



CITY OF COSTA MESA

REGULAR CITY COUNCIL AND HOUSING AUTHORITY*

Agenda

Tuesday, July 8, 2025

5:00 PM

**City Council Chambers
77 Fair Drive**

***Note: All agency memberships are reflected in the title "Council Member"
STUDY SESSION**

The City Council meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having technical difficulties or experiencing any other critical issues, and unless required by the Brown Act, the meeting will continue in person.

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- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone:

Call: 1 669 900 6833 Enter Webinar ID: 899 8281 2676/ Password: 772583

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Note, if you have installed a zoom update, please restart your computer before participating in the meeting.

Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov.

Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, can be e-mailed to cityclerk@costamesaca.gov, submitted to the City Clerk’s Office on a flash drive, or mailed to the City Clerk’s Office. Kindly submit materials to the City Clerk AS EARLY AS POSSIBLE, BUT NO LATER THAN 12:00 p.m. on the day of the meeting.

Comments received by 12:00 p.m. on the day of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

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Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. This includes items submitted for the overhead screen during the meeting. Items submitted for the overhead screen should be 1 page and provided to the City Clerk prior to the start of the meeting. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

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In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

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REGULAR STUDY SESSION MEETING OF THE CITY COUNCIL

JULY 8, 2025 – 5:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Mayor Pro Tem - District 4

ANDREA MARR
Council Member - District 3

ARLIS REYNOLDS
Council Member - District 5

LOREN GAMEROS
Council Member - District 2

JEFF PETTIS
Council Member - District 6

MIKE BULEY
Council Member - District 1

KIMBERLY HALL BARLOW
City Attorney

CECILIA GALLARDO-DALY
Interim City Manager

CALL TO ORDER

ROLL CALL

STUDY SESSION ITEM:

1. **[REVIEW OF CITY COMMISSIONS AND COMMITTEES](#)** **[25-368](#)**

RECOMMENDATION:

Staff recommends the City Council discuss the City's Commissions and Committees, along with the Commission and Committee Member Handbook, and provide feedback and direction.

Attachments: [1. Commission and Committee Member Handbook](#)
[2. Municipal Code Section 13-10: Planning Commission](#)
[3. Municipal Code Section 12-71: Parks and Community Services Commission](#)
[4. Municipal Code Section 12-75: Arts Commission](#)

2. **DISCUSS A CODE OF ETHICS AND CONDUCT**

25-371

RECOMMENDATION:

Discussion of a Code of Ethics and Conduct and provide feedback and direction for development of a policy.

Attachments: [1. Draft Code of Ethics and Conduct - 07-08-2025](#)

[2. City of Irvine Code of Ethics](#)

[3. City of Irvine Ethical Public Service](#)

[4. City of Gardena Code of Conduct](#)

ADJOURNMENT



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 25-368

Meeting Date: 7/8/2025

TITLE:

REVIEW OF CITY COMMISSIONS AND COMMITTEES

DEPARTMENT: CITY MANAGER'S OFFICE/CITY CLERK DIVISION

PRESENTED BY: BRENDA GREEN, CITY CLERK

CONTACT INFORMATION: BRENDA GREEN, CITY CLERK (714) 754-5221

RECOMMENDATION:

Staff recommends the City Council discuss the City's Commissions and Committees, along with the Commission and Committee Member Handbook, and provide feedback and direction.

BACKGROUND:

Costa Mesa's system of commissions and committees provides a mechanism for residents with specialized experience or interests to participate in the City's decision-making process by advising the City Council on numerous issues. The commissions and committees' system provides the opportunity to interact creatively with people of all ages, interests, and backgrounds. Democracy can be realized when community members are able to come together across diverse neighborhoods and economic backgrounds to assist in making community decisions that will improve the quality of life in our City.

In September 2023, the City Council reviewed the City Committees, including their scope of work, membership, criteria for forming Ad Hoc committees, and the alternate positions. Below are the detailed changes:

- Approved the City Council Liaisons recommendations on the Committees' Scopes of Work, including updating the Active Transportation Committee scope to support the implementation of the City's the Active Transportation program, and for the Mobile Home Park Advisory Committee clarification on the membership.
- Streamlined all Committees to seven (7) members, through attrition as terms expire, except for the Active Transportation Committee, Mobile Home Park Advisory Committee and the Traffic Impact Fee Committee.
- Consented to the formation of an Ad Hoc Committee (e.g. standing committees, subcommittees, working groups) upon approval of the City Council Liaison and City Attorney.
- Requested staff to meet with the Costa Mesa Historical Society on a potential merger of the Society and the Historical Preservation Committee.
 - In April 2024, the Historical Preservation Committee dissolved in lieu of merging with the Costa Mesa Historical Society and transferred the Committee's funds to the Costa Mesa Historical Society.

- Changed the Finance and Pension Advisory Committee appointment terms to 4-years.
- Approved only the Orange County Model Engineers as the ex-officio/non-voting member to the Fairview Park Steering Committee, removed alternates, and kept meetings dates to once every other month.
- Changed the Mobile Home Park Advisory Committee appointment terms to 4-years and clarified the memberships as follows:
 - Three Costa Mesa Mobile Home Park Owners or their Representative
 - Four Mobile Home Park Residents

Based on direction from the Council, staff incorporated the recommended changes and revised Council Policy 000.2, as well as updated the Commission and Committee Member Handbook accordingly. (Attachment 1)

Three Commissions have duties and powers established by the City's Municipal Code, while the eight Committees' responsibilities and assignments are defined in the Commission and Committee Member Handbook. The following is a list of the current City Commissions and Committees and their scope of work:

COMMISSIONS

Planning Commission

The Commission meets twice a month and consists of seven (7) Council appointed positions. Members must be residents of Costa Mesa. The Commission derives its power from the provisions of the California Government Code and functions as an advisory body to the City Council on issues related to the long-term growth and development of the community, on requests for general plan amendments, rezones, specific plans, environmental impact reports and amendments to the City's Zoning Ordinance. The Planning Commission has authority to take final action on a variety of planning applications, including conditional use permits, variances, planned development projects, and tentative tract and parcel maps. Appeals of the Planning Commission's decisions are considered by the City Council. The Municipal Code Section 13-10 outlines the specific powers and duties of the Planning Commission. (Attachment 2)

Parks and Community Services Commission

The Commission meets monthly and consists of seven (7) Council appointed positions. Members must be residents of Costa Mesa. The Commission assists the City Council and various City departments with matters relating to public parks, parkways, recreation programs, and community services. The Municipal Code Section 12-71 outlines the specific powers and duties of the Parks and Community Services Commission. (Attachment 3)

Arts Commission

The Commission meets monthly and consists of seven (7) Council appointed positions. Four (4) members must be residents of Costa Mesa and up to three (3) non-residents that are affiliated with the Arts. This commission represents the Council's desire for an ongoing policy focus, along with vigilant oversight of City investments in the arts. With a motto of "City of the Arts", the City holds in highest regard the vital role of the arts in the community. The general objectives of the arts commission shall be to ensure that the City of Costa Mesa is a place where creativity and creative people can flourish; imagination, inspiration and innovation are held in high regard, arts education is

essential to all and that arts and culture promotes civic pride and enriches the daily lives of Costa Mesa residents. The Municipal Code Section 12-75 outlines the specific powers and duties of the Arts Commission. (Attachment 4)

COMMITTEES

Access, Building, Fire & Housing Board of Appeal

The Committee meets on an as needed basis and consists of five (5) regular members who are appointed by City Council who live or work in Costa Mesa and who are qualified by experience and training to advise on matters pertaining to building construction and who are not employees of the jurisdiction. The Board also hears appeals from determinations and orders by the building official and/or the fire marshal.

Housing and Public Service Grants Committee

The Committee meets twice a year; March and September and consists of seven (7) regular member positions. The committee helps to promote understanding of the community development process and activities funded by the U.S. Housing and Urban Development Department (HUD), and Community Development Block Grants (CDBG). Additionally, the committee rates and ranks applications for CDBG public service grants, ultimately developing funding recommendations for City Council recommendations.

Mobile Home Park Advisory Committee

The Committee meets quarterly and is comprised of nine (9) members: Three (3) Costa Mesa mobile home park owners (or their representative); four (4) mobile home park residents; and two (2) independent citizens at-large with no affiliation or relationship with mobile home parks. The goal of the Mobile Home Park Advisory Committee is to help improve the quality of life in mobile home parks and to review matters concerning mobile home parks in the City of Costa Mesa through healthy communication with park owners, mobile homeowners, and the City Council.

Finance and Pension Advisory Committee

The Committee meets monthly and is comprised of seven (7) regular member positions. The scope and purpose of the Finance and Pension Advisory Committee ("FiPAC") is to advise the City Council in advance of significant votes, on issues related to significant financial matters. The FiPAC shall advise the City Council annually on the adoption of the City's budget (both the operating budget and the Capital Improvement Program), the allocation of any budget surpluses, the City's investment performance and policies, multi-year forecasts presented by City staff to the City Council, and adjustments under consideration at the time of the mid-year budget report. At the request of City staff or the City Council, FiPAC shall advise the City Council prior to a vote on material financial decisions, including, for example, review of fees to be charged by the City, incentive programs, and development agreements. FiPAC's meetings will coincide with the City Council meetings and will be scheduled in advance. FiPAC will provide a memorandum in advance of the City Council meeting as to their recommendation. A majority of the committee must agree on the recommendation.

Animal Services Committee

The Committee meets monthly except for August and December and consists of seven (7) regular members. The purpose of the Animal Services Committee (ASC) is to provide advice and recommendations to the City Council on animal services issues and to promote pet licensing, assist with planning and implementation of animal-related events (e.g., Barktober). In addition, the Animal

Services Committee's purpose is to maintain, educate, enrich, and promote animal services programs and resources throughout the City, and to monitor the animal care and control function of the City (e.g., live release rates, adoption, veterinary care, fostering, pet licensing) and advise the City Council of any issues that should be addressed.

The Committee shall:

- Make recommendations to the City Council to improve animal services throughout the City, including pet licensing, animal shelter and adoption services, and responsible pet ownership.
- Support animal related community events, such as pet adoptions, vaccination clinics, micro-chipping, etc.
- Advise the City Council in advance of significant votes on issues related to the animal care and control functions of the City.

Fairview Park Steering Committee

The Committee meets every other month and consists of seven (7) regular member positions and includes the Orange County Model Engineers as an ex-officio/non-voting member. The committee evaluates the Fairview Park Master Plan, evaluates park enhancement opportunities that are compliant with Measure AA, makes recommendations to the Parks and Community Services Commission and the City Council.

Active Transportation Committee

The Committee meets monthly and consists of nine (9) regular member positions, with one appointment by each Council Member, and two at-large members, the two at-large members should ensure broad representation of different mobility options and experiences (e.g. walk, bike, bus, and age ability), and Newport Mesa Unified School District as one ex officio/non-voting member. The Committee helps plan and implement an Active Transportation network for the City by improving bicycle and pedestrian connectivity throughout the City.

The mission of this committee is to:

- Support implementation of the City's Active Transportation Program.
- Evaluate the bikeability and walkability of our City in order to make recommendations for improvement to the City Council.

Traffic Impact Fee Ad Hoc Committee

This Committee meets on an as needed basis and consists of five (5) appointed positions with one representing the Chamber of Commerce, one representing major developers, one representing small developers, and two at-large positions. City Council and Planning Commission liaisons are appointed by the Mayor and Planning Commission Chair, respectively. The purpose of the traffic impact fee is to fund the necessary transportation/circulation improvements, which are related directly to the incremental traffic impacts imposed on the City's transportation system by the development of new and/or changing commercial, industrial, and residential uses as permitted by the General Plan. The traffic impact fee committee assists staff on all aspects related to the updating and revision of traffic impact fees.

ANALYSIS:

The City Council requested staff to bring forth a report on the scope of work of Commissions and Committees, particularly as it pertains to Commissions and Committees bringing forth recommendations to City Council for their consideration. Staff has summarized the roles and duties of the Commissions and Committees and provided their scopes of work. The Commission and Committee Member Handbook, p. 23, defines the reporting out of Committee activities, recommendations, forthcoming work and funding requests through an “Annual Report” requirement.

Similarly, the Municipal Code delineates Planning Commission recommendations to the City Council. While the Municipal Code articulates that the Parks and Community Services Commission and the Arts Commission are to report its findings and recommendations to the City Council on various subject matter, it does not state how. The Council may want to specify the pathway in which to receive the recommendations. For consideration is similar language for the Finance and Pension Advisory Committee: *A memorandum from the Chair will be provided to the City Council as to their recommendations. A majority of the Commission must agree on the recommendation.*

ALTERNATIVES:

The City Council may provide alternative direction to staff on the Commissions and Committees and Member Handbook.

FISCAL REVIEW:

This item has no fiscal impact.

LEGAL REVIEW:

The City Attorney’s Office has reviewed this report and approves it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative.

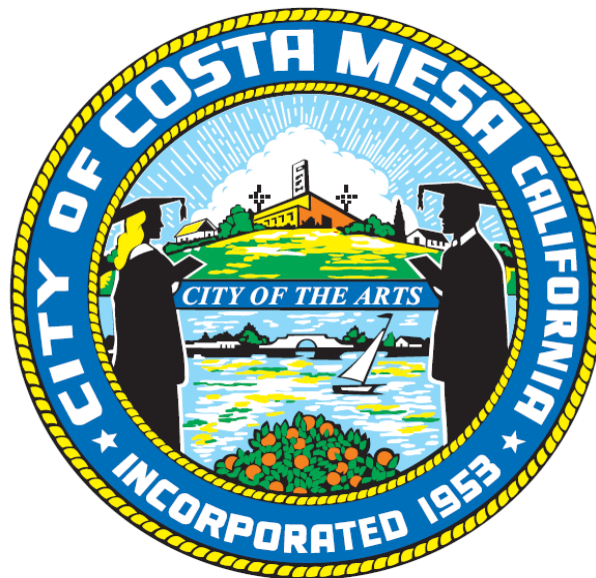
CONCLUSION:

Staff recommends the City Council discuss the City’s Commissions and Committees, along with the Commission and Committee Handbook, and provide feedback and direction.

CITY OF COSTA MESA

Office of the City Clerk
77 Fair Drive
Costa Mesa, CA 92626
Phone (714) 754-5225

Commission and Committee Member Handbook



WELCOME MESSAGE FROM THE CITY MANAGER

Welcome and congratulations on your appointment as a City of Costa Mesa Commissioner or Committee Member. Citizen participation in local government is a time-honored tradition in Costa Mesa. Commissions and Committees serve as conduits for conveying to Councilmembers a sense of the community's sentiments on existing and prospective legislation. Members are uniquely positioned to provide elected officials and City staff with invaluable insight and information for fact-based decision making. As such, members perform an invaluable public service by broadening the forum for community input and enhancing the processes of a representative democracy.

This handbook has been designed to assist members of all commissions and committees in understanding their general roles and responsibilities. Also, to provide general information for our Commissions and Committees about the City of Costa Mesa, as well as an outline of policies, practices, and procedures.

Thank you for your service and your dedication to the City of Costa Mesa. I hope your experience will be inspiring, enjoyable, and rewarding.

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CHAPTER 1

INTRODUCTION

The material in this handbook is written for individuals who have been appointed to a Commission or Committee position in the City of Costa Mesa. This handbook covers key information about nominations, appointments, qualifications, duties, meeting schedules, and policies, among other pertinent details.

Costa Mesa's system of commissions and committees provides mechanism for residents who have specialized experience or interests to participate in the City's decision-making process by advising the City Council on numerous issues. The structure of commissions and committees offers the chance to collaborate creatively with individuals of diverse ages, interests, and backgrounds. Democracy can be realized when citizens are able to come together across diverse neighborhood and economic backgrounds to assist in making the community decisions that will improve the quality of life in Costa Mesa. It is important that members ensure that a wide variety of viewpoints from the community are considered when making recommendations to the City Council. Members should treat widely varying viewpoints of other members and members of the public with respect so that all citizens are encouraged to participate in government processes.

Understanding the nature and structure of the City's activities is essential to comprehending and successfully carrying out the duties of a commissioner or committee member.

GENERAL LAW CITY

California law recognizes two types of cities: General Law cities and Charter cities. The City of Costa Mesa, incorporated in 1953, is a General Law city. Costa Mesa's Council structure, planning procedures, and many other aspects of local government are established by state law. The City's Municipal Code sets forth local laws and refines state law.

COUNCIL/MANAGER FORM OF GOVERNMENT

The City of Costa Mesa operates under a council/manager form of government. The City Council is the governing body of the City, elected directly by the citizens, and vested with all the regulatory power of the City. As elected representatives, Council Members provide a direct link with the citizens, and ensure the responsiveness of local government. The City Council consists of six council members elected by district, and a mayor elected at large. Council Members serve four-year terms for no more than two successive terms. The Mayor is elected at-large, for the term of two-years, and for no more than three successive terms. As a member of the City Council, the Mayor retains the right to vote, can make and second motions, and participate in policy deliberations. The Mayor has the additional responsibility of maintaining order during council meetings and providing general leadership. The Mayor does not have veto powers.

CITY COUNCIL GOALS AND OBJECTIVES

The City Council conducts Strategic Planning sessions. Based on these sessions, the City Council has adopted 3-Year Goals and Six-Month Objectives, as well as the City's Mission Statement and Core Values.

Mission Statement

The City of Costa Mesa serves our residents, businesses, and visitors while promoting a safe, inclusive and vibrant community.

Core Values

- Integrity
- Sustainability
- Compassion
- Innovation
- Inclusion
- Collaboration

3-Year Goals (2021 – 2024)

- Recruit and Retain High Quality Staff
- Achieve Long-Term Fiscal Sustainability
- Strengthen the Public's Safety and Improve the Quality of Life
- Diversify, Stabilize, and Increase Housing to Reflect Community Needs
- Maintain and Enhance the City's Facilities, Technology, and Equipment
- Advance Environmental Sustainability and Climate Resiliency

CITY DEPARTMENTS

The City of Costa Mesa has seven departments that report to the City Manager in addition to the City Attorney. City Department Directors work with and under the direction of the City Manager in carrying out the policies of the City Council. Department directors and/or their designee(s) are assigned to work with City Commissions/Committees as staff liaisons.

CITY MANAGER

The City Manager is appointed by the City Council as the City's Chief Administrative Officer. The City Manager implements policy and coordinates day-to-day operations. The City Manager is responsible to the Council for coordination of all City departments, ensuring their efficient and effective performance.

The City Council and its members shall address 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 direct activities to any subordinates of the City Manager.

The City Manager shall be an ex officio member of all boards and commissions appointed by the Mayor or the City Council pursuant to law, with a right to participate in all deliberations or actions but without vote. (Code 1960, § 2323)

The City Manager's Office coordinates and directs the City's functions within the framework of policy established by the City Council. The duties of the City Manager's Office include legislative support, policy implementation, budget development and strategic planning, assist with developing City Council's goals and objectives, keeping the City Council apprised of important community issues, and representing the City's interests at the local, state, and federal level. The following Divisions are in the City Manager's Office: City Clerk, Communications and Marketing, Human Resources, and Network for Homeless Solutions.

CITY ATTORNEY

The City Attorney is appointed by the City Council, and provides legal counsel and advice during official meetings and study sessions of the City Council and various City Commissions; serves as a legal advisor to City staff; prepares and reviews City ordinances, resolutions, contracts and legal documents; represents the City in civil and criminal litigations; oversees the work of outside private counsel when hired to assist in litigation; and coordinates/reviews claims filed against or for the City with Risk Management. The City contracts with the firm of Jones and Mayer for legal services.

ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT

The Economic and Development Services Department is divided into five divisions: Administration and Economic Development, Planning, Building Safety, Community Improvement, and Housing and Community Development.

The Economic Development program focuses on attraction and retention of key businesses in Costa Mesa and works closely with the Costa Mesa Chamber of Commerce, and Travel Costa Mesa Conference and Visitor Bureau to promote the City.

The Planning Division is responsible for implementing the Zoning Code and the goals, policies, and objectives of the City's General Plan. The Planning Division provides staff support to the Planning Commission, a seven-member advisory board to the City Council on land use and community development issues and applications.

The Building Division provides local enforcement of mandatory State building standards codes and the Costa Mesa Municipal Code related to the construction, modification, use, and occupancy of private and public buildings and properties.

The Community Improvement Division works in partnership with the public to promote and maintain a safe and desirable living and working environment by applying the division's resources to respond to City Council priorities or to complaints generated by the public.

The Housing and Community Development Division (HCD) solicits public service sub-recipient grant applicants for HUD-qualified activities, and reviews, recommends, and presents preliminary applications to the Housing and Public Service Grants Committee for recommendation to the City Council. Public service grants are awarded to nonprofit agencies that provide services such as homelessness prevention; homeless services; youth, senior and disabled services; and other eligible uses through the City's annual CDBG funding allocation.

The Economic and Development Services Department serves the following Commission and Committees:

Planning Commission - This Commission consists of seven (7) Council appointed positions. Members must be residents of Costa Mesa. The Commission meets twice a month. The Commission derives its power from the provisions of the California Government Code and functions as an advisory body to the City Council on issues related to the long-term growth and development of the community, on requests for general plan amendments, rezones, specific plans, environmental impact reports and amendments to the City's Zoning Ordinance. The Planning Commission, has authority to take final action on a variety of planning applications, including conditional use permits, variances, planned development projects, and tentative tract and parcel maps. Appeals of the Planning Commission's decisions are considered by the City Council.

Access, Building, Fire & Housing Board of Appeal – The Committee meets on an as needed basis, and consists of five (5) regular member positions who live or work in Costa Mesa who are qualified by experience and training to advise on matters pertaining to building construction and who are not employees of the jurisdiction. The Board will also hear appeals from determinations and orders by the building official and/or the fire marshal. Members serve for a four-year term.

Housing and Public Service Grants Committee - The Committee meets twice a year; March and September and consists of seven (7) regular member positions. The committee helps to promote understanding of the community development process and activities funded by the U.S. Housing and Urban Development Department (HUD), and Community Development Block Grants (CDBG). Additionally, the committee rates and ranks applications for CDBG public service grants, ultimately developing funding recommendations for City Council recommendations. Members serve for a two-year term.

Mobile Home Park Advisory Committee – The Committee meets quarterly and is comprised of nine (9) members: Three (3) Costa Mesa mobile home park owners (or their representative); four (4) mobile home park residents; and two (2) independent citizens at-large with no affiliation or relationship with mobile home parks. The goal of the Mobile Home Park Advisory Committee is to help improve the quality of life in mobile home parks and to review matters concerning mobile home parks in the City of Costa Mesa through healthy communication with park owners, mobile home owners, and the City Council. Members serve for a four-year term.

FINANCE DEPARTMENT

The Finance Department is a General Government Support function. It is comprised of two divisions: Finance Administration and Financial Operations.

Finance Administration provides the Department's overall administrative direction and policy implementation; advises the City Manager, City Council, Finance and Pension Advisory Committee, and the Deferred Compensation Committee; and provides the overall coordination of the Department, including budgeting, accounting, payroll, purchasing, and treasury functions.

Financial Operations provides financial, accounting, payroll, treasury, procurement and budgetary services for all departments of the City.

The Finance Department serves the following Committee:

Finance and Pension Advisory Committee (FiPAC) - The Committee meets monthly and is comprised of seven (7) regular member positions. The scope and purpose of the Finance and Pension Advisory Committee ("FiPAC") shall be to advise the City Council in advance of significant votes, on issues related to significant financial matters. The FiPAC shall advise the City Council annually on the adoption of the City's budget (both the operating budget and the Capital Improvement Program), the allocation of any budget surpluses, the City's investment performance and policies, multi-year forecasts presented by City staff to the City Council, and adjustments under consideration at the time of the mid-year budget report.

At the request of City staff or the City Council, FiPAC shall advise the City Council prior to a vote on material financial decisions, including, for example, review of fees to be charged by the City, incentive programs and development agreements. FiPAC's meetings will coincide with the City Council meetings for which FiPAC will be advising the City Council and will be scheduled sufficiently in advance of the City Council meeting for FiPAC to provide thoughtful and meaningful advice in writing. FiPAC will provide a memorandum in advance of the City Council meeting as to their recommendation. A majority of the committee must agree on the recommendation. Members serve for a four-year term.

PARKS AND COMMUNITY SERVICES DEPARTMENT

The Parks and Community Services Department provides the citizens of Costa Mesa with a diverse variety of high-quality recreation facilities, programs, and services. The department operates the Norma Hertzog Community Center, the Downtown Aquatics Center, and the Costa Mesa Senior Center and also allocates and monitors athletic field use, provides youth, teen, and adult recreation classes and manages the operating agreements for the Costa Mesa Golf and Country Club, the Costa Mesa Tennis Center, the Balearic Community Center, and Childs Pace.

The Parks and Community Services Department serves the following Commissions and Committees:

Arts Commission - The Commission meets monthly and consists of seven (7) Council appointed positions. Four (4) members must be residents of Costa Mesa and up to three (3) non-residents that are affiliated with the Arts. This commission represents the Council's desire for an ongoing policy focus, along with vigilant oversight of City investments in the arts. With a motto of "City of the Arts", the City holds in highest regard the vital role of the arts in the community. The general objectives of the arts commission shall be to ensure that the City of Costa Mesa is a place where creativity and creative people can flourish; imagination, inspiration and innovation are held in high regard, arts education is essential to all and that arts and culture promotes civic pride and enriches the daily lives of Costa Mesa residents. Commissioners serve four-year terms.

Parks and Community Services Commission - The Commission meets monthly and consists of seven (7) Council appointed positions. Members must be residents of Costa Mesa. The Commission assists the City Council and various City departments with issues relating to parks, parkways, recreation programs and community services. Commissioners serve four-year terms.

Fairview Park Steering Committee - The Committee meets every other month and consists of seven (7) regular member positions and includes the Orange County Model Engineers as an ex-officio/non-voting member. The committee evaluates the Fairview Park Master Plan, evaluates park enhancement opportunities that are compliant with Measure AA, makes recommendations to the Parks and Community Services Commission and the City Council. Members serve for a four-year term.

PUBLIC WORKS DEPARTMENT

The Public Works Department provides services related to engineering design, construction management, transportation, street, park and city facilities maintenance, water quality, waste management and recycling, street sweeping, and fleet management. The Department is organized in four divisions: Public Services Administration, Engineering, Transportation Services, and Maintenance Services.

The Public Works Department serves the following Committees:

Active Transportation Committee – The Committee meets monthly and consists of nine (9) regular member positions one appointment by each Council Member, and two at-large members, the two at-large members should ensure broad representation of different mobility options and experiences (e.g. walk, bike, bus, and age ability), and Newport Mesa Unified School District as one ex officio/non-voting member. The Committee will help plan and implement an Active Transportation network for the City by improving bicycle and pedestrian connectivity throughout the City. Members serve for a two-year term.

The mission of this committee is to:

- Support implementation of the City's Active Transportation Program.
- Evaluate the bikeability and walkability of our City in order to make recommendations for improvement to the City Council.

Traffic Impact Fee Ad Hoc Committee - This Committee meets on an as needed basis and consists of five (5) appointed positions with one representing the Chamber of Commerce, one representing major developers, one representing small developers and two at-large positions. City Council and Planning Commission liaisons are appointed by the Mayor and Planning Commission Chair, respectively. The purpose of the traffic impact fee is to fund the necessary transportation/circulation improvements, which are related directly to the incremental traffic impacts imposed on the City's transportation system by the development of new and/or changing commercial, industrial, and residential uses as permitted by the General Plan. The traffic impact fee committee assists staff on all aspects related to the updating and revision of traffic impact fees. Members serve for a four-year term.

INFORMATION TECHNOLOGY DEPARTMENT

The Information Technology Department is responsible for network administration; software development and installation; maintenance of hardware and software, including upgrade and replacement; database management; and the support and oversight of all technology-related products and services for all City departments. Its daily activities include, but are not limited to, maintenance of all computer systems; ensuring that virus protection software are up-to-date and functioning properly; maintenance of a help desk to help troubleshoot computer-related issues; and ensuring that employees are connected and the City websites are working properly and safely. This department is further responsible for operation, maintenance, deployment, and utilization of all City computers. The department has two divisions: Systems & Programming and Computer Operations and Networking.

FIRE AND RESCUE DEPARTMENT

The Fire & Rescue Department is a public safety function that protects life, property and the environment through its mitigation, prevention, preparedness, response, and recovery services. It is comprised of three divisions: Fire Administration, Fire/Rescue/Emergency Medical Services, and Fire Prevention/Community Risk Reduction.

The Administration Division is responsible for the delivery of all staff and support services, working towards the most effective and efficient operations of the department. Among these services, the division provides direction for strategic, operational, and emergency planning; establishes department policies and procedures; coordinates internal functions of all divisions, programs, and external functions with other City departments and community organizations; develops and manages the budget; provides oversight and coordination for department training and education; represents the department on countywide fire/rescue/emergency medical services committees; coordinates ordering and purchasing; manages the department's human resources; manages the department's records and reports; performs additional functions and duties as needed by the City Manager.

The Operations Division manages Fire, Rescue and Emergency Medical Services and maintains constant readiness to answer calls for assistance from the citizens and visitors of the community. The Division is also tasked with rapid response to life, health, fire, rescue, and environmental emergencies, as well as the protection of property, fire cause and origin determination, and life safety inspections and education. The Emergency Medical Services Division manages, supervises, and provides the functions required to support these services including; emergency planning, communications, training and education, equipment maintenance and repair, supplies, records, and quality control. Pre-hospital advanced life support (ALS) and basic life support (BLS) is provided by a combination of Paramedic Engine Companies, Truck Companies and Rescue Ambulances, including an innovative ambulance transportation program.

The Community Risk Reduction Division develops and enforces local fire, life safety, property, and environmental protection standards; enforces state adopted fire and life safety codes; reviews building construction plans; conducts building construction and business inspections; investigates citizen complaints; serves on city-wide committees related to development review, group homes, homeless outreach, and marijuana business; provides training to department personnel in regard to fire and life safety codes; assists professional trades with technical fire code requirements and department community education efforts. Develops, provides, and coordinates community preparedness activities including, volunteer, outreach, education, training, and response program including; Business Preparedness Academies and Community Emergency Response Team Academies and embracing an overall strategy of community risk reduction.

POLICE DEPARTMENT

The Police Department is tasked with protecting life and property while preserving the peace.

The Administration division conducts the department's overall direction and planning of the department. The division provides advice to the City Manager and City Council on public safety issues, provides internal investigations through the Professional Standards Unit, performs public affairs services, and manages the department's budget and grant administration.

The Training Division provides and coordinates training programs, and the recruitment and selection of candidates for vacant positions within the department, adhering to the guidelines established by state-mandated Peace Officer Standard and Training requirements for sworn and civilian personnel.

The Emergency Services office is responsible for the City's disaster preparedness, acts as liaison to other government agencies, conducts disaster planning meetings, training and exercise, and administers the Emergency Operations Center.

Field Operations provides public safety services through patrol-related policing activity, coordinates community-oriented policing services, supervises the Police Reserve Program, and supervises the Park Ranger Program.

Traffic Safety enforces State and City traffic laws, provides follow-up investigation and prosecution of traffic-related criminal cases, and coordinates personnel to respond to and investigate traffic collisions.

Contract and Special Events provides special event public safety and traffic management services requested by the community on a contract-for-pay basis.

Animal Services impounds strays or unlicensed animals and enforces laws applying to animals within the City.

The Selective Traffic Enforcement Program is designed to fund traffic safety related enforcement and education efforts to reduce alcohol related traffic collisions, and addresses aggressive driving practices, particularly speed and red light/stop sign violations.

The Crime Investigation Unit investigates criminal activities including homicide, rape, robbery, assault, larcenies, and burglaries.

The Special Investigations Unit investigates illegal narcotics activity with emphasis on traffickers, vice and prostitution.

The Youth Crime Intervention provides services to local school, criminal street gang suppression and investigation, and coordinates outreach intervention opportunities through the Gang Investigations Unit.

The Telecommunications Operations provides a centralized, computer-aided Communications Dispatch Center that receives citizen requests for emergency fire, paramedics and police services.

The Police Department serves the following Committee:

Animal Services Committee (ASC) – The Committee meets monthly except for August and December and consists of seven (7) regular members. The purpose of the Animal Services Committee (ASC) is to provide advice and recommendations to the City Council on animal services issues and to promote pet licensing, assist with planning and execution of animal-related events (e.g., Barktober). In addition, the purpose of the Animal Services Committee is to maintain, educate, enrich, and promote animal services programs and resources throughout the City, and to monitor the animal care and control function of the City (e.g., live release rates, adoption, veterinary care, fostering, pet licensing) and advise the City Council of any issues that should be addressed. Members serve for a two-year term.

The Committee shall:

- Make recommendations to the City Council to improve animal services throughout the City, including pet licensing, animal shelter and adoption services, and responsible pet ownership.
- Support animal related community events, such as pet adoptions, vaccination clinics, micro-chipping, etc.
- Advise the City Council in advance of significant votes on issues related to the animal care and control functions of the City.

CHAPTER 2

COMMISSION AND COMMITTEE ROLES AND RELATIONSHIPS

Scope of Authority

The following section outlines commission/committee members' scope of authority with respect to the City Council, City departments and employees, the public, and outside agencies. All committees act in an advisory capacity to the City Council. The Commissions act in a quasi-judicial capacity as they hold the authority to make decisions, such as the right to approve or deny permits. The commissions/committees do not receive, disburse, or in any way possess money or any other valuable commodity, nor enter into any contract as an agent of the City without prior authorization of the City Council. In addition, commission/committees are not involved in the hiring, promotion, dismissal, or suspension of City employees.

Council-Commission/Committee Relationship

The primary purpose of all advisory bodies is to provide thoughtful advice to the City Council. This improves the quality of City government by providing the Council with resources to make better-informed decisions. Members serve as the "eyes and ears" of the Council for issues and matters that otherwise might not receive the attention they deserve. The role of a commission/committee improves the lines of communication between the public and the council by providing more opportunities for discussion of public issues. All action and business of commissions/committees are to be conducted by the appointed members as a whole.

Departmental Staff Liaisons:

The relationship between the staff liaison and advisory body is key. One or more staff liaisons are assigned to each commission/committee by the City Manager or his/her designee. Important staff responsibilities include:

- Providing background and professional perspective to the commission/committee on important issues.
- Providing administrative support, including agenda and report preparation and preparation of the minutes.
- Assisting the commission/committee to move through meeting agenda items to ensure business is advanced.
- Interpreting relevant City, State, and Federal laws and practices.
- Alerting commission/committee members of concerns related to business within their purview.
- Presenting commission/committee recommendations to the City Council.
- Conducting themselves professionally and remaining impartial.
- Supporting a positive and constructive work place environment for members, citizens, and businesses volunteering or working with the City.

The following are important guidelines for commission/committee members to follow:

- Recognize that stewardship of the public interest must be your primary concern, members will work for the common good of the people of Costa Mesa and not for private or personal interest.
- Members shall comply with the laws of the United States, the State of California, and the City of Costa Mesa in the performance of their duties. These laws include, but are not limited to, The United States and California constitutions; laws pertaining to conflict of interest, elections/campaigns, financial disclosures, open processes of government (Brown Act); and City ordinances and policies.
- Members shall conduct themselves professionally and support a positive and constructive environment.

- Members shall recognize their special role in dealings with City employees. Members have no supervisory authority over staff members, shall refrain from directing staff, and treat staff with decorum.
- Contact should first be made directly with the staff member assigned to the commission/committee.
- Contacts with staff members should be clearly within the framework of the commission/committee role and assignments.
- Members shall refrain from requesting individual reports, favors, or special consideration. A special request from a member requiring more than (4) hours of staff time requires prior City Council approval.
- Citizen complaints heard by members should be referred directly to the staff liaison assigned to the commission/committee.

Relations with the Public and Outside Agencies

It is important to recognize that a commission/committee member's actions and comments can be interpreted as that of the entire advisory body, City Council, or City as a whole. For this reason, the following guidelines should be followed:

- There should be no promises made to the public that are binding on the commission/committee, City Council, or City staff.
- Comments to the public should be factual, and delivered with professionalism.
- Technical questions which cannot be answered by commission/committee members should be referred to the staff liaison for a response.
- Commission/committee members have an obligation to listen to input from the staff and public in a courteous and appropriate manner.
- Individual comments of commission/committee members should always be distinguished from full commission/committee positions. Special care should be taken when talking to distinguish individual viewpoints from official commission/committee positions.
- Serving on a commission/committee does not preclude individual members from engaging in political campaigns or partisan activity. All members shall make it clear when engaging in political campaigns or partisan activity they are not representing the City or a commission or committee. Commissions or committees are nonpartisan, and cannot take action to sponsor political candidates or measures.

Role of the Chair

The Chair is a position of confidence and needs to be informed and prepared. The Chair leads and facilitates the discussion and decision-making process in a way where the pros and cons are voiced, the majority prevails, and the minority opinion feels heard.

The Chair's role is to provide the commission/committee with group direction and to set the tone for meetings. The Chair must balance being strong enough to move the meeting along and democratic enough to involve all members in the meeting. It is a challenge to manage the agenda, utilize parliamentary procedure where appropriate, guide the discussion and process, summarize key decisions and actions, and bring the meeting to an efficient close. The following are helpful tips:

- Correct procedure should always be a Chair's goal. Explanation of the public participation process to the audience is key. (For example: "The chair will hear first from staff who will present the staff report. Member's questions to staff will follow and then the floor will be open to the public, who may comment on the matter. Following public comment, the matter will come back to the group for deliberation and action.")
- The Chair must restate the motions or amendments as precisely as possible and to have an item repeated if correct wording requires clarification.
- Discussion is not in order until the motion has been stated by the Chair and seconded.
- The Chair should refrain from voicing a strong opinion at the beginning of a discussion.
- When calling for the question, the Chair should also call for the negative vote, saying, "Those opposed, say 'no'."
- The adoption of a substitute motion does not mean adoption of the main motion. The Chair should remember to state the main motion as amended.
- It is better to say: "The motion is out of order" than to indicate an individual is out of order.

As long as members feel confident handling the aforementioned duties of the position, the Chair position should be rotated annually. The Chair may occasionally serve two terms in a row.

Outside Agency Liaison/ Ex-Officio Members

An Outside Agency Liaison to a committee are members appointed to serve in a position because the committee needs their expertise or influence pertaining to certain issues that substantially benefits the City. They represent the entity/organization that they work/volunteer for as part of a collaboration on particular issues. Members may partake in discussions pertaining to their organization and/or area of expertise, however shall not vote. Ex-Officio members shall not be included in the count when determining if a quorum is present.

CHAPTER 3

MEMBERSHIP APPLICATION AND PROCEDURES

In conformance with California Government Code the City Clerk annually publishes an appointment list of all regular and ongoing commissions/committees, for which the City Council has appointing power. The list is available to the general public. The City of Costa Mesa issues press releases announcing vacancies and application deadlines, encouraging Costa Mesa residents to submit applications for consideration at the time of the vacancies. The Mayor and City Council members review the submitted applications when considering appointments.

Commission Recruitment – Approximate Deadlines

- DECEMBER – The City Clerk’s office will send out a press release on commission board vacancies. Staff liaisons shall notify those existing members whose terms are expiring, that they must submit a completed Application form if they wish to continue to serve. The application form must be received by the deadline established in the press release.
- DECEMBER/JANUARY – City Clerk’s office accepts and compiles Application forms from prospective candidates for inclusion in the City Council staff report. City Clerk’s office prepares the staff report.
- JANUARY/FEBRUARY – City Council appoints/reappoints Commissioners.

Committee Recruitment – Approximate Deadlines

- FEBRUARY – The City Clerk’s office will send out a press release on committee board vacancies. Staff liaisons shall notify those existing members whose terms are expiring, that they must submit a completed Application form if they wish to continue to serve. The application form must be received by the deadline established in the press release.
- MARCH – City Clerk’s office accepts and compiles Application forms from prospective candidates for inclusion in the City Council staff report. City Clerk’s office prepares the staff report.
- MARCH/APRIL – City Council appoints/reappoints members.

Appointment Process

The City Council appoints members to various City commissions/committees. The members serve staggered terms.

The Mayor may appoint a chairperson of a committee to assist when organizing the committee. Thereafter the commissions/committees appoint their own chairs. The Mayor designates at least one member of the City Council to serve as a non-voting liaison to each committee.

All commission/committee members serve at the pleasure of the City Council for designated terms. The terms of commission members will serve staggered four-year terms and coincide with the concurrent term of the respective appointing Council Member. Committee members serve for two years, unless otherwise specified by the City Council.

If a member wishes to be reappointed, an application form must be completed during the recruitment period. Commission/committee members may step down or resign by submitting a letter to the City Clerk or the staff liaison. In addition, the City Council may request resignations or terminate members at any time for any commission and committees.

The Mayor's office will send letters to appointed Commissioners and Committee Members, applicants not appointed, and members who have resigned and/or not reappointed.

Enrollment Process – Commission Members

Once appointed Commission members must complete an Oath of Allegiance, administered by the City Clerk or their designee.

Conflict of Interest

Conflict of Interest rules exist to reinforce public confidence that City officials, employees and members are acting in the best interests of the public, and not in furtherance of their own self-interests. As a general rule, members should avoid situations where their official actions may affect or appear to affect their private interests, financial or otherwise.

Public Disclosure Requirement: If disqualification on a meeting agenda item is required, the member must publicly disclose the interest that is the subject of the potential conflict as well as the fact that they are disqualifying themselves from any participation in the decision. The disclosure may be made orally at the public meeting and/or in writing to the secretary and must be made a part of the agency's official records (e.g., the minutes of the meeting.).

Form 700 – Statement of Economic Interest Form (For Commissioners)

The Political Reform Act (California Government Code §§ 81000-91014) requires Commissioners to publicly disclose their personal assets and income. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions. All members are required to fill out the Form 700. The City Clerk's office is responsible for the submittal of the Form 700 of all members. Copy of the Form 700 is attached in Appendix A, or you may retrieve it from the FPPC's website at: <http://www.fppc.ca.gov/Form700.html>

Commissioners and Committee Members

Upon taking office, new members are given a copy of the handbook on commissions and committees. Both commission/committee members are required to complete the mandatory training on Ethics (AB 1234), "Harassment" and the Brown Act. This will be scheduled through the City Clerk's office.

Ethics Training (Assembly Bill 1234)

Ethics Training is required for all commission/committee members. Ethics requires all members to:

- To uphold all laws, regulations and policies.
- To take no action for the purpose of benefiting the official personally.
- To make every effort to avoid a conflict of interest.
- To avoid disclosure of confidential information obtained in the performance of his or her duties or in his or her official capacity.
- To exercise prudence and good judgment at all times.
- To be fair, impartial, and unbiased in the decision-making process.
- To treat each other and the public with respect.

Failure to complete the training may result in removal from the commission/committee. The training certificate must be submitted to the Office of the City Clerk. The training will be provided by the City Attorney's office.

To ensure effective meetings and decisions, commission/committee members are expected to attend all meetings and should make every effort to do so. Unless for an excused absence (vacation, illness, etc.), absence from three consecutive meetings or more than four unexcused absences out of twelve meetings a year, may constitute a basis for dismissal by the City Council. For those commissions/committees or boards meeting less than twelve times a year, unexcused absences that exceed 33 1/3% of the total number of meetings a year would also establish a basis for dismissal by City Council. In the event of an excused absence, a member should notify the Chair in advance of the meeting.

Annual Report Requirement

Committees are requested to prepare a status report on the work plan by the end of February of each year. The establishment of a work plan allows the City Council to evaluate the work of the committee.

This report should include:

1. Evaluation of the previous year's work, activities and recommendations.
2. Delineation of the upcoming year's program goals and objectives.
3. Funding requests to facilitate work of the Committee (i.e. Community Outreach Events or Materials).

The Chair or their designee of each committee shall provide an annual presentation to the City Council. The City Council will review the role and progress of the committee to determine their effectiveness. In doing so, the City Council reserves the right to revise the status of any committee based upon their need and benefit to the community.

Stipend

Commission members receive a stipend. Planning Commissioners receive a \$400 monthly stipend. Parks, and Community Services Commissioners and Arts Commissioners receive a \$100 monthly stipend. Commission/committee members may be reimbursed for necessary expenses related to the performance of their duties, if approved in advance, and in writing, by the City Manager. No commission or committee member shall incur expenses, without prior approval. Please consult with your staff liaison.

CHAPTER 4

MEETINGS

Robert's Rules of Order – Parliamentary Procedures and Effective Meetings

Parliamentary Procedures are accepted methods for conducting meetings, and are outlined in Robert's Rules of Order, Revised, which commissioners/committee members should review. The following are tips for running effective meetings:

General Principles of Parliamentary Procedure

- Practice justice and courtesy for all.
- Do only one thing at a time: one subject at a time; one speaker at a time.
- Remain focused on the business that needs to be conducted.
- Facilitate action, not obstruct it.
- All members are equal.
- The majority decides.
- The rights of a minority must be protected.
- Silence gives consent.
- A question once settled may not be reintroduced.
- Everybody's feelings must be respected.

The Chair directs the meeting, and his/her rulings must be followed unless overruled by the body. When a member wishes to propose an action on a particular item on the agenda, the member makes a motion. A motion goes through the following steps.

1. The member asks to be recognized by the Chair.
2. After being recognized, the member makes the motion: *"I move that we..."*
3. Another member seconds the motion: *"I second the motion."*
4. The Chair restates the motion and asks for discussion on the motion.
5. When the Chair determines that there has been enough discussion, the debate may be closed with: *"Is there any further discussion?"*
6. If no one asks for permission to speak, the Chair then puts the question to a vote: *"All those in favor say aye."* *"All those opposed say nay."* The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all.
7. After the vote, the Chair announces the vote, i.e. by unanimous consent matter approved or by a 5-2 with member xxx and yyy dissenting, etc.

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it.

Brown Act

The City of Costa Mesa's commissions/committees must conduct business based upon provisions of the Brown Act, which deals with the conduct of public meetings. The Act requires that meetings of all commissions/committees, be open to the public and held in an accessible location. To abide by this provision, an agenda must be posted in a location freely accessible to the public at least 72 hours before the scheduled meeting. Each agenda must contain sufficient information to briefly describe each item to be transacted or discussed at the meeting. A commission/committee is prohibited from taking action on any item not on the posted agenda. All documents presented to a commission/committee are considered public record unless otherwise determined by the City Attorney.

The Brown Act prohibits the use of technological devices such as telephones, email, etc., by a majority of a legislative body, including a commission/committee to develop a collective concurrence as to action to be taken on an item by the members of that body. Based on the Brown Act, commission/committee members are cautioned not to telephone or email back and forth on items on an agenda, which creates a "serial" meeting.

Members of a Commission/Committee can have discussions outside of the formal meetings, however they should not include any information that would be potentially discussed on an agenda or under the purview of that Commission/Committee. All members should be aware of public perception, should they be gathering in an unofficial way. Any allegations, potential or real, would be subject to a potential Brown Act Review.

E-Mail Communication

E-mail communication may lead to the exchange of information which may create collective concurrence among a quorum of commission/committee members. Consequently, e-mail communication between members relative to business, **should be avoided.** For example, while three members of a seven-member body, may appropriately communicate with one another by way of e-mail, the "forwarding" of such an e-mail message on to a fourth or subsequent member would result in a Brown Act violation. **Please note that communication (including communication on personal devices) pertaining to Commission/Committee business is subject to the Public Records Act and will need to be disclosed upon request.**

All communication from the public should be sent through the City e-mail system. Comments on agenda items or within subject jurisdiction of any advisory body should be e-mailed to the Commission Secretary or Committee Liaison to assure all comments are captured and entered into the record.

Public Meetings

Any individual has the right to address a commission/committee regarding any item on the agenda or under the purview of the body. Information on addressing the body will be provided on the agenda.

Meeting Times, Quorums, and Attendance

The time and place for regularly scheduled meetings are set either by ordinance, commission bylaws/committee action, or the City Manager. The City Manager has the discretion to adjust the committee meeting schedules, as needed, to allow maximum flexibility with staffing schedules and resources. If the regular meeting date falls on a holiday, the commission/committee should establish another date for the meeting or cancel the meeting. A special meeting may be requested by the staff liaison, Chair or majority vote of the membership when an issue is urgent and action is required before a regular meeting takes place, or when an in-depth discussion of an issue is needed. This request **must** be approved by the City Manager or his/her designee. Notice of a special meeting is required 24 hours before the time of the meeting. The notice should specify time, place, and business to be transacted.

In order for a commission/committee to conduct business, a quorum must be present. A majority of the members constitutes a quorum. In cases in which the membership of a commission/committee is reduced to less than a majority of the members due to vacancies, the quorum shall be a majority of the remaining members of such body until the vacancies are filled by City Council. However, under no circumstances shall the quorum be lowered to less than three (3) commission/committee members. (For example, a committee formed by City Council, which has seven members would need four members to be present for the committee to take formal action on a matter on the agenda for the meeting. If vacancies occur due to resignations of the members, the quorum is adjusted to require a minimum of three members. Once the vacancies are filled, the quorum returns to four members).

Minutes

Minutes are required for every standing commission/committee meeting pursuant to the California Government Code. The staff liaison or their designee is responsible for the preparation of the minutes. The primary purpose of minutes is to memorialize decisions made by the *legislative body*. Only action minutes will be produced and should contain the following: the members of the commission/committee; the time the meeting convenes and adjourns; a description of the items discussed; public speakers and their topics; all motions made and the votes taken; and any stated reason for abstentions and “no” votes.

For individuals speaking under public comments, the minutes shall list the public member’s name (if provided); and include the overall topic and stance/position. Such as Mr. Jones spoke in opposition to the Project. Being mindful that the minutes are

recordings of the legislative body's proceedings, it is not appropriate to include details of individual comments. There is exception for public testimony provided during public hearings. The minutes of all meetings must be reviewed and approved by the commission/committee. To aid in the adoption of the minutes, commission and committee members are **legally** allowed to approve minutes of meetings that took place before they were appointed, or on meetings they did not attend.

Meeting Types

Commissions/committees may hold two types of meetings: regular and special meetings. The staff liaison to the body is responsible in preparing and posting the agenda prior to the 72-hour posting deadline for regular meetings and 24-hours prior for a special meeting. The staff liaison is also responsible for noticing the members of meeting cancellations, adjournments, and/or change of locations.

Ad Hoc Committees

Ad Hoc Committees shall only be formed upon approval of the City Council Liaison, and the City Attorney. The Ad Hoc Committee shall be set for a limited duration of time. There shall be no other standing committees, subcommittees or working groups. Ad hoc Committees, once formed, must be less than a quorum of the Committee. There must be a singular or limited focus for the Committee. The Ad Hoc meetings do not need to be noticed, or have posted agendas, however it is encouraged that the Ad Hoc Committee have an agenda to stay on point. There also has to be an established period of time for the Ad Hoc Committee to meet. For example, "beginning in January and ending in March, reporting to the full Committee in April". It is not required that staff be present, however it is encouraged, if possible, depending on staffing schedules and resources. You may speak with the Staff Liaison regarding the formation of an Ad Hoc Committee or you may speak to it under Member comments.

Types of Procedures

- Formal - This procedure does not permit discussion of a subject until it is offered as a motion, then seconded and restated by the Chair.
- Informal - The members are permitted to discuss the subject prior to the presentation of motions. The informal procedure may form better motions by permitting the group to arrive at a general opinion before the making of a motion.

Conduct of Meeting

- Addressing the Chair - Whether formal or informal procedure is used, all discussion is controlled by the Chair. Members address the Chair as Mr. or Madam Chair.
- Recognizing Members - The Chair must recognize members in the order in which they raise their hand.

Agenda/Order of Business

The agenda is prepared by the staff liaison and reviewed and approved by the City Manager or his/her designee (staff liaison) in consultation with the Chair.

- The agenda shall contain a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken or discussed on any item not appearing on the agenda.
- The order of business provides a logical sequence for group considerations as well as the procedures by which the Chair advances from one matter to another. The following is a suggested sequence of items on an agenda:
 - **Quorum** - Simple majority of the commission/committee. At any meeting, a majority of total members shall constitute a quorum for purposes of conducting business. Thus, if a body has seven members, but only six seats filled it requires four present and four votes to approve items. If after fifteen (15) minutes a quorum is not present, the Chair or staff liaison announces, "As there is no quorum, the meeting is cancelled. The staff liaison is responsible for posting a cancellation notice at the entrance door when no quorum exists.
 - **Call to order** - The Chair presides at the meetings. In the Chair's absence, the Vice Chair presides. It is the Chair's role to facilitate meeting protocol. Staff liaisons may assist the Chair in starting the meeting on time, and also provide guidance in meeting protocol. Staff may also facilitate and promote effective communication.
 - **Open the meeting** - To open the meeting, a roll call is taken. If a quorum is present, the Chair will call the meeting to order by announcing, "The meeting of the commission/committee will come to order." Note: Committee meetings are limited to two hours.
 - **Commission Public Comment** – Pursuant to the Brown Act this time period is scheduled for public comment. This is the time for members of the public to provide comments for items not on the agenda but under the purview of the Commission. Each member of the public will be given a total of three (3) minutes to speak. Additional public comment is allowed for each Public Hearing, Old Business, and New Business items, up to three (3) minutes each.

- **Committee Public Comment** – Pursuant to the Brown Act a fifteen (15) minute time period is scheduled for public comment. This is the time for members of the public to provide comments on items both on the agenda and not on the agenda but under the purview of the Committee. Each member of the public will be given a total of two (2) minutes to speak. An additional time period may be allotted for public comments on a specific item of significant subject matter at staff's discretion in consultation with the Chair.
- **Members comments** - Brief comments by members shall be pertaining to the specific work of the Commission/Committee.
- **Minutes of previous meeting** - Minutes are the official record of the actions of the commission/committee.
- **Public Hearing (Commissions Only)** – This is the time for Noticed Public Hearings.
- **Old Business** - This item concerns matters still under study or discussion, as well as matters postponed from a previous meeting.
- **New Business** - Any proposal or issues not previously considered by the group are dealt with during New Business. Items are introduced in the form of a motion. In addition to the individual members, the Chair is privileged to hold informal discussions on a topic before a formal motion is made. The Chair states, “A motion is now in order, what is your pleasure?”
- **Adjournment** - There are two types of adjournment motions: To adjourn until the next regular meeting or to adjourn to a specific time and place.

Adding Items to the Agenda

The Agenda is set and approved by the commission/committee liaison, the Department Director and/or the City Manager in consultation with the Chair. A commission or committee member may request that an item be added to a subsequent Agenda during Member Comments or via email to the staff liaison. Members of the public do not have the authority to add items to the Agenda.

CONCLUSION

The information contained in this handbook will better assist all commission/committee members in understanding the City, their role, and responsibilities. Additionally, using the handbook as a tool will ensure consistency in procedures and practices involving all commissions/committees.

ACCOMMODATIONS

All members who have disabilities are entitled to receive reasonable accommodations upon request in order to fully participate in meetings and events.

DISCLAIMER

The material in this handbook is intended to provide general information. The reader is advised that the various provisions relating to City Commissions and Committees are subject to change by the City Council, the City Manager or their designee.

For questions please call the City Clerk's Office at (714) 754-5225.

APPENDICES

- A. List of Commissions and Committees
- B. Local Appointments List
- C. Council Policy 000-2

APPENDIX A: LIST OF COMMISSIONS AND COMMITTEES

Arts Commission	Meets 1 st Thursday at 6:00 p.m., City Hall, Council Chambers & via Zoom	Parks and Community Services Department
Parks and Community Services Commission	Meets 2 nd Thursday at 6:00 p.m., City Hall, Council Chambers & via Zoom	Parks and Community Services Department
Planning Commission	Meets 2 nd and 4 th Monday at 6:00 p.m. City Hall, Council Chambers & via Zoom	Economic and Community Development Department
Access, Building, Fire & Housing Board of Appeal	Meets on as-needed basis	Economic and Community Development Department
Active Transportation Committee	Meets 1 st Wednesday at 5:00 p.m.	Public Works Department
Animal Services Committee	Meets 4 th Wednesday at 5:30 p.m.	Police Department
Fairview Park Steering Committee	Meets 2 nd Wednesday of every other month at 6:00 p.m.	Parks and Community Services Department
Finance and Pension Advisory Committee	Meets 2 nd Wednesday at 4:00 p.m.	Finance Department
Housing and Public Service Grants Committee	Meets twice a year	Economic and Community Development Department
Mobile Home Park Advisory Committee	Meetings quarterly	Economic and Community Development
Traffic Impact Fee Ad Hoc Committee	Meets on as-needed basis	Public Works Department

Note: Committee meetings are limited to two hours.

APPENDIX B: LOCAL APPOINTMENT LIST

[Local Appointment List](#)

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
CITY COUNCIL APPOINTED ADVISORY COMMITTEES AND BOARDS	000-2	2/1/99 REV: 3/03 REV: 10/18/11 REV: 6/5/12 REV: 9/5/23	1 of 3

BACKGROUND

Revisions to this Policy occurred in March, 2003, October, 2011, and June 2012. The City Council has modified the recruitment, criteria, and selection of committee and board members. The City Council also approved the decrease in membership of the committees and boards through attrition and to be reflected in the Commissions/Committees/Boards Handbook. On May 5, 2012, the City Council modified the Policy indicating that the expiration of all committee and board-terms shall be in April. On September 5, 2023, the City Council modified the Policy regarding the membership, Alternate positions, and Ad Hoc Committees.

PURPOSE

To provide clear and cohesive policies which assist appointed committee and board members in performing their duties, and procedures for new standing and ad hoc committee formation.

POLICY

1. Bring community attitudes and needs into focus by providing valuable communication links between the community and the government of the City.
2. Facilitate recommendations from the community, which aid City Council in making sound decisions concerning policy formulation and resource allocation.
3. Establish and maintain a streamlined mechanism to facilitate committee formation; membership, interaction, work programs, and evaluations.

PRACTICES AND PROCEDURES

1. Formation and Membership
 - a. Based upon the need for citizen input on matters of importance to the community, requests to form a committee may be made by individual Council Members. "Committee Formation Application Forms" and "Committee Interest Forms" shall be made available to all interested parties through the City Clerk's Office.
 - b. Upon review of completed Formation Request Forms, City Council may create a new committee by formal action. Such action will establish the purpose of the committee and the number of members.
 - c. Individuals may serve concurrently on more than one committee assuming there is no conflict

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

- d. The City Council will appoint members to various committees and boards with staggered terms. Committees shall be comprised of seven members (except for the Active Transportation Committee, Mobile Home Park Advisory Committee and the Traffic Impact Fee Committee), one appointment by each Council Member. A Council Member may defer his or her nomination to the Council Liaison.
- e. The Mayor shall designate at least one member of City Council to serve as a non-voting liaison to each committee.

2. Membership Terms

- a. Appointed committee members must be Costa Mesa residents, unless otherwise specified by the City Council.
- b. Committee members shall be appointed or reappointed for a term of two (2) years (staggered) unless otherwise specified by City Council.
- c. The expiration of all committee and board-terms shall be in April.
- d. To vacate a position on a committee or board, the person shall file a written resignation with the Staff Liaison..
- e. The City Council, at any time, may request the resignation of or terminate membership of any committee member.
- f. There shall be no Alternate positions.
- g. An Outside Agency liaison/Ex-Officio member to a committee are members appointed to serve in a position because the committee needs their expertise or influence pertaining to certain issues that substantially benefits the City. They represent the entity/organization that they work/volunteer for as part of a collaboration on particular issues. Members may partake in discussions and debate pertaining to their organization and/or area of expertise, however shall not vote. Ex-Officio members shall not be included in the count when determining if a quorum is present.

3. Work Program/Committee Review Process

- a. Each February, all committees shall prepare and submit a Work Program for City Council review. The Work Program shall include:
 - Evaluation of the previous years' progress;
 - Delineation of the upcoming year's program, goals and objectives; and
 - Proposed budget requests.
- b. The City Council shall conduct a Committee Review Process once a year in February to review the role and progress of committees to determine their effectiveness. In doing so, City Council reserves the right to revise the status of various committees based upon their need and benefit to the community.

4. General Information and Procedures

Except as provided in this policy all committees and boards shall be guided by the policies set forth in the Commissions/Committees/Boards Handbook. In case of any inconsistencies between this policy and the Handbook, the provisions in this policy shall govern these committees and boards.

5. Quorum Due to Vacancies

- a. Where there are no vacancies by resignation of members, the quorum for a committee formed by City Council shall be a majority of the members of such body.
- b. Where the membership on a committee is reduced to less than a majority of the members of such a body due to vacancies by resignation of its members, the quorum shall be a majority of the remaining members of such body until the vacancies are filled by City Council; provided, however, that under no circumstances would the quorum be lowered to less than three (3) committee members. (For example, a committee formed by City Council, which has seven members, would need four members to be present for the committee to take formal action on a matter on the agenda for the meeting. If vacancies occur due to resignations of the members, the quorum would be adjusted to require a minimum of three members to be present for the committee to take formal action on a matter on the agenda while the vacancies have not been filled by City Council. Once the vacancies are filled, the quorum would return to the requirement of four members.)

6. Ad Hoc Committees

Ad Hoc Committees shall only be formed upon approval of the City Council Liaison, and the City Attorney. The Ad Hoc Committee shall be set for a limited duration of time. There shall be no other standing committees, subcommittees or working groups.

Title 13. Planning, Zoning and Development

Chapter I. IN GENERAL

Article 3. Review Authorities

§ 13-10. Planning commission.

- (a) *Commission.* Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California **Government Code**, there is hereby created a planning commission, which shall consist of seven members.
- (b) *Appointment and removal of commissioners.* Each council member elected by district shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. The mayor shall nominate a planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.
- (c) *Residency.* Each member of the planning commission must be a resident of the City of Costa Mesa at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the city that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.
- (d) *Term.* The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.
- (e) *Ex-officio member of commission.* The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.
- (f) *Absence from commission meetings without cause.* If a planning commission member is absent from three consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.
- (g) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.
- (h) *Councilmember ineligibility.* No member of the city council shall be eligible for membership on the planning commission.
- (i) *Authority of the planning commission.*

- (1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:
 - a. Public and private buildings and works, streets, parks, grounds and vacant lots.
 - b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
 - c. The location of any proposed buildings, structures, or works.
- (2) The planning commission is authorized to act upon the following discretionary actions:
 - a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
 - b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.
 - c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.
 - d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State **Government Code**.
- (j) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:
 - (1) The time and place of meeting.
 - (2) The time and method of electing officers.
 - (3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.
- (k) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19; Ord. No. 21-14, § 1, 8-3-21)

Title 12. Parks and Recreation

Chapter III. PARKS AND COMMUNITY SERVICES COMMISSION

§ 12-71. Commission established.

There is hereby established as a part of the government of the city, a parks and community services commission, which shall:

- (a) Consider and provide advice regarding matters that may be referred to it by the city council, the city manager, the director of parks and community services, or the director of public works;
- (b) By its own motion, conduct studies and investigations and hold public hearings as it may deem necessary for the formulation of policies, plans, and procedures relating to parks, recreation, senior programs, recreation facilities, community facilities, and parkways, or to determine the wisdom and efficacy of such policies, plans and procedures, or to determine an action plan to pursue in implementing the city's Parks, Recreation and Open Space Master Plan and report its findings and recommendations to the city council, the city manager, the director of parks and community services, and/or the director of public works;
- (c) Recommend to the city council approval of concept plans for development and/or modification of parks, recreation, community, and open space facilities;
- (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the parks, recreation, recreation facilities, community facilities, and parkways of the city;
- (e) Make recommendations and findings on the necessity for removal of parkway trees and the necessity for terms and conditions for retention of trees in accordance with Chapter V of Title **15** of this Code, which decisions shall be final notwithstanding section **2-303**;
- (f) Set the fees to be charged to participants in recreation and community programs and classes in accordance with the guidelines adopted by the city council;
- (g) In its discretion, review the annual budget as presented to the city council and advise it on the current operational needs and long-range plans for capital improvements;
- (h) Periodically visit parks, recreation and community facilities in the city to review established programs and facilities, and to monitor needs in accordance with the Parks, Recreation and Open Space Master Plan;
- (i) On behalf of the city, actively encourage programs for the cultural enrichment of the community;
- (j) Solicit partnerships with senior organizations which share the common goal to serve Costa Mesa's senior population; and
- (k) Seek out and recommend to the city council, city manager or director of parks and community services possible public and private funding opportunities available to implement new or enhance existing senior programs and services.

(Ord. No. 19-06, § 2, 4-2-19; Ord. No. 22-05, § 2, 7-19-22)

Title 12. Parks and Recreation

Chapter IV. ARTS COMMISSION

§ 12-75. Commission established.

There is hereby established as a part of the government of the city, an arts commission, which shall:

- (a) Consider and provide advice regarding matters that may be referred to it by the city council, the city manager, the director of parks and community services, or the director of public works;
- (b) By its own motion, conduct studies and investigations and hold public hearings as it may deem necessary for the formulation of policies, plans, and procedures relating to arts, or to determine the wisdom and efficacy of such policies, plans and procedures, or to determine an action plan to pursue in implementing the city's arts and culture master plan and report its findings and recommendations to the city council, the city manager, the director of parks and community services, and/or the director of public works;
- (c) Recommend to the city council approval of concept plans for development and/or modification of arts programming, policies and services;
- (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the arts, in the city;
- (e) Set the fees to be charged to participants in arts programs and classes in accordance with the guidelines adopted by the city council;
- (f) In its discretion, review the annual budget as presented to the city council and advise it on the current operational needs and long-range plans for arts opportunities;
- (g) On behalf of the city, actively encourage programs for the cultural and artistic enrichment of the community;
- (h) Solicit partnerships with senior organizations which share the common goal to serve Costa Mesa's senior population relating to arts; and
- (i) Seek out and recommend to the city council, city manager or director of parks and community services possible public and private funding opportunities available to implement new or enhance existing arts programs and services.

(Ord. No. 22-06, § 1, 7-19-22)



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 25-371

Meeting Date: 7/8/2025

TITLE:

DISCUSS A CODE OF ETHICS AND CONDUCT

DEPARTMENT: CITY MANAGER'S OFFICE/CITY CLERK DIVISION, CITY ATTORNEY

PRESENTED BY: BRENDA GREEN, CITY CLERK

CONTACT INFORMATION: BRENDA GREEN, CITY CLERK (714) 754-5221

RECOMMENDATION:

Discussion of a Code of Ethics and Conduct and provide feedback and direction for development of a policy.

BACKGROUND:

The goal of the Code of Ethics and Conduct is to ensure public confidence in the integrity of local government elected and appointed officials. The priority is to establish an ethics code to promote an honest, effective, and accountable city government, encourage high standards of behavior by public officials, and assist with decision-making. The code's framework is designed to guide public officials in their daily duties to help ensure that they exercise their public responsibilities without conflicts or improprieties, whether actual or perceived.

A draft Code of Ethics and Conduct for City Council consideration is provided as Attachment 1. Also, attached are the City of Irvine (Attachments 2 and 3) and City of Gardena (Attachment 4) Code of Ethics and Conduct policies for reference. As part of the implementation, all elected and appointed officials must certify that they have received a copy of the Code of Ethics and Conduct, understand its provisions, and pledge to conduct their duties in accordance with the code. The code will also be incorporated into the Commissions and Committees Handbook, orientation programs, and other training efforts to further clarify its provisions and application.

ANALYSIS:

The intent of the Code of Ethics and Conduct is to achieve fair, ethical, and accountable local government for the City of Costa Mesa. The people of Costa Mesa expect public officials, both elected and appointed, to comply with both the letter and the spirit of the law.

The following are the issue areas addressed and components of a Code of Ethics and Conduct:

- Act in the Public Interest
- Comply with the Law
- Conduct of Members
- Respect for Process
- Conduct of Public Meetings
- Decisions Based on Merit
- Communication
- Conflict of Interest
- Gifts and Favors
- Confidential Information
- Use of Public Resources
- Representation of Private Interests
- Advocacy
- Policy role of Members
- Independence of Boards, Commissions, and Committees
- Positive Workplace Environment
- Implementation
- Compliance and Enforcement
- Statement of Commitment

ALTERNATIVES:

The City Council may provide alternative direction to staff on the Code of Ethics and Conduct.

FISCAL REVIEW:

This item has no fiscal impact.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approves it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative.

CONCLUSION:

The purpose of this item is to discuss a Code of Ethics and Conduct to provide feedback and direction for development of a policy.

City of Costa Mesa Code of Ethics and Conduct for Elected Officials and Members of Appointed Commissions and Committees

Statement of Purpose

The citizens and businesses of Costa Mesa are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The City of Costa Mesa's strong desire to fulfill this mission 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 the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Costa Mesa City Council has adopted this Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Costa Mesa 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 Costa Mesa City Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of California, and the City of Costa Mesa in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and 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 Council, boards, commissions, and committees, the staff or public.

City of Costa Mesa Code of Ethics and Conduct for Elected Officials and Members of Appointed Commissions and Committees

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, commissions, and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City 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.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees which they may have received from sources outside 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 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, sources 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 comply with the requirements of the Political Reform Act relating to the acceptance and reporting of gifts.

City of Costa Mesa Code of Ethics and Conduct for Elected Officials and Members of Appointed Commissions and Committees

10. Confidential Information

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

11. Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes. Members shall not utilize the City's name or logo for the purpose of endorsing any political candidate or business.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City, nor shall members of boards, commissions, and committees 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, commission, or committee 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 Costa Mesa, nor will they allow the inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the council-manager structure of Costa Mesa city government as outlined in the City's policies and procedures and follow Costa Mesa Municipal Code Section 2-6.208 with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. Except as provided by the City ordinance, members therefore 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.

City of Costa Mesa Code of Ethics and Conduct for Elected Officials and Members of Appointed Commissions and Committees

15. Independence of Boards, Commissions, and Committees

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

16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and treat employees professionally. Members shall refrain from publicly criticizing any employee, and refrain from creating the perception of inappropriate direction to staff.

17. Implementation

As an expression of the standards of conduct for members expected by the City, the Costa Mesa Code of Ethics and Conduct is intended to be self-enforcing. 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, commissions, and committees and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the City of Costa Mesa Code of Ethics and Conduct.

18. Compliance and Enforcement

The Costa Mesa Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Costa Mesa City Council, boards, commissions, and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. During a meeting, the chairs of boards, commissions, and committees, the Mayor, City Attorney, and staff have the additional responsibility to intervene when members' actions appear to be in violation of the Code of Ethics. 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 removal from appointive office.

Term: _____

**City of Costa Mesa Code of Ethics and Conduct
for Elected Officials and Members of
Appointed Commissions and Committees**

STATEMENT OF COMMITMENT

As a member of the Costa Mesa City Council or of a Costa Mesa board, commission, or committee, I agree to uphold the Code of Ethics and Conduct 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, perspectives 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 Costa Mesa;
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and that I understand, accept and support the City of Costa Mesa Code of Ethics and Conduct.

Name

Council, Commission, Committee, Board

(Print Name)

Signature

Date

Division 6 - CODE OF ETHICS

Sec. 1-6-101. - Declaration of policy.

- A. The proper operation of democratic government requires that public officials and public employees be independent, impartial, responsible, and accountable to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office and public employment not be used for personal gain; and that the citizens and businesses of the City have confidence in the integrity of their government.
- B. As used in this division, "City officials and employees" shall mean and include the following individuals: the Mayor; the Vice Mayor, the Interim Mayor; members of the City Council; City Council Executive Assistants; the City Manager; Assistant City Managers; the City Clerk; Department Directors; Deputy Department Directors; the Police Chief; the Deputy Police Chief, the City Attorney; the Zoning Administrator; and members of the Planning Commission, the Community Services Commission, the Finance Commission, and any other commission that is advisory in nature.
- C. The following principles are intended to encourage the highest standard of conduct to serve as guidelines for ethical behavior:
 - 1. *Public interest.* Public office and public employment is a trust to be used to advance the public interest, and not to be used for personal gain.
 - 2. *Objective judgment.* Decisions are to be made on the merits, free of partiality or prejudice, and unimpeded by conflicts of interest.
 - 3. *Accountability.* Government is to be conducted openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials accountable.
 - 4. *Democracy.* City officials and employees shall demonstrate honor and respect for democratic principles, and observe the letter and spirit of laws.
 - 5. *Public trust.* City officials and employees shall safeguard public confidence in the integrity of government by upholding the highest standards of personal and professional conduct.
 - 6. *Professional conduct.* City officials and employees shall support the maintenance of a positive and constructive workplace environment and demonstrate a high degree of professionalism when dealing with citizens. The Mayor is charged with maintaining order and decorum during public meetings in accordance with Robert's Rules of Order as adopted by the City. Subject to the limitations provided in California Government Code § 54954.3(c), a provision of the Brown Act, City officials and employees are encouraged to conduct themselves in a manner that is responsive, respectful and befitting their public position.

D.

The purpose of this division is to establish ethical standards of conduct for City officials and employees by setting forth those acts or actions that are incompatible, inconsistent, or in conflict with the foregoing principles and the best interests of the City.

(Ord. No. 06-01, § 1, 1-24-06; Ord. No. 20-02, § 5, 2-11-20)

Sec. 1-6-102. - Responsibilities of public office and employment.

City officials and employees are agents of public purpose and hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of California, and to carry out impartially the laws of the nation, State and the City, and thus to foster respect for all governments. They shall make their decisions and take their actions fairly and impartially and base them on the merits and substance of each matter. They are bound to observe in their official acts, the highest standards of performance and to discharge faithfully the duties of their office and employment, regardless of personal considerations. Recognizing that the public interest must be their primary concern, their conduct in both their official and private affairs should be above reproach.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-103. - No preferential treatment.

- A. City officials and employees shall not accept more favorable treatment than other residents of the City. Any transactions should be obtained on terms consistent with those available to the general public.
- B. All citizens and businesses in the City are entitled to fair and equal treatment. City officials and employees shall not give preferential consideration or special advantages to any person or organization beyond those that are available to any other person or organization.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-104. - City allegiance and proper conduct.

- A. *Incompatible employment or service.* Because of their uniquely important, visible, and elevated status and responsibilities as elected officials, the Mayor and members of the City Council, and by extension their Executive Assistants, shall not engage in compensated employment or service for the purpose of lobbying for any private person or organization before any local agency (county, city or special district) located in the County of Orange.
 - 1. This paragraph A shall not be applicable to lobbying as an in-house employee on behalf of his or her employer (as opposed to a client of the employer).
 - 2.

For purposes of this paragraph A, "lobbying" shall mean any oral or written communication (including an electronic communication) to an official of a local agency other than the City, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the official's agency, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.

3. Notwithstanding any other provision of this division, this paragraph A shall not become effective until January 1, 2007.

B. *Interest in City contracts.* City officials and employees shall not have a personal investment or monetary interest in any contract made by the City, except contracts relating to the performance of their official City duties.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-105. - Disclosure of confidential information.

City officials and employees shall respect and maintain the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information or records without proper and legally required authorization, nor use such information or records to advance their personal, financial or other private interests, or the private gain or advantage of others. Public records may be requested through the City Clerk/Office of Records and Information consistent with the rights of citizens under the California Public Records Act.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-106. - Use of City resources.

City officials and employees shall not use City-owned equipment, automobiles, trucks, instruments, tools, supplies, machines, including computers and related computer systems, or any other item that is the property of the City for other than City business, nor shall City officials and employees allow any unauthorized person or organization to rent, borrow or use any such City resources.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-107. - Future employment.

A. *General prohibitions.* It shall be improper for City officials and employees, for a period of two years following the termination of their office or employment, to:

1.

Represent, appear or lobby before any City agency, official or employee for compensation on behalf of any person or any organization. For purposes of this paragraph A, "lobby" shall mean making any oral or written communication (including an electronic communication) to an official of the City, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the City, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.

2. Accept employment or otherwise receive compensation from a person or organization that entered into a contract with the City within one year prior to the termination of the office or employment, where the former official or employee personally and substantially participated in the award of the contract.
 3. Participate as a competitor in any competitive selection process for a City contract where the former official or employee recommended or approved the project or the work that is the subject of the contract, nor shall any City contract be awarded to such a former official or employee.
- B. *Exceptions.* The provisions of paragraph A shall not preclude the hiring of a former City employee as a consultant to the City, provided that such hiring is approved in advance by the City Council. Nor shall paragraph A apply to any City official or employee who left office or whose City employment or service terminated prior to the effective date of this section; provided, however, that a person who returns to City office, employment or service on or after the effective date of this section shall be subject to the requirements hereof.
- C. *Enforcement.* Notwithstanding the provisions of Section 1-6-110, any former City official or employee who knowingly violates the provisions of this section may be liable in a civil action brought by the District Attorney, the City Attorney, or by a special prosecutor authorized by the City Council, for a fine of up to \$10,000 per violation, in addition to such other penalties or remedies as may be available.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-108. - No nepotism.

- A. All hiring decisions shall be made on the basis of merit and in accordance with the City's Personnel Rules and Procedures, which establish limits and guidelines on the employment of relatives, in order to avoid problems associated with supervision, safety or morale.
- B.

City officials and employees shall not influence or attempt to influence the awarding of a City contract to or execution of a City agreement with a relative as defined in Section 2 of the City's Personnel Rules and Procedures.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-109. - Whistle blower protection.

To the extent not otherwise prohibited by State law, City officials and employees shall not use or threaten to use any official authority or influence to discourage, restrain or interfere with or to effect a reprisal against any person, including, but not limited to, a City official or employee, for the purpose or with the intent of preventing such person from acting in good faith to report or otherwise bring to the attention of the City or other appropriate agency, office or department, any information that, if true, would constitute a gross waste of City funds, a gross abuse of authority, a specified and substantial danger to public health or safety due to any act or omission of an City official or employee, or the use of a City office or position or of City resources for personal gain.

(Ord. No. 06-01, § 1, 1-24-06)

Sec. 1-6-110. - Enforcement.

- A. This division expresses standards of ethical conduct expected for City officials and employees. As an expression of such standards, this division is intended to be self-enforcing for the most part. City officials and employees themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. It will be most effective when City officials and employees are thoroughly familiar with the expressed standards and embrace them.
- B. A violation of this division shall not be considered and shall not constitute a basis for challenging the validity of any decision by the City Council or any other body or agency of the City.
- C. All suspected violations of this division that also pertain to provisions of the Political Reform Act (California Government Code § 81000 et seq.) should be reported to the Fair Political Practices Commission of the State of California.
- D. All suspected violations of this division that may independently constitute criminal offenses, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Office of the Orange County District Attorney.
- E. Except as otherwise expressly provided by this division or by State law, the following shall constitute the exclusive means and procedures of enforcing the provisions of this division:
 - 1. Alleged violations of this division committed by a member of the City Council, a member of a City commission, or the City Manager should be reported in writing to the City Attorney. Upon receipt of the report, the City Attorney shall discuss the matter with the person who is the

subject of the allegation, advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred.

2. Alleged violations of this division committed by the City Clerk, a City Council Executive Assistant, an Assistant City Manager, the City Attorney, a Department Director, or a Deputy Department Director should be reported in writing to the City Manager or his/her designee. Upon receipt of the report, the City Manager, or his/her designee, shall commence an investigation to determine whether the alleged violation is substantiated. The City Manager, or his/her designee, shall discuss the matter with the person who is the subject of the allegation, advising such person of the alleged violation. In the event the City Manager, or his/her designee, determines that a violation has occurred, the City Manager or the appointing authority may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.
3. In the event that the City Attorney or City Manager (or his or her designee) determines that a violation of this division has occurred, appropriate documentation should be prepared to memorialize the determination.

(Ord. No. 06-01, § 1, 1-24-06)

Footnotes:

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Cross reference— *Code of ethics, § 1-6-101 et seq.; city lobbying, § 1-7-101 et seq.*

Sec. 1-9-101. - Title.

This division shall be known and referred to as the "Irvine City Council Ethical Public Service Ordinance."

(Ord. No. 08-03, § 1, 6-3-08)

Sec. 1-9-102. - Purpose.

This division is adopted to ensure that the Mayor and members of the City Council, as elected representatives, and their Executive Assistants and appointed Commissioners, are engaged in public service not for private, personal gain, but to advance the interests of Irvine residents and the entire Irvine community.

(Ord. No. 08-03, § 2, 6-3-08)

Sec. 1-9-103. - City allegiance and proper conduct.

A. *Incompatible employment or service.* Because of their uniquely important, visible, and elevated status and responsibilities as elected officials, the Mayor and members of the City Council, and by extension their Executive Assistants and their appointed Commissioners, shall not engage in compensated employment or service for the purpose of lobbying for any private person or organization before any local public agency (county, city or special district) located in the County of Orange.

1. Paragraph A shall not be applicable to lobbying as an in-house employee on behalf of his or her employer (as opposed to a client of the employer).
2. For purposes of paragraph A, "lobbying" shall mean any oral or written communication (including an electronic communication) to an official of a local agency other than the City, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the official's agency, including, but not limited to, proposed action, or proposals for action, in the form of

ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.

- B. *Interest in City contracts.* The Mayor and members of the City Council, and by extension their Executive Assistants and their appointed Commissioners, shall not have a personal investment or monetary interest in any contract made by the City, except contracts relating to the performance of their official City duties.
- C. *Knowledge of and agreement to abide by provisions.* The Mayor and members of the City Council and their Executive Assistants and appointed Commissioners shall at the time of their election or appointment or upon the effective date of this section, whichever occurs earlier, sign an appropriate form prepared by the City Clerk reciting their knowledge of the provisions of this section and their agreement to abide by such provisions.

(Ord. No. 08-03, § 3, 6-3-08)

Sec. 1-9-104. - Enforcement of City allegiance and proper conduct provisions.

- A. The provisions of Section 1-9-103 above express standards of ethical conduct expected for City officials and employees. As an expression of such standards, the provisions of Section 1-9-103 are intended to be self-enforcing for the most part. City officials and employees themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. It will be most effective when City officials and employees are thoroughly familiar with the expressed standards and embrace them.
- B. A violation of the provisions of Section 1-9-103 above shall not be considered and shall not constitute a basis for challenging the validity of any decision by the City Council or any other body or agency of the City.
- C. All suspected violations of Section 1-9-103 above that also pertain to provisions of the Political Reform Act (California Government Code § 81000 et seq.) should be reported to the Fair Political Practices Commission of the State of California.
- D. All suspected violations of Section 1-9-103 above that may independently constitute criminal offenses, including those outside of the purview of the Fair Political Practices Commission, should be reported to the Office of the Orange County District Attorney.
- E. Except as otherwise expressly provided by State law, the following shall constitute the exclusive means and procedures of enforcing the provisions of Section 1-9-103 above:
 - 1. Alleged violations of Section 1-9-103 committed by the Mayor, a member of the City Council or a member of a City commission should be reported in writing to the City Attorney. Upon receipt of the report, the City Attorney shall discuss the matter with the person who is the

subject of the allegation, advising such person of the alleged violation and endeavoring to avoid future violations in the event one has occurred.

2. Alleged violations of Section 1-9-103 committed by a City Council Executive Assistant should be reported in writing to the City Manager or his/her designee. Upon receipt of the report, the City Manager, or his/her designee, shall commence an investigation to determine whether the alleged violation is substantiated. The City Manager, or his/her designee, shall discuss the matter with the person who is the subject of the allegation, advising such person of the alleged violation. In the event the City Manager, or his/her designee, determines that a violation has occurred, the City Manager or the appointing authority may take appropriate action in accordance with applicable City rules, regulations, and procedures related to employment and/or discipline.
3. In the event that the City Attorney or City Manager (or his or her designee) determines that a violation of this division has occurred, appropriate documentation should be prepared to memorialize the determination.

(Ord. No. 08-03, § 4, 6-3-08)



City of Gardena

Code of Conduct

For

Elected and Appointed Officials

Adopted _____ by Resolution No. 6695

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Introduction

The City of Gardena is a general law city governed by the council/manager form of government. The City Council, with the assistance of its advisory commissions, committees, and boards, makes policies and fundamental governmental decisions; the City Manager is charged with implementing those policies and decisions and administering the day-to-day affairs of the City with the assistance of his/her staff. The City Council has direct authority over the City Manager and the City Attorney; all other employees of the City are under the direct authority of the City Manager.

The citizens of Gardena are entitled to responsible, transparent, fair, and honest city government that operates in an atmosphere of respect and civility. Accordingly, the Gardena City Council has adopted this code to:

1. Describe the standards of behavior to which its Elected (hereinafter the term "Elected" refers to the Mayor, City Council, City Treasurer, and City Clerk) and Appointed (hereinafter the term "Appointed" refers to members of City of Gardena's Commissions, Committees, and Boards) Officials aspire;
2. Provide an ongoing source of guidance to Elected and Appointed officials in their day-to-day service to the city; and
3. Promote and maintain high ethical standards.

The citizens of Gardena 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 Gardena's commitment to excellence, the effective functioning of democratic government therefore requires that:

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

This Code addresses selective aspects of the governance of the City and supplements but does not supplant other laws and rules that prescribe the legal responsibilities of Elected and Appointed officials. Those include, among others, the California Constitution, various provisions of the California Government Code (including the Brown Act and the Political Reform Act) and Labor Code, federal laws prohibiting discrimination and harassment, and the provisions of the City's own Municipal Code. Elected and Appointed officials should be familiar with these laws to ensure that they exercise their responsibilities properly.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. At bottom, it is expected that Elected and Appointed officials will manage

their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that Elected and Appointed officials will treat each other, City employees, residents and business people with courtesy and respect in a manner that reflects well on the city.

To this end, the Gardena City Council adopts this Code of Conduct for Elected and Appointed Officials to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The Ethics section of the City's Code of Conduct offers guidance on matters pertaining to ethical considerations, addressing questions of right and wrong.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, Elected and Appointed officials should work for the common good of the people of Gardena and not for any private or personal interest, and provide for the fair and equal treatment of all persons, claims and transactions coming before them. Elected and Appointed officials will serve the community as servant leaders, putting aside self-interest and consider the needs of all residents. Elected and Appointed officials should seek to implement transparency and ethical practices, so as to ensure the public's trust and avoid any perception of wrongdoing.
2. Comply with both the spirit and the letter of the Law and City Policy. Elected and Appointed officials shall comply with the laws of the nation, the State of California and the City of Gardena in the performance of their public duties.
3. Conduct of Elected and Appointed officials. The professional and personal conduct of Elected and Appointed officials while exercising their office should be above reproach and seek to avoid even the appearance of impropriety. Elected and Appointed officials should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Elected and Appointed officials of the City Council, of other commissions, committees, or boards of the City, of staff or the public.
4. Conduct at Public Meetings. Elected and Appointed officials should prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand.
5. Decisions Based on Merit. Elected and Appointed officials should base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
6. Conflicts of Interest.
 - a. Elected and Appointed officials should seek to ensure their independence and impartiality on behalf of the common good, and their compliance with conflict-of-interest laws. Unless specifically authorized by law, Elected and Appointed officials should not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) a contractual interest, or (c) an impermissible personal bias (a completely closed mind).

- b. Elected and Appointed officials who have a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, an Elected or Appointed official should not participate in a decision unless and until he or she has requested and receives advice allowing the Elected or Appointed official to participate. An Elected or Appointed official shall diligently pursue obtaining such advice. The Elected or Appointed official shall provide the Mayor and the City Attorney a copy of any of any written request or advice and conform his or her participation to the advice given. In providing assistance to Elected and Appointed officials, the City Attorney represents the city and not individual Elected or Appointed officials.
 - c. Each year Elected and Appointed officials shall file a Form 700, which requires the disclosure of designated investments, interests in real property, sources of income and gifts in accordance with the City's conflict of interest code. Where a conflict is determined to exist, the Elected or Appointed official should disclose the conflict, leave the dais during the consideration of the item, and not otherwise seek to influence the decision in any way.
 - d. Except as provided in Government Code Section 1090 et seq., no Elected or Appointed official shall have a financial interest in any contract made by the City.
7. Gifts and Favors. Elected and Appointed officials shall fully comply with the regulations, prohibitions and disclosure requirements set forth under law concerning the receipt of gifts, honorariums, and any other special favors. Elected and Appointed officials should refrain from accepting any gifts, favors or promises of future benefits where it might compromise their ability to act in the public's interest.
8. Confidential Information. Elected and Appointed officials must maintain the confidentiality of all closed session information and materials, and any other materials or verbal information which has been identified as being confidential or privileged. Elected and Appointed officials shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
9. Use of Public Resources. Elected and Appointed officials shall not use public resources for any personal purpose (e.g., City staff time, equipment, vehicles, supplies or facilities), whether political or otherwise. The use of public resources must always be tied with a valid public purpose.

10. Representation of Private Interests.

- A. In keeping with their role as stewards of the public interest, while in office, members of the City Council shall not appear on behalf of the private interests of third parties before the City Council or any other subservient body of the City.
- B. For a period of one year after leaving office, members of the City Council are prohibited from making any formal or informal appearances before the City, on behalf of third parties, in exchange for compensation, when it is for the purpose of trying to influence a legislative or administrative action involving a permit, license, grant, contract, or the purchase or sale of goods or property.
Government Code 87406.3.

11. Advocacy. Elected and Appointed officials should seek to represent the official policies or positions of the City Council, or of their respective commission, committee, or board, to the best of their ability when designated as delegates for that purpose. Whenever an Elected or Appointed official chooses to express their individual opinions on a matter, they should make it clear when those comments do not represent the position of the body of which they are a member or the City of Gardena. Elected and Appointed officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or commission, committee, or board meetings, or other official City meetings.

12. Policy Role of Elected and Appointed officials. Elected and Appointed officials shall respect and adhere to the Council-Manager structure of the City of Gardena government as outlined in the Gardena City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, commissions, committees, and boards and the public. Except as provided by the City Code, Elected and Appointed officials shall not interfere with the administrative functions of the City or the professional duties of staff; nor shall they impair the ability to implement Council policy decisions.

13. Positive Workplace Environment. Elected and Appointed officials shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Elected and Appointed officials shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

14. Ethics Training: Elected and Appointed officials must comply with the ethics training requirement outlined under Assembly Bill 1234 (Government Code Section 53235).

B. CONDUCT

The conduct section of the City's Code of Conduct aims to articulate the expected treatment of Elected and Appointed officials towards one another, City staff, constituents, and other individuals encountered while representing the City of Gardena. "Respect" serves as a pervasive and unwavering theme throughout all the conduct guidelines. Elected and Appointed officials are tasked with upholding exemplary behavior consistently. The key principle underlying these guidelines is the demonstration of respect for each individual, employing both words and actions. This emphasis on respect serves as a guiding principle, assisting Elected and Appointed officials in making the right choices, even in the most challenging situations.

1. Elected and Appointed Officials' Conduct with Each Other

Elected and Appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

a. Honor the role of the Mayor or Chairperson in maintaining order

It is the responsibility of the Mayor or Chairperson to keep the comments of Elected and Appointed officials on track during public meetings. Elected and Appointed officials should honor efforts by the Mayor or Chairperson to focus discussion on current agenda items. If there is disagreement concerning any matter, those objections should be voiced politely and with reason, following the adopted parliamentary guidelines.

b. Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information, are legitimate elements of debate by a free democracy in action. However, free debate does not require nor justify the making of belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Elected and Appointed officials should endeavor to keep each other accountable for professional decorum. Do not interrupt or speak over others, striving to understand various perspectives and opinions while encouraging cooperation and collaboration.

c. Demonstrate effective problem-solving approaches

Elected and Appointed officials have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

a. Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

b. *Govern, do not direct*

The Mayor and Council Members' role is to set policy and not to provide day to day direction to city employees. Questions of City staff and/or requests for additional information shall be directed to the City Manager, unless the City Manager indicates otherwise.

c. *Do not disrupt City staff from their jobs*

Elected and Appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Elected and Appointed officials should not attend City staff meetings, unless requested by staff.

d. *Personnel Matters*

Personnel matters must be handled by the city manager and HR department, working together with the employee and department at issue. Elected and Appointed officials should not get involved in personnel matters, whether to encourage or discourage a particular outcome, or to help investigate a concern. Elected and Appointed officials involvement tends to increase litigation against the City, so it should be avoided. All concerns should be directed to the City Manager, who has the responsibility to investigate and make final decisions in accordance with California law and the City's rules.

e. *Never publicly criticize an individual employee*

Elected and Appointed officials should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's manager. Concerns about staff performance should only be made to the City Manager through private correspondence or conversation. Such concerns can then be addressed in accordance with the City's personnel rules.

f. *Do not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.*

It is critical to the success of the city that its employees enjoy a workplace free of the fear of retaliation. The city takes great pride in its creativity and its receptivity to new and different ideas; creativity is fostered by an open and nonjudgmental atmosphere where candor is not penalized. City employees are hired to offer

their professional judgments and opinions. Elected and Appointed officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But those disagreements must not extend to threats or generate fear of reprisal. Elected and Appointed officials enjoy substantial authority within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.

g. *Do not get involved in administrative functions*

Elected and Appointed officials acting in their individual capacity should not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

h. *Do not solicit political support from staff*

Elected and Appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, other campaign-related assistance, etc.) from City staff while they are working. City staff have the constitutional right to support political candidates of their own choosing, but all such activities must be done on the employee's own time, away from the workplace, and not in uniform.

i. *No Attorney-Client Relationship*

The City Attorney represents the city and not any individual Elected or Appointed official.

3. Elected and Appointed Officials' Conduct with the Public

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Elected and Appointed officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a. Be welcoming to speakers and treat them with respect

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

b. Be fair and equitable in allocating public hearing time to individual speakers

The Mayor or Chairperson will follow the pre-established time allocation for each speaker and seek to apply them equally to every speaker in a fair and impartial manner. If there is a need to shorten the allotted time for speakers, the chair should announce those limits prior to the start of the agenda item whenever possible. Each speaker may only speak once during any particular agenda item unless the Mayor or Chairperson requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor or Chairperson reopens the public hearing for a limited and specific purpose.

c. Practice active listening

Elected and Appointed officials should seek to demonstrate active listening and interest in each speaker's presentation, and to avoid any pessimistic body language.

d. Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of Elected and Appointed officials.

e. Ask for clarification, but avoid debate and argument with the public

Elected and Appointed officials should not interrupt a speaker during a presentation. However, an Elected or Appointed officials can respectfully ask the Mayor or Chairperson for a point of order if a speaker is off the topic.

4. Council Conduct with Other Commission, Committee, or Board Members

The City Council has established certain commissions, committees, and boards as a means to assist the Council in making decisions, and in gathering more community input. Citizens who serve as members of the City's various commissions, committees, and boards, become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- a. If attending a Commission, Committee, or Board meeting, be careful to only express personal opinions*

Council Members may attend any commission, committee, or board meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process.

- b. Limit contact with Commission, Committee, and Board members to questions of clarification*

It is acceptable for Council Members to contact commission, committee, or board members. However, it would be inappropriate to lobby one of these members on behalf of an individual, business, or developer, and vice versa.

- c. Be respectful of diverse opinions*

A primary role of commission, committee, and board members is to represent the many points of view in the community, and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individual members, but they should be fair and respectful of every citizen who chooses to serve as a member of one of the City's commissions, committees, or boards.

- d. Keep political support away from public forums*

Commission, committee, and board members have the right to offer their political support to a Council Member in their private capacity, but not while conducting official City duties. Likewise, Council Members may support any commission, committee, or board member who may be running for office, but such support should not be expressed during the course of any City funded meeting.

C. IMPLEMENTATION

As an expression of the standards of conduct for Elected and Appointed Officials, the Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when Elected and Appointed Officials are thoroughly familiar with it and embrace its provisions.

For this reason, following its adoption on February 25, 2025, the City Clerk shall provide all current Elected and Appointed Officials with a copy of the newly adopted Code of Conduct and all current Elected and Appointed Officials will be asked to sign a statement (example below) acknowledging they have read and understand the Code of Conduct.

Thereafter:

- The City Clerk shall provide a copy of the Code of Conduct to candidates for Mayor, City Council, City Treasurer, City Clerk and applicants to Commissions, Committee, and Boards.
- The City Clerk shall provide a copy of the Code of Conduct to all Elected and Appointed Officials entering office and Elected and Appointed Officials entering office will be asked to sign a statement (example below) acknowledging they have read and understand the Code of Conduct.

Example:

I affirm that I have read and understand the City of Gardena Code of Conduct for Elected and Appointed Officials.

Name: _____ Position: _____

Signature: _____ Date: _____

D. Compliance and Enforcement

The Gardena Code of Conduct expresses standards of ethical conduct expected for the Mayor, Gardena City Council, City Treasurer, City Clerk, members of commissions, committees, and boards. In addition, all Elected and Appointed officials shall be required to take all training mandated by law, including AB 1234 training and AB 1661 training.

Elected and Appointed officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of commissions, committees and boards and the Mayor have the additional responsibility to intervene when Elected and Appointed officials' actions appear to be in violation of the Code of Conduct or when these actions are brought to their attention.

The City Council may impose sanctions on members of commissions, committees, and boards whose conduct does not comply with the City's Code of Conduct such as reprimand or formal censure. In addition, the City Council may also act to remove members of commissions, committees and boards from office or position who violate the provisions of this Code.

The City Council may impose sanctions on Elected officials whose conduct does not comply with the City's Code of Conduct such as reprimand or formal censure. Serious violations could lead to additional sanctions as deemed appropriate by the City Council. The definition of a "serious violation" is not set forth by law, but in determining the type of sanction to be considered or imposed, the following factors may be considered:

1. Nature of the violation (*conflict of interest, financial disclosures, actions of harassment, abusive conduct, open process of Government, Brown Act, City ordinances and policies, failure to disclose campaign contributions when voting on an item to award an agreement/contract, etc.*)
2. Prior violations by the same individual
3. Other factors which bear upon the seriousness of the violation (*failure to comply with the laws of the United States of America, State of California, and the City of Gardena in the performance of their public duties, etc.*)