

CHAPTER 6 – CONDUCT OF CITY COUNCIL, STAFF AND PUBLIC

A. CITY COUNCIL CONDUCT

1. General Conduct

City Council Members shall:

- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- Be fair, impartial, and unbiased when voting on quasi-judicial actions;
- Use the electronic speaker sequencing system to inform the Mayor of their wish to speak and shall be acknowledged by the Mayor before speaking;
- Move to require the Mayor to enforce the rules and the Mayor shall do so upon an affirmative vote of a majority of the Members present;
- Preserve order and decorum during the meeting;
- Not delay or interrupt the proceedings or the peace of the City Council meetings, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the City Council or the presiding officer, except as otherwise herein provided;
- Support the laws established by the City Council;
- Abide by the Rule of Procedure in conducting the business of the City of Hesperia; and
- Refrain from the use of personal cellular telephones, personal computers, and other personal electronic devices during public hearings unless used solely to view agenda packet contents or content or materials related to an agenda item.

2. Conduct with Members

City Council Members shall:

- Value each other's time;
- Govern themselves as to the length of their comments;
- Limit their comments to the subject matter, item, or motion being currently considered;
- Attempt to build consensus on an item though an opportunity for dialogue; but when this is not possible, the majority vote shall prevail, and the majority shall show respect for the opinion of the minority;
- Have the right to dissent from, protest, or comment upon any action of the City Council;
- Respect each other's opportunity to speak and, if necessary, agree to disagree;
- Avoid offensive negative comments and practice civility and decorum during discussions and debate; and
- Assist the Mayor's exercise of duty to maintain order.

3. Conduct with City Manager and Staff

Pursuant to Municipal Code section 2.08.080 titled "Internal Relations" which states:

A. Council—Manager Relations. The City Council and its members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall take his/her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual Council Member shall give any orders or instructions to the City Manager.

Additionally, the City Council shall:

- Speak to the City Manager directly on issues and concerns;
- Not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council;
- Direct the City Manager to implement City Council's policy decisions through the administrative functions of the City;
- Treat staff professionally and refrain from publicly criticizing individual employees;
- Avoid involvement in personnel issues except during City Council Closed sessions regarding City Council appointed staff such as City Manager and City Attorney, including hiring, firing, promoting, disciplining and other personnel matters;
- Discuss directly with the City Manager privately, as appropriate, any displeasure over work or behavior with a department or staff;
- Request information or research on a given topic from the City Manager for response (responses will be copied to all Council Members);
- Request answers to questions on City Council agenda items from the City Manager, City Attorney, City Clerk, or department directors / division managers prior to the meeting whenever possible; and
- Present citizen complaints to the City Manager so the complaint and request for information can be disseminated to staff for appropriate action.

4. Conduct with the Public

City Council Members shall:

- Make the public feel welcome;
- Be impartial, respectful and without prejudice toward the public;
- Listen courteously and attentively to public comment;
- Refrain from arguing back and forth with members of the public;
- Represent official policies or positions of the City Council first;
- Explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions; and
- Make no promises to the public on behalf of the Council/Commission/Committee.
- Under no circumstances meet with or make direct statements to individuals that are currently in litigation, criminal process or in the administrative violation process with the City.

5. Conduct with Other Agencies

City Council Members shall:

- Project a positive image of the City when dealing with other agencies;
- Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;
- Represent official policies or positions of the City Council first when designated as delegates of a legislative body;
- Explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions, and shall not allow the interference that they do; and
- Have the ability to advocate or discuss issues that have been adopted by the legislative bodies or are standing policies of the legislative body with other legislators, government officials or developers.
- Not vote for pay or benefits that would exceed that of City of Hesperia employees.

6. Conduct with Commissions and Committees

City Council Members shall:

- Treat all members of committees and commissions with appreciation and respect; and
- Refrain from participation in committee and commission meetings for the purpose of influencing the outcome of said meetings.

7. Conduct with the Media

City Council Members shall:

- Not discuss or go "off the record" with the media to discuss confidential or privileged information pertaining to closed sessions, attorney-client privileged or attorney work product communications including without limitation personnel, litigation, or real property negotiations; and
- Provide non-confidential, non-privileged background information when acceptable.

Press releases will be prepared by the Public Information Officer and routed to the City Manager for approval before release to the media.

Police and Fire responses and/or press releases regarding emergencies may be reported directly to the media by the designated department spokesperson.

8. Litigation and Confidential Information

City Council Members shall:

- Keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to

- ensure that the City's position is not compromised; and
- Not disclose or mention any information in these materials to anyone other than City Council Members, the City Attorney or City Manager.
- Under no circumstances meet with or make direct statements to individuals that are currently in litigation, criminal process or in the administrative violation process with the City.

9. Ethical Conduct

City Council Members shall:

- Receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 (AB1234) every two years; and
- Receive at least two hours of training in sexual harassment avoidance training in accordance with AB 8025/AB 1661 every two years; and
- Conduct themselves in accordance with such training.

B. CITY STAFF

City Staff shall:

- Prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
- Be available for general questions from City Council Members in accordance with the Brown Act prior to and during meetings;
- Respond to questions from the public during meetings when requested to do so by City Council Members or City Manager;
- Refrain from arguing with the public or City Council Members;
- Switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Council meetings; and
- Copy or otherwise communicate responses regarding citizen complaints to the City Council.

Staff will remain objective on issues and should not be advocates for issues unless so directed by the legislative body.

As soon as possible, to the extent permitted by the Brown Act, the City Manager and staff will inform the City Council of controversial issues having significant impacts to the City that are coming before the legislative body on short notice.

The City Manager will advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.

Staff will not participate in political activities while on duty or on City property.

C. PUBLIC

Members of the public:

- Attending City Council meetings shall observe the same rules and decorum applicable to the Members and staff as noted in this Chapter;
- May attend meetings at any teleconference locations in accordance with the Brown Act;
- Must approach the podium when recognized by the Mayor and speak only from the podium. Stamping of feet, whistles, yells or shouting, and / or similar demonstrations are unacceptable public behavior and will be prohibited by the City Council;
- Wishing to provide documents to the Council shall comply with Chapter 8 Section B of these Rules;
- Speakers wishing to submit electronic media as part of their public comment, must submit it to the City Clerk's Office via thumb drive or compact disk (CD) at least 24 hours prior to the City Council Meeting in order to be screened for computer virus' and offensive, or inappropriate content. The City Clerk will have it available at the next City Council Meeting during the public comment portion of the meeting. The City is not responsible for inaccurate information displayed as part of a public comment presentation;
- Must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Council meetings;
- Wishing to speak to the Council should complete, and turn into the City Clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda (public comment) item which they wish to address; and
- May contact the staff person with questions concerning Consent Calendar items prior to the meeting to reduce the need for discussion of Consent Calendar items.

Lobbyists must identify themselves and their client(s), business, or organization they represent before speaking to the Council.