simultaneously hold two public offices if the duties of the respective offices are in conflict with one another, or if one possesses supervisory power over the other.

Members are also subject to the "revolving door" limitation (*CA GC §87407*) under the Political Reform Act that, prior to leaving office, a public official may not use his or her official position to influence any decision relating to a person or entity with whom the official is negotiating prospective employment. Additional information regarding these provisions may be requested from staff.

The more well-known "revolving door" prohibition that a public official who has left an agency may not, for one year after leaving office, be paid to appear before that same agency in order to influence certain decisions (*CA GC §87406.3)* does not apply statutorily to Advisory Body Members.

3. Ethics Laws

The foundation of public service ethics is the idea that a public official must exercise the duties of his or her office impartially and for the benefit of the public, rather than for the benefit of the official's personal interests, and that holding office does not entitle an official to special advantages. As with conflict of interest, the regulations that comprise "ethics" laws are many and varied, and there is a great deal of overlap between the two doctrines. The ethics laws and principles most frequently encountered by Advisory Body members are outlined below.

AB 1234 / Ethics Training

Assembly Bill 1234 (*CA GC §53234 et seq.*) , adopted in 2005, stipulates that if a local agency provides compensation to any member of a legislative (Brown Act) body, all members of the agency's legislative bodies must receive ethics training. While the training is billed as "ethics" training and covers a wide away of ethical considerations, a large portion of the content relates to conflict of interest regulations.

AB 1234 requires that subject officials receive two hours of accredited ethics training within their first year of office, and an additional two hours at least once every two years thereafter. Training completion certificates must be filed with the City Clerk's Office, and are then posted in the City's online public records portal.

The FPPC's free online ethics training course is recommended for Advisory Body Members. An account may be set up at *http://localethics.fppc.ca.gov* and used for multiple trainings. Training may be completed in multiple sessions, but a total of two hours or more of training time must be shown on the completion certificate. If training time is under two hours, the certificate will not be accepted, and a supplemental course of instruction must be taken.

Live ethics training seminars are periodically available from organizations such as the League of California Cities. Other vendors may be utilized for ethics training; please consult with staff before choosing an alternative vendor.

AB 1661 / Harassment Prevention Training

Assembly Bill 1661 (*CA GC §53237 et seq.*), passed in 2016, requires members of a local agency's legislative bodies to receive sexual harassment prevention and education training, in addition to the existing requirement that public employees receive such training. Members of legislative Advisory Bodies must receive at least two hours of harassment prevention training within six months of taking

office, and again at least every two years thereafter. Training completion certificates must be filed with the City Clerk's Office, and are then posted in the City's online public records portal.

Periodic AB 1661 online training webinars and in-person training seminars are provided by agencies such as the League of California Cities. Occasional in-person training sessions for Council and Advisory Body Members, organized through the California Joint Powers Insurance Authority, are also held at various locations in the county. Advisory Body Members may also inquire with staff about attending qualifying training sessions at other times and locations. Members who receive harassment prevention training from their employers pursuant to CA GC §12950.1 may request that their employer-provided training be considered to satisfy this requirement.

Bribery and Extortion

Two of the most serious violations of public trust occur in the form of bribery and extortion, for which penalties, including prison time, fines, and bans on holding office, are severe. Bribery involves a public official accepting money or other things of value in exchange for favorable votes or exerting other favorable influence. Extortion involves using one's status as a public official to improperly obtain special advantages or perks. Laws prohibiting bribery and extortion are strictly enforced, and public perception of these phenomena is extremely negative; thus even the remotest appearance of such activities must be scrupulously avoided.

City Code of Ethics

See Appendix 2: Code of Ethics.

Due Process

The doctrine of Due Process gets its name from the Fifth and Fourteenth Amendments to the United States Constitution, and has its philosophical origins in the 13th-century Magna Carta. While legal application of due process rights is complex, the spirit of the doctrine is embodied at the local level in a few key principles, among them that:

- Citizens are guaranteed fair, impartial, merit-based consideration by decision-makers
- Citizens are guaranteed the right to take advantage of all available procedures of law, particularly before having their rights limited by the government
- Governmental and judicial entities will follow the law

Due process is also commonly conceived as "the right to fair and unbiased decision-makers." Advisory Body Members embody these principles by:

- Treating all members of the public equally (based on merit, free from bias)
- Interpreting applicable regulations consistently
- Being mindful of factors which may influence decision-making, specifically the potential for personal gain
- Disqualifying themselves if they ever find they are unable to act impartially.

Planning Commissioners in particular, because they possess the authority to act as hearing officers and make binding decisions, must do their utmost to be fair and impartial, and avoid caprice and bias, in the execution of their duties.

Transparency

Public officials including Advisory Body Members have a duty to conduct their activities in a transparent manner. The *California Constitution* provides that the public has "the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the

writings of public officials and agencies shall be open to public scrutiny." This transparency is a measure by which public officials earn the public's trust. The following are some of the ways in which Advisory Body members advance the principle of transparency:

- Cooperation with staff on compliance with Public Records Act requests
- Sharing records related to the conduct of business, such as communications received from members of the public, with staff
- Disclosure of financial interests on Form 700s
- Announcement of financial ties that give rise to recusals
- Honoring Brown Act requirements for:
    - Conducting deliberations only during noticed, public meetings
    - Permitting public access to, and participation in, meetings
    - Taking action only on agenda items

Use of Public Resources

A common ethical consideration for public officials is the responsible stewardship of public resources (public funds, and things bought or built with public funds, including the staff time of public employees). Generally speaking, any frivolous use of public resources is ethically unsound, and the law prescribes specific penalties and prohibitions for certain types of misuse.

Day to day, responsible use of public resources includes respectful use of staff's time, and care in handling materials supplied by the City. In addition, statutory provisions include prohibitions on use of public funds and resources for personal purposes or political purposes. Specifically, public resources may not be used for advocacy related to ballot measures or political candidates, including mass mailings which give the appearance of promoting a particular officeholder. For more information, see Political Activity, page 10, and *CA GC §3201—3209*.

4. Maddy Act

The Maddy Act (*CA GC §54970 et seq.*) declares the value of citizen Advisory Bodies, stipulates the timing of Notices of Vacancy and appointments for unscheduled vacancies, and requires that an annual roster of Advisory Body membership information (the "Maddy List") be posted. The City Clerk's Office is responsible for complying with these regulations. The City retains authority to adopt policies and procedures governing all other aspects of Advisory Body membership administration.

5. Public Records

The California Public Records Act (CPRA, *CA GC §7920 et seq.*) provides that, unless exempt by law, the records created, used, sent, received, or stored by all City officials in the course of conducting City business are public records. Essentially all records associated with the business of the City's Advisory Bodies (agendas, staff reports, minutes, resolutions, public comments, meeting recordings) are unequivocally public in nature, and most are made readily available on the City's website in order to reduce the need for the public to file records requests. In addition, Advisory Body Member communications such as emails or text messages to or from staff or the public are public records, regardless of the device or account used to send or receive them. (see California Supreme Court ruling in *City of San Jose v. Superior Court*, 2017).

In addition to the City's obligation to release copies of most communication records under the Public Records Act, an even greater degree of disclosure may be required in order to comply with a subpoena or litigation discovery. For these reasons, Advisory Body Members must exercise tact and caution when communicating about City business in writing.

In the event the City receives a public records request the scope of which includes Advisory Body Member communications, City staff will identify, evaluate for exemptions, and release records of communications stored on the City's email server (i.e. any conversation involving a pismobeach.org domain email address). Staff are the custodians of these Advisory Body records and responsible for providing public access to the same in compliance with the Public Records Act and Brown Act.

In addition, each Member who may possess responsive communications sent or received using a personal device or account (such as text messages, or Gmail account communications) will be asked to search their own device, provide any responsive records to Staff, and sign an affidavit declaring that the Member has conducted a search in good faith and provided any relevant records. Members are encouraged to copy staff on such communications routinely, in order to minimize the number of records that need to be produced from a personal device when a records request is received.

Under the Brown Act (see page 23), any record provided to or utilized by at least a majority of a Brown Act body must be made available to the public, unless an exemption applies. Any written communication relating to City business that is delivered to a majority of the body, but not copied to staff, should be forwarded to staff to be placed in the public record.

B. City Laws and Policies

Where state law does not regulate a particular aspect of Advisory Body constitution or operation, the City may establish its own laws and policies regulating its Advisory Bodies. City laws are established by Council Ordinance. City policy is generally established by Council Resolution; to a lesser extent, executive staff may establish operational (administrative) policies within the framework of formal Council policy.

1. Attendance Requirements

Local policies relating to permissible attendance rates are established by each body's Bylaws (see section I.A.1 above). Local policies relating to disciplinary consequences for excessive absenteeism are provided in Section VIII.A.

2. Bylaws

The Council adopts and periodically updates Bylaws governing the purpose, constitution, and parliamentary practices of each legislative Advisory Body. Bylaws set forth each body's duties, membership parameters and attendance expectations, as well as fine-grained policy and procedure for election of officers (Chair and Vice-Chair), voting, minutes, creation of committees, and more.

Bylaws are reviewed biennially by each Advisory Body and any recommendations for revisions thereto are made to the Council. Advisory Body Members are strongly encouraged to become familiar with their body's Bylaws, and to notify staff if the Bylaws appear to need an update. Appendix 4: Links to Regulations and Resources will be kept current with links to the most recently-adopted Bylaws for each Advisory Body.

3. City Code

The City Code, or Municipal Code, is the City's set of local laws, which are adopted, revised, and repealed by Council Ordinance. The City Code contains the following provisions related to administration Advisory Bodies. All other provisions for Advisory Body administration are established by Council policy or administrative practice.

- *Chapter 2.20* establishes the Planning Commission and specifies the number of members, eligibility requirements, term of office, and procedure for removal of members. *CA GC §65100* requires that the City assign the duties of its "Planning Agency" in this manner by ordinance.
- *Chapter 12.16* sets forth the duties and general composition of the Special Events Committee and specifies that it shall include two "resident" members appointed by the Council. (Note: the Special Events Committee was not created by ordinance.)
- *Chapter 2.24* stipulates that "…any person convicted of a felony shall be ineligible to serve" on a City Advisory Body. Conviction of a felony during term of office is grounds for termination of the Member. Further information is provided in Section VIII.

Staff makes an effort to keep Advisory Body Members apprised of changes to Municipal Code that affect Advisory Bodies. Individual Council Ordinances are archived online at may be researched by visiting *www.pismobeach.org/accesspismo*. Complete, codified regulations are available online at *www.pismobeach.org/municode*.

4. Code of Ethics

The Pismo Beach City Council has established a *Code of Ethics* to articulate expectations for local officials and help assure the public's confidence in the integrity of local government. In keeping with the City's commitment to above-par public service, the City's Code of Ethics requires, in part, that City Council Members and Advisory Body Members:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Be independent, impartial and fair in their judgment and actions;
- Use public office for public good, not for personal gain;
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.
- Avoid influencing decisions in which the Member has, or may appear to have, a conflict of interest.

During orientation, each Advisory Body Member will be asked to sign a "Statement of Commitment" to the City's Code of Ethics, to be kept on file during their term of office. See Appendix 2: Code of Ethics.

5. Conflict of Interest Code

The City's *Conflict of Interest Code* is a Council-adopted local policy on conflict of interest regulations for local officials. See Conflict of Interest Regulations, page 27, for more information.

6. Contracts with the City

No Advisory Body Member, or entity in which a Member has a financial interest (as defined by Government Code §87103), may be a party to any agreement for professional services or tangible goods executed by the City, or otherwise act as a consultant, contractor, or vendor to the City, nor may any Advisory Body Member participate in any decision relating to such an agreement, unless the City Attorney determines in writing that the Member's financial interest in such arrangement is sufficiently removed from the Member's influence or capacity as a City official such that no conflict with the provisions of Government Code §1090 or other conflict-of-interest statute is foreseen, and that minimal or no risk to the City is anticipated.

Any such determination by the City Attorney shall be made for the benefit of the City only, and does not relieve the Advisory Body Member of any responsibility for determining their own duties and limitations

under applicable law, or provide any immunity to the Member in the event of legal action relating to the same. See also Section I.A.2 for more information about Conflict of Interest.

7. Training Requirements

Assembly Bills 1234 and 1661 do not provide any penalties for who officials who do not comply with their requirements for ethics or harassment prevention training, respectively. However, the City has adopted local penalties for Advisory Body Members who do not complete their trainings in a timely manner. See Section VIII.B.

8. Other City Policies

Generally speaking, the Council Resolution adopting each Advisory Body's Bylaws (see above) is the City's policy statement on the composition and administration of the body. However, from time to time the Council may adopt other Resolutions, such as the policies on Member compensation, and this Handbook, that relate to Advisory Bodies.

Staff makes an effort to keep Advisory Body Members apprised of changes to Council policies that affect Advisory Bodies. Council Resolutions are archived online at may be researched by visiting *www.pismobeach.org/accesspismo*. Members may consult staff with questions relating to other applicable policies.

C. Cultural Norms

The culture of Pismo Beach Advisory Bodies is one of civil discussion, respectful interpersonal interactions, and an overarching goal of doing the work required of the body efficiently, legally, and with the interests of the City and the public mind. However, each Advisory Body develops a culture of its own with regard to matters not dictated by law or City policy. New Members are encouraged to observe and comport with internal norms for their body, and consult with staff for answers to any questions.

VIII. ADMINISTRATIVE POLICIES

A. Attendance

The importance of regular attendance at meetings cannot be emphasized enough. Because Advisory Bodies meet only periodically, a small number of absences can equate to missing a large portion of the body's work for the year. For example, if an Advisory Body meets once every other month, and a Member misses two meetings in a year, the Member has missed out on a third of the body's activities for the year.

Each Advisory Body's Bylaws specify the maximum number of meetings that may be missed by Members of the body (see below) and disciplinary consequences will result from excessive absenteeism. Attendance records are provided to the Council for their information on a quarterly basis.

1. Permissible Absences per Year

Conference and Visitors Bureau Board	3 regular meetings (of approx. 11)
Parking Advisory Committee	2 meetings (of approx. 4)
Parks, Recreation and Beautification Commission	2 meetings (of approx. 6)
Planning Commission	4 regular meetings (of approx. 21)

2. Disciplinary Consequences for Excessive Absenteeism

See Section H., Suspension; Removal from Office, below.

B. Training Completion

For the duration of a Member's term, certain training deadlines must be met on a recurring basis. Training completion records are forwarded to the Council for their consideration on a quarterly basis. The disciplinary consequences described below do not preempt any other legal consequences that may result from a Member's failure to meet their training requirements. Below are the training deadlines that apply to legislative body members. Regulations are subject to change and this list may not necessarily be complete. Also see Section VII for more information about training regulations.

- Ethics Training (AB 1234)
    - Training Completion Certificate (2 hours) (within one year from term start)
    - Training Completion Certificate (2 hours) (at least once every two years thereafter)

- Harassment Prevention Training (AB 1661)
    - Training Completion Certificate (2 hours) (within 6 months from term start)
    - Training Completion Certificate (2 hours) (at least once every two years thereafter)

1. Disciplinary Consequences for Failure to Timely Complete Training

See Section H., Suspension; Removal from Office, below.

C. Compensation

Advisory Body Members receive compensation as outlined below.[1] This compensation is a stipend (not employment income), and is intended to offset incidental costs associated with preparing for, attending, and travelling to and from meetings. Payment is made on an approximately quarterly basis.

Conference and Visitors Bureau Board	$25/meeting
Parking Advisory Committee	$25/meeting
Parks, Recreation and Beautification Commission	$25/meeting
Planning Commission	$50/meeting
Special Events Committee	Not compensated
Traffic Advisory Committee	Not compensated

Advisory Body Members wishing to receive a stipend must submit a completed *IRS Form W-9* to the City's Clerk's Office. Members wishing to waive their stipend should submit an email to the City Clerk constituting their waiver. Waiver of stipend does not relieve a Member of state-mandated training requirements for compensated officials.

Members are generally not eligible for any expense reimbursement beyond their approved stipend.

D. Travel

In very limited cases, Members may be approved for reimbursement of expenses associated with traveling to training or conferences directly relating to the Member's assigned purview. The law strictly regulates the reimbursement of appointed public officials' expenses; unlike City employees, elected and appointed officials are not eligible for advance payment of travel expenses. Any legitimate travel expenses (e.g. meals) may only be reimbursed after the fact; substantiated by receipts; and in amounts not to exceed what would otherwise be the applicable per diem amount for the activity and destination.

Travel policies applicable to Advisory Body Members are set forth in the City's Purchasing Policy Manual, adopted by Council Resolution *R-2022-067* or superseding resolution. City-sanctioned travel is typically limited to Planning Commissioners. Please consult with staff in advance regarding travel expenses.

E. Dual Service

As a general policy, an applicant shall not be appointed to serve on more than one legislative (Brown Act) Advisory Body at any one time, however a member of a legislative Advisory Body may serve concurrently on a non-legislative Advisory Body (Special Events Committee or Traffic Safety Committee). When a current Member of a legislative Advisory Body applies for service on another legislative Advisory Body, the Member will automatically be deemed to have resigned their position with one body upon being appointed to the other.

F. Injury and Claims

Advisory Body Members are not City employees and as such are not entitled to medical insurance or any other benefit afforded to employees. Advisory Body Members must sign a volunteer waiver agreeing that a Workers' Compensation claim is the Member's sole recourse should the Member be injured in the

[1] *R-2019-060*

course of their City duties. By signing the Waiver, the Member agrees not to sue the City. A general liability claim process is available to Advisory Body Members, in the same manner as to all members of the public, in the event of property-related loss occurring in the course of duty.

G. Recognition

The City Council greatly values each individual who volunteers their time and energy serving the City on an Advisory Body. The City periodically organizes a Volunteer Banquet event, State of the City address, or similar event to express the City's appreciation for Advisory Body members and the City's many other volunteers.

Approximately quarterly, a meeting is held with the Mayor, Mayor Pro Tempore, Chair and Vice-Chair of each Advisory Body, and the City Manager or other staff, to receive an update on City projects and initiatives, providing broader context for each body's decision-making activities.

Typically, an Advisory Body Member who has served at least one year and is in good standing upon their resignation or term expiration, subject to determination of the Mayor and/or Council, will also be invited to receive recognition for their service at a future City Council meeting.

H. Resignation from Office

An Advisory Body Member wishing to resign must submit a letter or email of resignation to the City Clerk. If no date of resignation is provided, resignation will be deemed effective immediately upon receipt. The Member will then be required to file a final, "Leaving Office" Statement of Economic Interests (Form 700).

I. Suspension; Removal from Office

Members of Advisory Bodies serve at the pleasure of the Council and may be removed with or without cause by the City Council at any time, as long as the action is properly agendized and taken in open session. Outlined below are some of the specific circumstances that may lead to a Member's suspension or termination (removal from office), along with other related policy provisions. None of these specific policy provisions is intended to abridge the City Council's overall discretion to dismiss an Advisory Body Member for any reason.

1. Definitions.

Suspension of membership shall mean that a Member is not permitted to attend meetings as a member of the body or collect any stipend until such time that the Council reinstates the Member. Suspension of membership shall not relieve the Member of any other duty or regulation normally applicable to the Member holding office, such as conflict of interest prohibitions or financial interest reporting. In the event a member is suspended at the time their term of office ends, the Member is not deemed to have been terminated.

Termination shall mean that the Member's seat is deemed to be completely vacated. A terminated Member may be prohibited from future Advisory Body service, depending on the cause for termination.

2. Excessive Absence; Leave of Absence.

In the event a Member exceeds the permissible number of absences by one absence, the City Council shall be notified by the City Clerk's Office. Members who incur additional absences will be asked to meet with the Mayor regarding their ability to continue to serve. If the Mayor determines that the Member's excessive absences warrant it, the Mayor will direct the Clerk to schedule an agenda item allowing the City Council to consider in open session the dismissal of the Member. In the alternative, the Council, in open session, may grant a Member a defined leave of absence without penalty.

3. Failure to Timely Complete Training.

In the event a Member fails to timely complete ethics training, harassment prevention training, or any other training required for Advisory Body Members by federal, state, or local law, or by City policy, staff shall automatically, administratively take the following actions:

- Suspension of stipend payments when a Member is 3 or more months out of compliance;
- Suspension of membership when a Member is 4 or more months out of compliance.

Upon completion of training and submittal of evidence of completion, staff shall automatically reinstate the Member.

4. Workplace Harassment.

In the event a Member is the subject of an investigation relating to workplace harassment, staff may, at its discretion depending on the nature of the allegations, administratively suspend the Member until the conclusion of the investigation. In the event the Member is found by an independent third-party investigator to have committed unlawful harassment against a City employee, City official, City contractor, or any other person in the course of the Member's official conduct, the City Clerk's Office shall automatically, administratively vacate the Member's seat and, within 30 days, bring before the City Council a report on the vacancy seeking direction to fill the seat. In the event the Member's term ends 30 days or fewer from the date of termination, the City Clerk's Office shall notify the Council of the termination and fill the seat as any other routine vacancy.

Termination in accordance with this section shall be with prejudice; that is, the Member shall not be permitted to reapply for consideration for future service.

5. Felony Conviction.

In accordance with *Pismo Beach Municipal Code Section 2.24.010*, in the event the City becomes aware of credible evidence that a Member has been convicted of any felony before or during the Member's term of office, the City Clerk's Office shall automatically bring before the City Council an agenda item recommending that the Council exercise its discretion to terminate the member and seeking direction to fill the seat.

Termination in accordance with this section shall be with prejudice; that is, the Member shall not be permitted to reapply for consideration for future service.

6. Ineligibility to Serve.

In the event a seated Member is determined to be ineligible to serve in their appointed capacity due to failure to meet objective minimum qualifications, such as residency within the city, or any other factor not addressed in Sections 2 through 5 above, the City Clerk's Office shall automatically bring before the City Council an agenda item recommending that the Council either terminate the member, or suspend the Member until such time that proof of eligibility is demonstrated.

7. Public Proceedings.

City Council action relating to the membership status of any Member shall be properly agendized and conducted in open session in accordance with the Brown Act, and action by the Council to suspend or terminate a Member shall be approved by majority vote. Because Advisory Body Members are not employees, they are not subject to the provisions of the Brown Act allowing for Closed Session discussion of employee discipline. The Member shall be permitted to participate in the City Council meeting proceedings as any member of the public.

8. Notice to Member; Notice to Council.

In the event the consideration of disciplinary action against a Member is to be brought before the City Council, the City Clerk's Office shall provide direct notice by email to the Member of the proceedings, no later than the publication date of the agenda for the meeting where the action is agendized. Should a Member elect to resign upon being notified of pending disciplinary action, staff may withdraw any related agenda item prior to consideration by the Council, if no other Council direction is sought. In the event the suspension or termination of a Member is effected by staff in accordance with this section, the City Clerk's Office shall provide direct notice by email to the affected Member as soon as practicable.

In the event staff takes administrative action to suspend, terminate, or reinstate a Member in accordance with this section, staff shall provide notice by email to the City Council as soon as practicable, except when doing so would endanger the integrity, or successful completion, of an investigation.

9. No appeal.

The decision of the City Council or staff to suspend or terminate a Member shall be final, and there shall be no appeal mechanism.

J. Technology

Generally speaking, Advisory Body Members are not granted access to or use of City equipment, devices, or accounts. Planning Commissioners are assigned a City domain (@pismobeach.org) email address. Planning Commissioners are allowed access to City email via web browser (webmail), and personal smartphone application, but are not provided credentials to access any other network resources.

Planning Commissioners should always use, or copy (cc:), their City email address when communicating regarding City business. Advisory Body Members without City email addresses are encouraged to always copy a staff member (but *not* other Advisory Body Members) when communicating regarding City business. These approaches ensure that public records of communications are already available in the City's files if requested, and do not need to be produced by the Advisory Body Member in the event of a records request.

IX. ADVISORY BODIES

- **Conference & Visitors Bureau Board**
- **Parking Advisory Committee**
- **Parks, Recreation & Beautification Commission**
- **Planning Commission**
- **Special Events Committee**
- **Traffic Safety Committee**

The following section contains a restatement of the purpose, duties, membership qualifications, meeting schedule, and other information for each Advisory Body, as set forth in the Council-adopted Bylaws. In addition, milestones in Council legislation establishing and amending each body are noted for quick reference. Members are encouraged to familiarize themselves with their body's complete Bylaws, which are linked in each section.

X. CONFERENCE & VISITORS BUREAU BOARD (CVBB)

& LODGING BUSINESS IMPROVEMENT DISTRICT BOARD (LBID Board)

Legislative/Brown Act Body? Yes

Bylaws: *Resolution R-2024-008*

1. Eligibility

Each Member of the CVB Board shall be a resident of Pismo Beach or a commercial property owner or business owner or agent of the same. Members shall have direct experience and professional interest in increasing local business by promoting Pismo Beach to leisure travelers, guiding marketing efforts directed toward consumer and tour operators, coordinating public relations, visitor information, and developing marketing and advertising programs.

Number of Members: 5

2. Purpose

As the Executive Board of the Pismo Beach Conference & Visitors Bureau, the CVB Board exists to further the mission of the CVB to build overnight visitor revenues, as well as destination awareness, by consistently promoting an identifiable, effective, ongoing targeted promotional message, and serve as the voice of Pismo Beach tourism in partnership with the diverse activities of the Chamber of Commerce, the Pismo Beach Hospitality Association, and the community at large.

3. Duties and Responsibilities

A. To review and make recommendations to the City Council concerning the hiring of professional services, contracts, budgets, policies and operating guidelines that relate to the overall CVB work effort to attract tourists, tour groups, and conference groups to come to Pismo Beach, to market and advertise Pismo Beach, and provide public relations, trade show and marketing services that will effectively promote Pismo Beach tourism for the specific purpose of generating increased transient occupancy and retail sales within the City of Pismo Beach.

B. To provide direction to staff on the expenditure of funds in the Council-adopted CVB Marketing Budget.

4. Terms/Limits

Two year-terms, with no term limits.

5. Meetings & Attendance

Meetings are held the third Wednesday of each month at 3:00 p.m. Meetings are held in the Council Chamber at City Hall unless otherwise noticed. July meetings and other meetings proximate to holidays may be cancelled. Occasional special meetings may be scheduled as needed. Members may miss no more than 3 regular meetings per year.

6. Establishment and Legislative History (abridged)

- June 7, 1994: Originally established by *R-1994-051*
- October 17, 2017: Re-established and Bylaws revised by *R-2017-092*
- March 5, 2019: Bylaws revised by *R-2019-014*
- August 20, 2019: Stipend set by *R-2019-060*
- February 4, 2020: Bylaws revised by *R-2020-011*
- February 20, 2024: Bylaws revised by *R-2024-008*

7. Special Notes

The CVB Board also serves as the City's Lodging Business Improvement District (LBID) Advisory Board (see *PBMC Chapter 3.26*). The Board's Bylaws do not reflect the LBID duties because the LBID Board is a different legal entity. LBID duties include preparing an annual report of LBID assessments imposed, for City Council approval in April of each year, and making recommendations on the use of LBID assessment revenues.

XI. PARKING ADVISORY COMMITTEE (PAC)

Legislative/Brown Act Body? Yes

Bylaws: *Resolution R-2024-009*

1. Eligibility

1. Each Member of the PAC shall have demonstrated interest in, and knowledge of, Pismo Beach parking issues;
2. At least three Members shall be residents of Pismo Beach; and
3. No more than two Members may be individuals who are not residents of Pismo Beach, provided they are owners/operators of businesses within Pismo Beach city limits.

Number of Members: 5

2. Purpose

The PAC is a body of community members created to advise the City Council on parking-related issues within Pismo Beach city limits.

3. Duties and Responsibilities

The PAC shall have the ability, as vested by the City Council, and be required:

A. To act as an advisory committee to the City Council with respect to implementation of an overall Parking Management Program;

B. To act as an advisory committee to the City Council with respect to parking issues within Pismo Beach;

C. To act as a community forum to hear requests from the public regarding the operation and maintenance of parking lots and programs within Pismo Beach;

D. To maintain adequate liaison with other committees, agencies and districts; and

E. To advise Council as to other matters upon the Council's request.

4. Terms/Limits

Two year-terms, with no term limits.

5. Meetings & Attendance

Meetings are held the fourth Wednesday of every third month (quarterly) at 9:00 a.m. (January, April, July, and October.) Meetings are held in the Council Chamber at City Hall unless otherwise noticed. July meetings and other meetings proximate to holidays may be cancelled. Occasional special meetings may be scheduled as needed. Members may miss no more than 2 meetings per year.

6. Establishment and Legislative History (abridged)

- February 6, 2007: Originally established by *R-2007-009*
- February 17, 2015: Reduced to quarterly meeting frequency by *R-2015-009*
- October 17, 2017: Re-established and Bylaws revised by *R-2017-093*
- March 5, 2019: Bylaws revised by *R-2019-015*
- August 20, 2019: Stipend set by *R-2019-060*
- February 4, 2020: Bylaws revised by *R-2020-012*

- February 20, 2024: Bylaws revised by *R-2024-009*

7. Special Notes

The Chamber of Commerce-appointed seat, prescribed by the Council when the PAC was originally established, was converted to standard, public seat in October 2017.

XII. PARKS, RECREATION AND BEAUTIFICATION COMMISSION (PRBC)

Legislative/Brown Act Body? Yes

Bylaws: *Resolution R-2020-010*

1. Eligibility

Each Member of the PRBC shall be a resident of the city of Pismo Beach at the time of appointment and during the entire term of service.

Number of Members: 5

2. Purpose

The PRBC is a body of citizens created to advise the City Council in all matters pertaining to parks, public recreation, access, open space, trails, and community beautification.

3. Duties and Responsibilities

A. To make recommendations and/or take action to assist the City Council in achieving its stated goals pertaining to parks, public recreation, access, open space, trails, and community beautification.

B. To gather public input on all matters pertaining to parks, public recreation, access, open space, trails, and community beautification, and to cooperate with other governmental agencies and civic groups for the enhancement of visual quality and the advancement of sound parks and recreation planning and programming.

C. To recommend policies and fees for park and recreation services for approval by the City Council and interpret these policies and fees to the public.

D. To encourage individuals and citizen groups to volunteer effort, time, and resources for the development and operation of recreation and park facilities and at all times generally enlist community interest in recreation and parks.

E. To recommend to the City Council the development of recreational areas, parks, facilities, programs and improved recreation services.

F. To recommend to the City Council the adoption of standards concerning parks, recreation, access, open space, and trails with respect to areas, facilities, programs and improved recreation services.

G. To advise Parks and Recreation staff in the preparation of the annual parks maintenance, park improvement, and recreation program budgets and recommend long-range park and recreation facilities improvements.

H. To recommend to the City Council rules and regulations governing the use of recreation areas and facilities consistent with ordinances of the City for the safe and appropriate use of City parks and facilities.

I. To review and make recommendations on landscape plans for public rights-of-way, parks, major subdivisions, public properties, and other projects on referral from the City Council or the Planning Commission.

J. To identify and recognize efforts to improve the visual quality of the community.

K. To review public art concepts, select ad-hoc review committees, hold hearings, make recommendations to the City Council, and other duties related to the City's Public Art Program.

L. To devise processes and/or provide oversight for special projects, or aspects of projects, that fall under the category of public art or enhancement of City visual quality.

4. Terms/Limits

Two year-terms, with no term limits.

5. Meetings & Attendance

Meetings are held the first Thursday of every other month at 6:00 p.m. (January, March, May, July, September, and November.) Meetings are held in the Council Chamber at City Hall unless otherwise noticed. July meetings and other meetings proximate to holidays may be cancelled. Occasional special meetings may be scheduled as needed. Members may miss no more than 2 regular meetings per year.

6. Establishment and Legislative History (abridged)

- August 25, 1969: Originally established by *O-135*
- September 5, 2017: Re-established by *R-2017-076*
- October 17, 2017: Bylaws revised by *R-2017-094*
- March 5, 2019: Bylaws revised by *R-2019-016*
- August 20, 2019: Stipend set by *R-2019-060*
- February 4, 2020: Bylaws revised by *R-2020-013*
- February 20, 2024: Bylaws revised by *R-2024-010*

7. Special Notes

The Parks, Recreation and Beautification Commission was removed from the Municipal Code and re-established by Resolution in 2017 to facilitate easier updates to the body's regulations when warranted. The PRBC was originally codified in 1969 when it was common practice to create legislative bodies by Ordinance; since that time, establishing such bodies by Resolution has become the norm.

XIII. PLANNING COMMISSION (PC)

Legislative/Brown Act Body? Yes

Bylaws: *Resolution R-2024-011*

1. Eligibility

Each Member or the Planning Commission shall be a resident of the city of Pismo Beach at the time of appointment and during the entire term of service.

Number of Members: 5

2. Purpose

The Planning Commission is a body of citizens created to advise the City's Community Development Department and the Council.

3. Duties and Responsibilities

A. To prepare, periodically review, and revise, as necessary, the General Plan.

B. To implement the General Plan through actions including, but not limited to, the administration of Specific Plans and Zoning and Subdivision Ordinances.

C. To annually review the City's Capital Improvement Program for consistency with the General Plan.

D. To endeavor to promote public interest in, comment on, and understanding of the General Plan, and regulations relating to it.

E. To advise public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally concerning implementation of the General Plan.

F. To promote the coordination of local plans and programs with the plans and programs of other public agencies.

G. Perform other functions as the Council directs, including conducting studies and preparing plans other than those required.

4. Terms/Limits

Two year-terms, with no term limits.

5. Meetings & Attendance

Meetings are held the second and fourth Tuesdays of each month at 6:00 p.m. Meetings are held in the Council Chamber at City Hall unless otherwise noticed. July meetings and other meetings proximate to holidays may be cancelled. Occasional special meetings may be scheduled as needed. Members may miss no more than 4 regular meetings per year.

6. Establishment and Legislative History (abridged)

- December 16, 1946: Originally established by *O-009*
- October 17, 2017: Bylaws revised by *R-2017-095*
- March 5, 2019: Bylaws revised by *R-2019-017*
- August 20, 2019: Stipend set by *R-2019-060*
- February 4, 2020: Bylaws revised by *R-2020-014*
- February 20, 2024: Bylaws revised by *R-2024-011*

7. Special Notes

The Planning Commission is the only Advisory Body established by Ordinance in part because the City is required by state statute (*CA GC 65100 et seq.*) to establish its "Planning Agency" by Ordinance. The Planning Commission is the only Advisory Body whose Members are directly regulated by the Political Reform Act (*CA GC §81000 et seq.*).

XIV. SPECIAL EVENTS COMMITTEE (SEC)

Legislative/Non-Brown Act Body? No

Bylaws: None

1. Eligibility

Each Resident Member of the SEC shall be a Pismo Beach resident.

2. Number of Members

2 Resident Members, plus staff representatives from various City departments, and a Chamber-appointed representative from the Chamber of Commerce Board.

Per *Pismo Beach Municipal Code Section 12.16.020*: "In order to assure working representation from all appropriate segments of the city government and to provide effective deliberation of all impacting events, the SEC consists of members from various city departments that support and regulate special events, such as, Administration, Police, Fire, Public Works, Community Development, Conference and Visitors Bureau, Pismo Beach Chamber of Commerce and two members, appointed by the City Council, who are residents of the city of Pismo Beach."

3. Purpose

The Special Events Committee is authorized to carry out the provisions of the special events policies and City municipal codes (*PBMC 12.16.020*).

4. Duties and Responsibilities

The SEC will review all Special Event applications and make recommendations to the City Manager, who will review the recommendations of the Committee and the applicant's compliance with the permitting procedures and maintain the ultimate approval authority. (*PBMC 12.16.020*) Duties also include providing certain logistical and safety oversight to approved events.

5. Terms/Limits

Two year-terms, with no term limits.

6. Meetings

Meetings are held the fourth Tuesday of every month at 9:00 a.m. Meetings are held in the Administration Conference Room at City Hall unless otherwise noticed. July meetings and other meetings proximate to holidays may be cancelled. Occasional special meetings may be scheduled as needed.

7. Establishment and Legislative History (abridged)

- Originally established by staff in early 1994
- June 17, 2003: Council *Minute Order* to add two "resident" members to the SEC
- April 15, 2003: Certain regulations restated in *O-03-01*
- March 4, 2014: Terms set to 2 years by *R-2014-018*

8. Special Notes

The SEC is advisory to the City Manager, rather than the City Council.

XV. TRAFFIC SAFETY COMMITTEE (TSC)

Legislative/Brown Act Body? No

Bylaws: None

1. Eligibility

Each Resident Member of the Traffic Safety Committee shall be a Pismo Beach resident.

2. Number of Members

3 Resident Members, plus staff representatives from various City departments

3. Purpose

The TSC evaluates and helps address traffic safety issues within Pismo Beach.

4. Duties and Responsibilities

The TSC's major duties are:

A. To review and discuss traffic safety-related concerns submitted by the public, and apprise the complainant of the Committee's findings

B. To discuss traffic safety-related concerns raised by staff

C. To forward recommendations on traffic safety action items warranting Council action

D. To directly address traffic safety action items not requiring Council action

5. Terms/Limits

Two year-terms, with no term limits.

6. Meetings

Meetings are held the second Thursday of the month at 10:30 a.m., quarterly, as needed. Meetings are held in the Administration Conference Room at City Hall unless otherwise noticed. July meetings and other meetings proximate to holidays may be cancelled. Occasional special meetings may be scheduled as needed.

7. Establishment and Legislative History

- Originally established by staff at an unknown date prior to 1991
- June 17, 2003: Council *Minute Order* to add a "citizen" member, with a one-year term.
- April 2016: TSC action to extend the citizen member term length to two years.
- February 14, 2023: Council Minute order to direct staff to add a second resident seat.
- February 21, 2023: Council Minute order to direct staff to add a third resident seat.

8. Special Notes

The Traffic Safety Committee was created by staff some time prior to 1991. In 2003, the City Council acted to add a "citizen" member to the body, which has historically been interpreted by staff to mean a resident member. Due to the limitations of SB 225 (2019), citizenship status may not be used as a qualifying factor for advisory body service, and the seat is now known as a "resident" member seat. In April 2016, the TSC acted to extend the citizen member term length to two years, commensurate with the term length for all other Advisory Bodies.

XVI. APPENDICES

1. Government Organization and Operations
2. Code of Ethics
3. Oath of Office
4. Links to Regulations and Other Resources
5. Conflicts and Disclaimer

XVII. APPENDIX 1: GOVERNMENT ORGANIZATION & OPERATIONS

A. City Character

The City of Pismo Beach was incorporated in 1946. The City is located on the Central Coast along six miles of the Pacific Ocean in San Luis Obispo County, approximately midway between Los Angeles and San Francisco. The City is visited annually by a substantial number of tourists seeking to enjoy the area's moderate climate, ocean views, fine restaurants, and ample recreational opportunities. The City's downtown core area and hotel areas are anchored by the Pier, Plaza, and Promenade, and Pismo Beach is well-known for a variety of special events including the annual Car Show and Clam Festival events. The city, which is largely residential and almost fully subdivided, is home to an estimated 8,036 people as of July 2021.

B. Government & City Council

The City of Pismo Beach is a general law city operating under a Council-Manager form of government, with the City Council acting as its legislative body and the City Manager acting as its administrator. The City is a non-profit municipal corporation, and its legal organization is analogous to that of any other corporation; the Council is its board of directors, the City Manager its administrator (CEO), the City Clerk its Secretary, and the Administrative Services Director its treasurer (CFO).

The City Council is comprised of five elected positions: four Council Members and a directly-elected Mayor, each elected by and from among the registered voters of the city, to represent the city as a whole. Elections are held concurrent with the statewide general election in November of even-numbered years. Each Council Member serves a four-year term and the Mayor serves a two-year term, with no term limits. After each election, the Council appoints the Mayor Pro Tempore (Vice Mayor) from among its existing members for a two-year term coinciding with that of the Mayor.

The City Council sets the City's budget and goals on a biennial basis; adopts local laws by ordinance; sets local policy by resolution; hires a City Manager and City Attorney; appoints and supervises Advisory Body Members, makes ceremonial declarations by proclamation, and provides other general policy direction. The budget and goals set by the Council are formulated based on input from the public regarding priorities, in conjunction with technical recommendations from staff for prioritizing projects that will increase safety, minimize risk, enhance quality of life, and ensure compliance with the law.

Council Members are employees and receive a monthly salary intended to partially offset the cost of holding office, as well as certain other benefits. The Council and its Members do not possess supervisory authority over staff, but the Council as a whole exercises supervisory direction over the City Manager and City Attorney. Additionally, the Council possesses the authority to select, discipline, and terminate Advisory Body Members and set policy governing the bodies.

C. Advisory Bodies

Advisory Body members are volunteer appointed officials who provide technical and policy recommendations to the Council on the matters within the body's purview as assigned by the Council. The respective purviews of the City's four, five-member legislative Advisory Bodies are tourism and lodging (Conference and Visitors Bureau Board), parking planning and operations (Parking Advisory Committee), parks and recreation (Parks, Recreation and Beautification Commission), and general plan and land use (Planning Commission). City staff also administer two non-legislative Advisory Bodies to which the Council appoints a few public members, the purviews of which are special events administration (Special Events Committee) and traffic safety (Traffic Safety Committee).

Advisory Bodies make recommendations, and in some cases render decisions, based on technical analysis from staff and within the policy direction of the City Council. For more information on these organizational relationships, see Section IV.

Advisory Body members serve at the pleasure of the City Council, are not City employees, and do not exercise supervisory authority over staff. Members of Advisory Bodies are selected by the City Council to fill two-year terms, with no term limits. Each body receives staff support from a designated City department.

D. City Operations & Services

The City does business at City Hall, located on Mattie Road, the Corporation Yard and Wastewater Treatment Plant, located on Frady Lane, the Police Department, located on Bello Street, two Fire Stations, located on Bello Street and Shell Beach Road, a Visitor Information Center (VIC) and Parking Annex, located on Dolliver Street, and a Visitor Information Kiosk (VIK) located at the Pier. In addition, the City owns and maintains the Pier, two Veterans' Halls, located on Bello Street and Leeward Avenue, and approximately 14 parks/sports facilities including Dinosaur Caves Park.

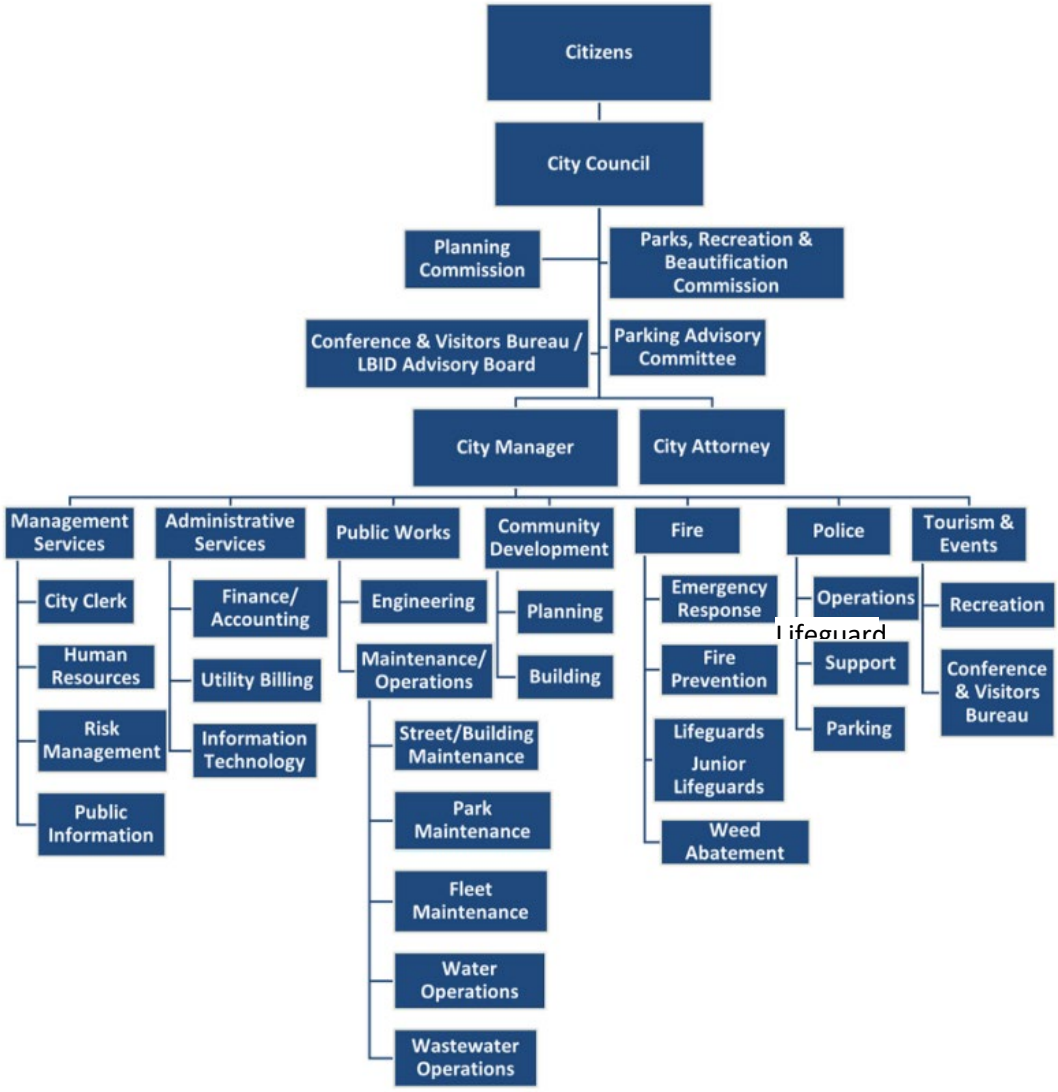
The City provides streets and parks maintenance, water and wastewater (sewer) service, utility billing, police protection, public parking, tourist relations, building permitting, planning and zoning, public information, and community recreation activities, among other services, to residents and visitors. The City contracts with Cal Fire and is staffed by the San Luis Obispo Unit for provision of co-branded fire services including a lifeguard program. Both the Police Department and Fire Department participate in mutual aid agreements with neighboring agencies and organizations.

The City contracts with South County Sanitary Service for garbage collection and participates in joint powers agreements for the provision of waste management and transit services. The County of San Luis Obispo provides services including schools, assessment and tax collection, recording and vital records, consolidated elections, health services, animal control, libraries, and social services to the residents of Pismo Beach. Private companies provide telephone, internet, television, natural gas, and electric service to the area. The City owns its Pier, but leases the Pier area and beach from the State of California; the state also owns and maintains the portions of Highway 1 (Dolliver Street) and Highway 101 within city limits.

E. City Departments and Divisions

The City employs approximately 100 full-time staff; the number of part-time, contract, and volunteer staff varies widely at times, depending primarily on the season, with an increase during summer months due to increased tourist and recreational activity in the city. Much of the information below is paraphrased from the City's adopted Budget, which also includes detailed organizational charts for each department and a wealth of other information about City finances, organization, and operations. Learn more by visiting *pismobeach.org/budget*.

F. Citywide Organizational Chart



Source: 2024—2025 Adopted Budget

1. Administrative Services Department

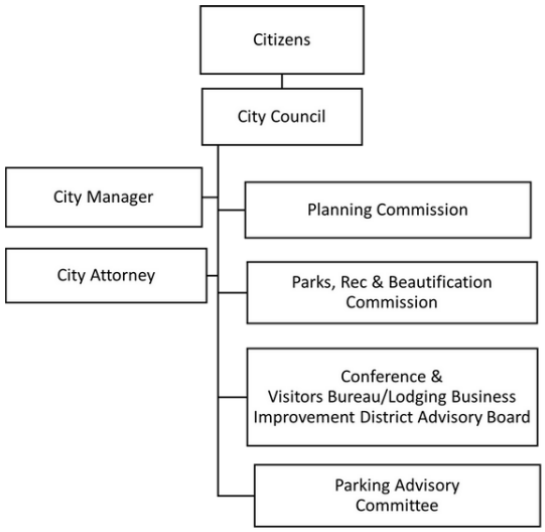
The *Accounting and Finance Divisions* prepare the two-year budget, and are responsible for the City's accounts receivable, accounts payable, payroll, utility billing, business licensing, debt management, investment, purchasing activities, and collection of transient occupancy tax (TOT) revenues.

The *Information Technology (IT) Division* is responsible for Information Systems planning and implementation, including information security, IT infrastructure (data, telecommunications, radio, etc.), helpdesk, and managing technology projects.

2. City Council

See above for discussion of the organization and duties of the City Council Department. As noted, the City Council's direct reports are the City Manager, City Attorney, and Advisory Body Members. The City Council receives administrative and legislative support from the City Manager's Office.

City Council Department Organizational Chart



Source: 2024—2025 Adopted Budget

3. City Attorney's Office

The *City Attorney* is the chief legal advisor for the City through a contractual arrangement. The City Attorney's client is the City Council, and more broadly, the City organization. The City Attorney cannot give legal advice to third parties, or represent Council Members, Advisory Body Members, or staff personally. The City Attorney's Office manages all aspects of the City's legal affairs, including drafting legislation, contracts, and other legal documents, representing the City in court proceedings, and supervising outside counsel as needed. The City Attorney maintains periodic office hours at City Hall, and appears at meetings and hearings as needed. The Assistant City Attorney acts as legal counsel to the Planning Commission. The City Attorney is one of two City staff who report directly to the City Council.

4. City Manager's Office

The *City Manager* is the City's Chief Executive Officer and is responsible for implementing the policy direction of the City Council. Responsibilities include coordinating the work efforts City Departments, implementing the Council-approved budget, interfacing with the public, and serving as the City's personnel and purchasing officer. The City Manager is one of two City staff who report directly to the City Council.

The City Manager's Office encompasses the functions formerly known as the Management Services Department, including City Clerk, Human Resources, and Risk Management functions. *Human Resources* is responsible for employee recruitment, staff development, and labor negotiations. The City Manager's Office also oversees Public Outreach and Public Information Officer (PIO) functions; and Risk Management, including the Safety Program.

The *City Clerk Division* is responsible for City Council legislative recordkeeping, and compliance with the Brown Act, Public Records Act, Political Reform Act, and other regulations in cooperation with the City Attorney's Office. The City Clerk is the City's Elections Official, FPPC Filing Officer, Records Manager, and Advisory Body membership administrator.

5. Community Development Department

The Community Development Department is responsible for helping to ensure a safe and enjoyable living environment for residents and visitors through two main divisions: Planning, and Building.

The *Building Division* is responsible for assuring safety and code-compliance in the construction, alteration, and repair of buildings through plan review, permit issuance, construction inspection, and code compliance.

Code Compliance is a major program of the Building Division and is responsible for conducting inspections and issuing citations for zoning ordinance violations and miscellaneous administrative violations.

The *Planning Division* is responsible for guiding the development and preservation of residential, commercial, open space, and public areas, through processing applications for development entitlements, administering the City's General Plan, Local Coastal Program, and Zoning Ordinance, and overseeing special programs.

The Planning Division is the liaison division to the Planning Commission and the Parking Advisory Committee.

The Community Development Director and Planning Manager serve as the staff liaisons to the Planning Commission; the Community Development Director serves as staff liaison to the PAC. The Planning Administrative Secretary serves as the Secretary to both bodies.

6. Fire Department

The Fire Department is responsible for protecting life, property, and the natural environment via three main divisions: Fire Operations, Lifeguards, and Weed Abatement. Services are provided through a contract with Cal Fire (California Department of Forestry and Fire Protection).

The *Fire Operations Division* is responsible for the operation of the Bello Street Fire Station (#64) and the Shell Beach Fire Station (#63), both staffed with Cal Fire personnel. Services include responding to emergency medical incidents, hazardous material incidents, and fires, and conducting rescues. Staff also provides fire prevention, code enforcement, plan review, and public education services.

The seasonal *Lifeguard Program* staffs multiple lifeguard towers throughout the tourist season from Memorial Day through Labor Day, primarily by lifeguards who are seasonal City staff. Staff within this program oversee the Junior Lifeguard program.

The *Weed Abatement* program ensures the management of vegetation to address fire hazards in the interface between urban and wild land areas.

7. Police Department

The Police Department employs "community-oriented" policing specially tailored to Pismo Beach's high level of tourism. The Department has maintained accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA) since 2007. Organizationally, the Department consists of two major divisions: Operations and Support.

The Police Chief and Commanders provide supplemental staff support to the PAC.

The *Operations Division* is responsible for patrol, traffic operations, Reserve Officers, the K-9 Unit, SWAT, DARE, citizen volunteer patrol, the MyCop program, Special Events, emergency operations, and the Downtown/Special Problems Unit.

The *Parking Bureau*, part of the Operations Division, is responsible for enforcing the City's parking regulations, administering timed parking and paid parking programs, and issuing citations.

The *Support Services* Division is responsible for the Records Bureau and Crime Analyst, Communication Center (dispatch), Investigations Bureau, Training, CALEA Accreditation, and Administrative Services including personnel.

8. Public Works Department

The Public Works Department is primarily responsible for the design, construction, and maintenance of City facilities and infrastructure, via two main operating divisions—Engineering and Public Works, which includes Public Facilities and Public Utilities.

The *Engineering Division* is responsible for providing design, project management, and inspection for Capital Improvement Projects (CIPs), plan review and inspection for private development, issuing encroachment permits, and overseeing water conservation initiatives.

The *Public Facilities Division* is responsible for inspecting, repairing, and maintaining the City's streets and signs, parking lots, sidewalks, beaches, city-owned buildings, parks, playground equipment, and the City fleet.

The *Public Utilities Division* includes Water and Wastewater Operations. Water Operations is responsible for maintaining the City's wells, tanks, and water distribution system. Wastewater Operations is responsible for operation and maintenance of the wastewater (sewer) collection facilities including pumps and pipelines.

9. Tourism and Events Department

The Tourism and Events Department (TED) is responsible for the permitting and oversight of the events, with different divisions specializing in resident-oriented and visitor-oriented programs and events.

The *Conference & Visitors Bureau* (CVB) is responsible for promoting tourism to Pismo Beach, enhancing revenue through increased transient occupancy taxes (TOT) and sales tax revenues. Efforts include promotion of Pismo Beach in social and traditional media, trade shows, and lodging industry partnerships. TED also coordinates the City-organized Clam Festival and Fourth of July special events.

TED is the liaison department to the Conference and Visitors Bureau/Lodging Business Improvement District Board and the Special Events Committee. The Tourism and Events Director serves as the staff liaison to the CVB Board and Chair of the SEC; the Tourism Coordinator serves as the Secretary to both bodies. The Special Events Committee is advisory to the City Manager, recommending the City Manager's approval or denial of private Special Event Permit applications.

The *Recreation Division* is responsible for the administration of recreation classes offered by contract instructors, the City's volleyball program, facility rentals, and the coordination of City-sponsored special events geared toward residents of Pismo Beach and surrounding communities, including the Easter Egg-stravaganza, Movies in the Park, Pumpkins on the Pier, and Holiday Harmony.

TED is the liaison department to the Parks, Recreation and Beautification Commission (PRBC). The Recreation Manager serves as the staff liaison to the PRBC and a Facilities Coordinator serves as the Secretary.

XVIII. APPENDIX 2: CODE OF ETHICS

CODE OF ETHICS

For the City of Pismo Beach Council, Boards and Commission Members

Adopted by the Pismo Beach City Council

Date approved — October 4, 2005 (Resolution R-2005-067)

Preamble

All citizens and businesses of Pismo Beach are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Pismo Beach's commitment to excellence, the effective functioning of democratic government, therefore, requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for public good, not for personal gain;
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

This Code of Ethics, as adopted by the Pismo Beach City Council pertains to members of the City Council and of the City's boards and commissions and to those vendors doing business with our city, to assure public confidence in the integrity of local government and its effective and fair operation.

1. Acts in the Public Interest

Members will work for the common good of the people of Pismo Beach and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Pismo Beach City Council, boards and commissions.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of California and the City of Pismo Beach in the performance of their public duties. These laws include but are not limited to: The United States and California constitutions, Fair Political Practices laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government and adopted City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the council, boards and commissions, the public and staff.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City council 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 staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body 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.

6. Decisions Based on Merit

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

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision making process.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members 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, which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, source of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors

Members shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information

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

11. Use of Public Resources

Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Public Interests

In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Pismo Beach, nor will they allow inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the council-manager structure of Pismo Beach City government as outlined by the Pismo Beach Municipal Code. In this structure, the City Council determines the policies of the City, with the advice, information and analysis provided by the public, boards and commissions and City staff. Except as provided by the City Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place for the City employees and for the citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

17. Implementation

The Pismo Beach Code of Ethics is intended to be self-enforcing, and is an expression of standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understand the City of Pismo Beach Code of Ethics. The Code of Ethics shall be reviewed annually by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update as necessary.

18. Compliance and Enforcement

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the City's Municipal Code, the City Council may also remove members of boards and commissions from office. A violation of this Code of Ethics shall not be considered as a basis for challenging the validity of a council, board or commission decision.

CITY OF PISMO BEACH CODE OF ETHICS

FOR CITY COUNCIL AND ADVISORY BODY MEMBERS

STATEMENT OF COMMITMENT

As a member of the Pismo Beach City Council or as a member of a Pismo Beach Advisory Body, I agree to uphold the Code of Ethics for elected and appointed officials adopted by the City Council and conduct myself by the following model of behavior.

I will:

- Recognize the worth of individual members and appreciate their individual talents, perspective and contributions.
- Help create an atmosphere of respect and civility where individual members, city staff and the public are free to express their ideas and work to their full potential.
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others.
- Respect the dignity and privacy of individuals and organizations.
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.
- Avoid and discourage conduct, which is divisive or harmful to the best interests of Pismo Beach.
- Treat all people with whom I come in contact in the way I wish to be treated.
- Before I speak or act I will ask myself the following four questions:
    - Is it the truth?
    - Is it fair to all concerned?
    - Will it build goodwill and better friendships?
    - Will it be beneficial to all concerned?

I affirm that I have read and that I understand, accept and support the City of Pismo Beach Code of Ethics.

Council or Advisory Body: _____ Position: _____

Date: _____

Print Name: _____

Signature: _____

XIX. APPENDIX 3: OATH OF OFFICE

Oath of Office

for the office of _____

Pursuant to Article XX, Section 3, of the Constitution of the State of California

I, _____ *, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without mental reservation or purpose of evasion; that I will well and faithfully discharge the duties upon which I am about to enter.*

Dated this _____ *day of* _____*, 2018*

Signed: _____

Attest:

_____

Erica Inderlied, City Clerk

XX. APPENDIX 4: LINKS TO REGULATIONS AND RESOURCES

A. General Regulations:

Pismo Beach Municipal Code (Codified, current City laws)

www.pismobeach.org/municode

Pismo Beach Ordinances (all historical and current individual Council-adopted laws)

www.pismobeach.org/ordinances

Pismo Beach Resolutions (all historical and current Council-adopted policies)

www.pismobeach.org/resolutions

California State Law (all titles)

http://leginfo.legislature.ca.gov/faces/codes.xhtml

California State Code of Regulations (CCR)

https://govt.westlaw.com/calregs/index

B. Individual Regulations:

Brown Act

Regulation: *CA GC §54950—54963*

Resource: *Open and Public: A Guide to the Ralph M. Brown Act* (League of CA Cities)

Bylaws

Policy: *Resolution R-2024-008* (CVB Board)

Policy: *Resolution R-2024-009* (PAC)

Policy: *Resolution R-2020-010* (PRBC)

Policy: *Resolution R-2024-011* (Planning Commission)

Code of Ethics (Pismo Beach)

Policy: *Resolution R-2005-067*

Conflict of Interest Code (Pismo Beach)

Policy: *Resolution R-2024-013*

Conflict of Interest; Disqualification

Resource: *Understanding the Basics of Public Service Ethics Laws*, page 11 (ILG)

Conflict of Interest Regulations (miscellaneous state provisions)

Regulation: "Incompatible outside activities" (*CA GC §1125 et seq.*)

Regulation: "Incompatible offices" (*CA GC §1099*).

Regulation: "Revolving door" limitations (*CA GC §87407*)

Ethics & AB 1234 Training

Regulation: *CA GC §53234 et seq.* (training requirement)

Resource: *Online AB 1234 Ethics Training Module*, hosted by FPPC

Resource: *Understanding the Basics of Public Service Ethics Laws* (ILG)

Expense Reimbursement (Pismo Beach)

Policy: *Resolution R-2022-067*

Government Code 1090 Self-Dealing Prohibition

Regulation: *CA GC §1090 et seq.*

Harassment Prevention Training (Assembly Bill 1661)

Regulation: *CA GC §53237 et seq.*

Maddy Act

Regulation: *CA GC §54970 et seq.*

Municipal Code (Pismo Beach)

Regulation: *www.pismobeach.org/municode*

Regulation: *Chapter 2.20* Planning Commission

Regulation: *Chapter 12.16* Special Events Committee

Regulation: *Chapter 2.42* Felony prohibition

Political Reform Act

Regulation: *CA GC §81000 et seq.*

Resource: *FPPC Gift & Honoraria Limitations* (Download Local Gifts Fact Sheet)

Public Records Act (CPRA)

Regulation: *CA GC §7920 et seq.*

Resource: *City of San Jose v. Superior Court* (public records on officials' personal devices)

Political Activity by Public Officials

Regulation: *CA GC §3201—3209*

Stipends

Policy: *Resolution R-2020-015*

Teleconference (Remote / Virtual) Meeting Participation Under AB 2449

Policy: *Resolution R-2023-021*

C. Conflicts and Disclaimer

The provisions of various state laws, city laws, Bylaws, Council policies, and administrative policies relating to Advisory Bodies are summarized and restated in this Handbook for the convenience of applicants, Advisory Body Members, and others, and while the information contained herein is believed to be substantially correct, it is not intended to provide legal advice. Advisory Body Members and others using this information must bear full responsibility for their own determinations as to all legal standards and duties and as to all factual matter contained herein.

In addition, regulations external to this Handbook that impact Advisory Bodies are frequently updated. In the event of conflict between this Handbook and the provisions of City Code or Council-adopted Bylaws, the Code or the Bylaws will control. In the event of conflict between this Handbook and any other Council policy, the newer of the policies will control. Nothing in this Handbook is intended to modify or abridge state or federal law. In the event of conflict between this Handbook and state or federal law or constitutional provision, the latter shall control.