



# Greater Vallejo Recreation District

GVRD promotes wellness and healthy lifestyles  
by providing safe parks and innovative and fun  
recreation programs for all residents.

## BOARD OF DIRECTORS

Rizal Aliga  
Robert Briseño  
Thomas Judt  
Stacey Kennington  
Tom Starnes

## GENERAL MANAGER

Gabe Lanusse

In compliance with the Americans with Disabilities Act, Special assistance for participating in this meeting can be obtained by contacting the District Office at 707-648-4604. A 48-hour notification would enable the District to make reasonable accommodations to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II).

## Policy and Personnel Committee Agenda Special Meeting Directors: Aliga and Judt Thursday, April 18, 2024 - 3:30 p.m. Administrative Building – Board Room, 401 Amador Street

This committee shall study and recommend the compensation and welfare of District staff. This committee shall include a meet and confer with the General Manager regarding the terms and conditions of the General Manager's employment by the district. This committee shall review the functions of District staff and other policies not assigned to other committees.

### 1. Public Comment:

- a. Members of the public may speak on items within the jurisdiction of the Committee. Each speaker is limited to 3 minutes and a spokesperson for an organization is limited to 5 minutes.

### 2. Policy Review:

- a. Policy 2055, Catastrophic Leave
- b. Policy 4020, Board of Directors' Meeting Attendance

### 3. Discussion Items:

- a. Policy 1070, Public Donations
- b. Policy 4010, Code of Ethics (Civility Code and Conduct)
- c. Proposed Job Descriptions

### 4. Meeting Adjourn:

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# Greater Vallejo Recreation District

## POLICY MANUAL

POLICY TITLE: Catastrophic Leave (Amended)  
POLICY NUMBER: 2055

~~A Catastrophic Leave Bank (CLB) has been established to provide salary continuation when employees are on medical leave due to a major illness or injury. The CLB benefit is derived from voluntary contributions from participating employees.~~

The purpose of the Catastrophic Leave Bank (CLB) is to provide for salary continuation when employees are diagnosed with a catastrophic or serious illness or ~~injury~~injury; incur loss of spouse or registered domestic partner; or incur a catastrophic casualty loss suffered due to a fire or natural disaster and they exhaust all their accrued leave time ~~and compensatory time off~~. The CLB benefit is derived from voluntary contributions from participating employees.

### Donations:

~~New E~~employees can buy into the bank with eight (8) hours of sick leave, annual leave, ~~or~~ compensatory leave or executive leave after six (6) months of employment. The donating employee must have at least five days (40 hours) of accrued sick leave, annual leave, ~~and~~ compensatory time or executive leave combined remaining after the donation. ~~One hour will be deducted and placed into the catastrophic leave bank on an annual basis.~~

~~If employees do not donate by January 31<sup>st</sup> of each year or they stop participating, they will forfeit their participation and any future CLB benefits. Termination from the catastrophic leave bank by the employees' choice does not allow reimbursement of donated hours. If employees stop participating, they must wait at least six (6) months to return to membership status and are required to donate 8 hours upon returning.~~

~~Donations will be accepted from current members in January of each year. However, new employees and non-members may donate as soon as they are eligible for membership. Human Resources will verify that the employee meets the eligibility requirements. Time donated will be deducted from the employee's annual leave, sick leave, or compensatory leave or executive leave accruals and converted to catastrophic sick leave hours. Donations of leave to the CLB are nonrefundable and nontransferable except in the event of termination of the CLB program.~~

~~- In the event the CLB program is terminated, the total days on deposit shall be returned proportionately to the current participating members and credited to their annual leave, sick leave, or compensatory leave, or executive leave. time~~ accruals rounded to the nearest quarter (.25) hour.

Participating employees must donate one hour annually to remain a member of the CLB by completing and submitting a CLB donation form by January 31<sup>st</sup> of each year or they will forfeit their participation and any future CLB benefits. Termination from the catastrophic leave bank by the employees' choice does not allow reimbursement of donated hours. If employees stop participating, they must wait at least six (6) months to return to membership status and are required to donate 8 hours upon returning.

**Administration:**

A committee will administer the CLB and it will be composed of four (4) members: one (1) representative from SEIU, one (1) representative from IBEW, one (1) unrepresented, and one (1) representative from Human Resources.

The committee will meet at the end of each calendar year to review the financial status and policy of the CLB. ~~If there have been no withdrawals in the current year, the committee may recommend to the General Manager to suspend contributions due in January. However, if several withdrawal requests are approved during the year and the CLB balance is less than 80-320 hours, the committee may reinstate the contribution requirement and may recommend increasing the minimum contribution that year to no more than 8 hours-8 hours, and the General Manager, to the General Manager. in the exercise of their discretion, it is the General Manager's discretion to -may approve or deny the recommendation the change. Human Resources shall maintain all records of the CLB.~~

**Withdrawal Conditions:**

Employees may apply for a withdrawal from the CLB using the CLB application when they are out more than 30 calendar days and plus meet the following conditions:

1. Incur a loss of a spouse or registered domestic partner OR.
2. ~~Incur~~ Incur a catastrophic casualty loss suffered due to a fire or natural disaster OR.
3. ~~Are Undergoing continuing treatment under the supervision of a licensed health care provider; or~~
4. ~~3. Experiencing a period of illness, s or injury or treatment due to a chronic catastrophic or serious health condition; or that will last more than 30 consecutive calendar days and the following conditions have been met:~~
5. ~~Experiencing a period of illness or injury that is long term due to a condition for which treatment may be ineffective; or~~
6. ~~Receiving multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition, e.g., cancer or kidney disease.~~
7. a) Submits a doctor's note stating they are employee is unable to work due to a serious medical condition or catastrophic illness or injury and the note specifies the start and estimated return dates, e.
8. b) Are active members of the CLB in the calendar year a withdrawal is requested and has been a member for at least thirty (30) calendar days.
- c) Has exhausted annual leave, sick leave, compensatory time off, and executive leave and floating holiday accruals.

d) The request is for the employees' catastrophic or serious illness or injury, not for employees to take leave due to illness or injury of a family member.

Note: If a participant is unable to file an application due to an illness or injury, the immediate supervisor or a family member may initiate the application.

### **Effect on Workers Compensation Insurance and State Disability Insurance Benefits:**

9.—

- Withdrawals from the CLB shall be secondary to Workers' Compensation or State Disability benefits and may be used to supplement Workers' Compensation or State Disability payments, not to exceed 100% of employee'sthe employee's regular earnings.
- If a Workers' Compensation or State Disability claim is denied, the CLB program shall be the primary wage replacement benefit.

10. • If a Workers Compensation claim is initially denied and employee received CLB, the employee shall reimburse the CLB the amount of the withdrawal should the claim succeed.

- Is on if employee is on leave due to and their Workers' Compensation or State Disability claim that is put on hold pending investigation delayed,; repayment of the withdrawalthe employee shall be reimbursed should the claim be approved (if applicable).

11. — If a Workers' compensation or State Disability claim is denied, the CLB Program shall be the primary wage replacement benefit. Employee shall reimburse the CLB the amount of the withdrawal should the claim succeed after initial denial.

12. The request is for the employee's own serious illness or injury, not for an employee to take leave due to an illness or injury of a family member.

13. There is no disciplinary action for violation of the District's Attendance Policy within six (6) months from the application date.

Note: If a participant is unable to file an application due to an illness or injury, the immediate supervisor or a family member may initiate the application.

### **Process for Withdrawal and Number of Hours**

CLB withdrawal applications should be submitted to the Human Resources Director who will verify the employee is an active member of the CLB and meets the eligibility requirements. The Human Resources Director then will will forward the application to the General Manager within three working days from the date the application is received. The General Manager will review and forward their decision to Humanthe Human Resources Director within three working days. If approved, Human Resources will coordinate with the employee and the payroll department to add approved donated hours to the employee's leave accrual balance.

Participants Recipients of the CLB are not entitled to a specific number of hours. The number of hours granted, if any, will be determined by the committee who will consider the number of hours in the CLB, the number of pending requests, and the duration of the illness or injury. Participants may request up to 80 hours initially and may request an extension for a maximum of 160 hours per event. Participants who return to work before using all the donated hours will return the unused hours to the CLB upon returning to work.

Revised Approved 2/01/2015

2055-3

Human Resources shall maintain all records of the CLB.

**Effect on Family and Medical Leave and California Family Rights Act**

Participation in the Catastrophic Leave ~~Bank Program~~ does not affect a recipient employee's right to take protected leave under the Family and Medical Leave (FMLA), the California Family Rights Act (CFRA) or Pregnancy Disability Leave (PDL). Time paid through the CLB program will be designated as FMLA, CFRA or PDL if the employee meets the eligibility requirements for FMLA/CFRA (e.g., having worked at least 1,250 hours during the previous twelve (12) months), and the leave has been designated as FMLA or CFRA. There are no eligibility requirements to qualify for Pregnancy Disability Leave (other than submitting medical certification).

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# Greater Vallejo Recreation District

## POLICY MANUAL

**POLICY TITLE:** Catastrophic Leave (Amended)  
**POLICY NUMBER:** 2055

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### Donations:

New employees can buy into the bank with eight (8) hours of sick leave, annual leave, compensatory leave or executive leave after six (6) months of employment. The donating employee must have at least 40 hours of accrued sick leave, annual leave, compensatory time/executive leave combined remaining after the donation.

Human Resources will verify that the employee meets the eligibility requirements. Time donated will be deducted from the employee's annual leave, sick leave, compensatory leave or executive leave accruals and converted to catastrophic sick leave hours. Donations of leave to the CLB are nonrefundable and nontransferable except in the event of termination of the CLB program. In the event the CLB program is terminated, the total days on deposit shall be returned proportionately to the current participating members and credited to their annual leave, sick leave, compensatory leave, or executive leave accruals rounded to the nearest quarter (.25) hour.

Participating employees must donate one hour annually to remain a member of the CLB by completing and submitting a CLB donation form by January 31<sup>st</sup> of each year or they will forfeit their participation and any future CLB benefits. Termination from the catastrophic leave bank by the employees' choice does not allow reimbursement of donated hours. If employees stop participating, they must wait at least six (6) months to return to membership status and are required to donate 8 hours upon returning.

### Administration:

A committee will administer the CLB and it will be composed of four (4) members: one (1) representative from SEIU, one (1) representative from IBEW, one (1) unrepresented, and one (1) representative from Human Resources. The committee will meet at the end of each calendar year to review the financial status and policy of the CLB. If the CLB balance is less than 320 hours, the committee may recommend increasing the minimum contribution that year to no more than 8 hours to the General Manager. It is the General Manager's discretion to approve or deny the recommendation.

### **Withdrawal Conditions:**

Employees may apply for a withdrawal from the CLB using the CLB application when they are out more than 30 calendar days plus meet the following conditions:

1. Incur a loss of a spouse or registered domestic partner OR
2. Incur a catastrophic casualty loss suffered due to a fire or natural disaster OR
3. Are experiencing a period of illness, injury or treatment due to a catastrophic or serious health condition that will last more than 30 consecutive calendar days and the following conditions have been met:
  - a) Submit doctor's note stating employee is unable to work due to a serious medical condition or catastrophic illness or injury and the note specifies the start and estimated return dates.
  - b) Are active members of the CLB in the calendar year a withdrawal is requested and have been a member for at least thirty (30) calendar days.
  - c) Have exhausted annual leave, sick leave, compensatory time off, and executive leave accruals.
  - d) The request is for the employees' catastrophic or serious illness or injury, not for employees to take leave due to illness or injury of a family member.

Note: If a participant is unable to file an application due to an illness or injury, the immediate supervisor or a family member may initiate the application.

### **Effect on Workers Compensation Insurance and State Disability Insurance Benefits:**

- Withdrawals from the CLB shall be secondary to Workers' Compensation or State Disability benefits and may be used to supplement Workers' Compensation or State Disability payments, not to exceed 100% of the employee's regular earnings.
- If a Workers' Compensation or State Disability claim is denied, the CLB program shall be the primary wage replacement benefit.
- If a Workers Compensation claim is initially denied and employee received CLB, the employee shall reimburse the CLB the amount of the withdrawal should the claim succeed.
- If employee is on leave and their Workers' Compensation or State Disability claim is delayed, the employee shall be reimbursed should the claim be approved.

### **Process for Withdrawal and Number of Hours**

CLB withdrawal applications should be submitted to the Human Resources Director who will verify the employee is an active member of the CLB and meets the eligibility requirements. The Human Resources Director will forward the application to the General Manager within three working days from the date the application is received. The General Manager will review and forward their decision to the Human Resources Director within three working days. If approved, Human Resources will coordinate with the employee and the payroll department to add approved donated hours to the employee's leave accrual balance.

Recipients of the CLB are not entitled to a specific number of hours. The number of hours granted, if any, will be determined by the committee who will consider the number of hours in the CLB, the number of pending requests, and the duration of the illness or injury. Participants may request up to 80 hours initially and may request an extension for a maximum of 160 hours per event. Participants who return to work before using all the donated hours will return the unused hours to the CLB upon returning to work.

Human Resources shall maintain all records of the CLB.

## **Effect on Family and Medical Leave and California Family Rights Act**

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# Greater Vallejo Recreation District

## POLICY MANUAL

POLICY TITLE: Board of Directors' Meeting Attendance at Meetings (Amended)  
POLICY NUMBER: 4020

Members of the Board of Directors are expected to and shall attend all regular Board meetings, committee meetings and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting.

Good cause for absence, including late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the Chair of the Board is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity.

A Board Member who will be absent for good cause may notify the Chair by email, telephone, or letter. The Chair shall notify the General Manager and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, except as otherwise provided for by law or as authorized by the Board.

A vacancy shall occur if any member fails to attend Board meetings for two consecutive months except as authorized by the Board of Directors.

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# Greater Vallejo Recreation District

## POLICY MANUAL

**POLICY TITLE:** Public Donations (Amended)  
**POLICY NUMBER:** 1070

Donations from members of the public or organizations to the District for a public purpose that is within the scope of the District's responsibilities may be accepted. Donations must be clearly marked as such. The Finance Director will provide a receipt for said donation with the District's tax identification number thereon to be included with a letter of thanks from the General Manager.

In the event the donation is for a specific purpose/project, the Finance Director will track the funds to insure they are only used as specified.

By accepting donations, the District is not claiming to be qualified by the Internal Revenue Service as being a charitable organization for which donations may be considered tax deductible. Determination of how donations to the District are to be treated relative to the donor's tax liability is strictly the responsibility of the donor.

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# Greater Vallejo Recreation District

## **POLICY MANUAL**

**POLICY TITLE:** Code of Ethics  
**POLICY NUMBER:** 4010

The Board of Directors of the Greater Vallejo Recreation District is committed to providing excellence in legislative leadership that result in the provision of the highest quality of services to its constituents.

The Board of Directors of the Greater Vallejo Recreation District shall adhere to the provisions of the Brown Act.

Each Director shall receive ethics training no later than one (1) year from the first day of service. Thereafter, each Director shall receive ethics training at least once every two (2) years.

The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

## **13. EFFICIENCY AND ACCOUNTABILITY**

The City of Hemet operates under a council-manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its implementation. The City Manager serves as the City's administrative head and is responsible for directing the day-to-day operations of the City and for administering all City business.

### **13.1 Members Shall Not Interfere with Operations.**

No Member of the City Council shall interfere with the execution by the City Manager of his/her powers and duties; nor shall any Member direct the City Manager to appoint or remove any officer or employee of the City. Except for the purpose of inquiry, no Council Member shall deal with the administrative services of City except by and through the City Manager; nor shall any Council Member give any order or direction to any subordinate officer or employee of City. This section shall not apply during a period of disaster proclaimed by the Governor or City Council in accordance with California law, when the normal functioning of the City's government is not feasible based on the Circumstances.

### **13.2 Stay Out of Personnel Matters.**

Members shall not interfere with the appointment, evaluation, discipline or removal by the City Manager of any Department Head or employee of the City.

#### **13.2.1 Exception – City Attorney.**

The City Attorney is hired, appointed, evaluated, and removed directly by the Council.

#### **13.2.2 Exception – City Manager.**

The City Manager is hired, appointed, evaluated and removed directly by the City Council.

### **13.3 Orders and Direction to Employees.**

Only the City Manager may give orders and direction to City employees. Members shall not direct the work or actions of City employees.

#### **13.3.1 Requests for Information.**

All Members shall direct requests for information, research, or reports to the City Manager and applicable Department Head or his/her designee, and not to City Employees. If there is a legal question, it should be directed to the City Attorney. Questions regarding elections and disclosure statements may be addressed to the City Clerk.

### **13.3.2 Responses.**

Responses to Member substantive information inquiries shall be provided to all Members of the same category (e.g., a response to a request by a Council Member shall be provided to all Council Members).

### **13.3.3 Notification.**

Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, it should be provided to all Members of the same category.

## **13.4 Staff Liaisons to City Commissions / Committees and Outside Agencies.**

Members serving as the City's representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.

## **13.5 Operations and Service Levels.**

Criticisms of City operations and service levels may be made only to the City Manager and not to City employees or Department Heads, unless first cleared through the City Manager or expressed in general during a Council meeting.

## **13.6 Political Solicitation and Activities.**

Members shall not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members shall not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

## **14. INTERACTION OF MEMBERS**

### **14.1 Mayor.**

#### **14.1.1 Honorary Presiding Officer.**

The positions of Mayor is generally considered honorary and ceremonial, but also serves an important procedural role as the presiding officer at

meetings of the City Council. Persons appointed to the position by a majority of the City Council serve at the pleasure of the City Council.

#### **14.1.2 Maintain Order, Decorum and Procedure.**

The Mayor is responsible for maintaining order and decorum of meetings and enforcing the City's decorum rules where necessary. The Mayor is responsible for the order of business at meetings, the efficient flow of business during meetings, and for preserving the right of the public to be heard in an orderly fashion.

#### **14.1.3 Ceremonial Head.**

The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.

#### **14.1.4 Spokesperson.**

The Mayor is the official spokesperson for the City and has the lead responsibility for communications with the press and public on official City business. The Mayor shall work on press releases and statements to the press with the City Manager and shall report the majority position adopted by the Council, and not his or her personal opinion on matters. This section shall not be construed to prevent the dissemination of information from the City Manager on factual matters related to the operation of the City (?).

### **14.2 At Public Meetings.**

#### **14.2.1 Follow Rules of Order, Decorum and Procedure.**

Members shall adhere to the rules of order, decorum and procedure for the conduct of public meetings adopted by the City Council from time to time. Abiding by these rules will maintain civility and the orderly conduct of business.

#### **14.2.2 Keep Conduct Professional.**

Members shall conduct themselves in an orderly, professional, and business-like manner to ensure that the business of the City shall be attended to efficiently and thoroughly.

#### **14.2.3 Professional Attire.**

Members should wear professional and business-like attire at public meetings. The Mayor may allow business casual attire during the summer or for special events or occasions.

#### **14.2.4 Keep Comments on Topic.**

Public meetings are to attend to and resolve City business. Members shall avoid being overly repetitious and shall endeavor to limit their comments to the subject matter at hand. Members are encouraged to fully express their views and to explore the views of others, but Members should also be mindful of avoiding lengthy or unproductive debates.

#### **14.2.5 Ask Questions in Advance.**

When preparing for public meetings, Members are encouraged to provide their questions far enough in advance to the City Manager or City Attorney so that meaningful information and responses can be shared at the meeting.

### **14.3 Relations with Fellow Members.**

#### **14.3.1 Civility.**

Members shall always practice civility. By doing so, the Member helps the City to fulfill its potential by putting the common good ahead of personal rivalries or irritations. Civility is best fostered by a collective commitment to following established rules of procedure.

#### **14.3.2 Team Spirit.**

While Members may occasionally disagree, Members shall strive foster a collegiate or team-oriented environment among themselves.

#### **14.3.3 Retreats, Goal Setting and Training.**

To encourage a strong working relationship and communication, Members should have at least one retreat, goal setting session, and/or group training session each year.

#### **14.3.4 Different Points of View.**

Members shall exercise tolerance for the different opinions, perspectives, and points of view of their colleagues and shall recognize their right to express these views on matters of City business within the established rules of decorum and order of business.

#### **14.3.5 Managing Conflict.**

Members shall manage disagreement with civility and professionalism and shall not allow disagreement to turn into open conflict or hostility. Members shall refrain from abusive conduct, personal charges or verbal

attacks upon the character or motives of other Members, City employees and/or members of the public.

#### **14.4 Public Communication and Appearance.**

##### **14.4.1 Personal versus City Positions.**

It is an important part of each Member's responsibility to communicate with the public. In communications regarding City business, it is important to distinguish a Member's personal views and opinions and the adopted City position. When appearing before another governmental agency or organization, the Member shall clearly set forth the City's official position, and then may express their own position.

##### **a) Expressing Dissent.**

Each Member has a right under the First Amendment to express their views and opinions, even if contrary to the official position of the City. However, Members shall express their dissenting views with tact and civility.

##### **14.4.2 Use of Official Titles.**

Members may use their official title only when conducting official City business, for informational purposes, or as an indication of background and expertise, after having carefully considered whether they are exceeding or appearing to exceed their authority.

##### **14.4.3 Response to Public Communication.**

Members are encouraged to respond promptly to letters, telephone calls and other communications received from members of the Public who have requested a response. Members are not required to respond to commercial solicitations or to anonymous, obnoxious, or harassing communications.

### **15. ENFORCEMENT**

#### **15.1 Member Responsibility.**

Upon adoption of these Protocols and thereafter upon assuming office, each Member shall sign a statement affirming they read and understood these Protocols. Each Member is responsible for adhering to these Protocols, as well as the laws that comprise the basic legal framework for local government discussed in the first part of the Protocols.



## **15.2 Council Authority.**

Only the City Council has the authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

### **15.2.1 Training and Education.**

The City Council shall sponsor periodic training opportunities for Members to become more familiar with the Protocols and the legal framework (See Appendix "A").

### **15.2.2 Council Members.**

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section **15.4**, a majority of the Council Members may remove a Council Member from all Council honorary and/or ceremonial positions and ad-hoc and standing Committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

## **15.3 Violation of Oath of Office or the Law.**

All Members take an oath upon assuming office, pledging to uphold the Constitutions of the State of California and United States of America, laws of the City, and the statutes of the state and the federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law. Constitutional and legal violations do not fall under these enforcement procedures and should rather be investigated and enforced under the appropriate civil or criminal proceedings by the appropriate authorities.

## **15.4 Violation of Protocols.**

### **15.4.1 Complaint.**

Where any person has substantial evidence that a Member has materially violated these Protocols, they may file a written statement with the City Clerk who shall then provide it to the City Manager and City Attorney and the affected Member. The name of the complainant shall initially be redacted and kept confidential and not disclosed until it has been determined as provided in Section **15.4.2** that there is substantial evidence that the Member has materially violated the Protocols.

#### **15.4.2 Investigation.**

Upon receipt of a Complaint as provided in Section **15.4.1**, or upon the direction of the City Council, the City Manager, in consultation with the City Attorney, shall investigate and report, within not more than thirty (30) days, as to whether there is substantial evidence in support of an allegation that a Member has materially violated these Protocols. If the City Manager concludes, with the concurrence of the City Attorney, that there is not substantial evidence to support an alleged violation or that the violation was not material they shall so report to the Council and the matter shall be deemed dismissed unless the Council directs that a public meeting be held pursuant to Section **15.4.3**. If the City Manager, with the concurrence of the City Attorney, concludes that there is substantial evidence to support an alleged material violation of the Protocols, they shall issue a report to the City Council and the Member. The affected Member shall have thirty (30) days to provide any written comments or evidence to the City Manager, City Attorney and City Council in response to the report.

#### **15.4.3 Enforcement.**

The City Council shall enforce these Protocols against Members depending upon the extent and severity of the violation by means of either (i) a warning; (ii) a written reprimand; or (iii) censure. The following procedure shall be utilized:

##### **a) Receipt of Report.**

Upon receipt of the Report, the Council shall hold a public meeting at which it shall determine whether the complaint should be dismissed, a warning should be issued, a written reprimand should be issued, or censure issued. In the event the Council determines that it appears that anything other than a dismissal or warning is appropriate, it shall set a public hearing to be held within thirty (30) days and provide written notice and opportunity to be heard to the affected Member.

##### **b) Dismissal.**

Where the Council, based on the Report and any statement from the affected Member, determines that it is clear that no violation occurred or that only a trivial or de minimus violation occurred, or that the complaint was motivated by revenge or other improper motives, the Council may dismiss the complaint.

**c) Warning.**

Where the Council, based on the Report and any statement from the affected Member, determines that there is some evidence that only a minor violation or a questionable practice has occurred, the Council may issue a written warning to the affected Member specifying the violation(s) and requesting corrective action.

**d) Reprimand.**

Where the Council, based on the Report, any statement from the affected Member, and other evidence accepted, determines that there is substantial evidence that the Member has materially violated one or more provisions of the Protocols, the Council may adopt a resolution reprimanding the affected Member for their conduct, stating that any violations shall cease, and requesting corrective action. The affected Member may file a rebuttal to the Reprimand with the City Clerk which shall become a matter of public record.

**e) Censure.**

Where the Council, based on the Report, any statement from the affected Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of these Protocols, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the affected Member by condemning his/her actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting them if they hold the honorary position of Mayor or Mayor Pro Tempore, stating that the violations shall cease, and demanding corrective actions. The affected Member may file a rebuttal to the Censure with the City Clerk which shall become a matter of public record.

**f) Removal from Office.**

Notwithstanding any of the provisions in this Section **15.0**, the City Council may not remove any Member from their elective office for sustained material violations of the Protocols.

## **16. FAILURE TO OBSERVE COUNCIL PROTOCOLS**

These Protocols are adopted to expedite the transaction of the business of the Council in an orderly fashion and are procedural only and the failure to strictly observe such rules does not affect the jurisdiction of the Council or invalidate action taken at a

meeting that is otherwise held in conformity with law. These Protocols shall not be construed as creating any private right of action with any person for their enforcement, enforcement of the Protocols rests exclusively with the City Council in their sound discretion.

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## APPENDIX A – LEGAL FRAMEWORK & RESOURCES

### 1.0 Legal Framework

<u>Law or Regulations</u>	<u>Citation</u>
<i>California Laws</i>	
California Constitution <i>General City Authority</i>	Article XI §§ 2, 5, 7, & 11.
Ralph M. Brown Act <i>Open Meeting Laws</i>	Government Code §§ 54950 <i>et seq.</i>
California Public Records Act <i>Public Records Disclosure</i>	Government Code §§ 6250 <i>et seq.</i>
California Political Reform Act <i>Conflicts, Disclosures &amp; Campaigns</i>	Government Code §§ 81000 <i>et seq.</i>
FPPC Regulations <i>Conflicts, Disclosures &amp; Campaigns</i>	2 Cal. Code Regs. §§ 18109 <i>et seq.</i>
<i>Legally Required Participation</i>	2 Cal. Code Regs. § 18708
California Anti-Self Dealing Law <i>Self Interest in Contracts</i>	Government Code §§ 1090 <i>et seq.</i>
California Incompatibility of Office Law <i>Holding Two Public Offices</i>	Government Code § 1126 & § 1099
<i>Hemet City Documents</i>	
City Municipal Code	Chapter 2 “Administration”
City Council Rules of Order and Protocols	
Reimbursement Policy	

## 2.0 Online Resources

<u>Resource</u>	<u>Web Address</u>
State of California <i>Portal to State Websites</i>	<a href="http://www.ca.gov/index.asp">www.ca.gov/index.asp</a>
Official Cal. Legislative Information <i>California Bills &amp; Codes Online</i>	<a href="http://www.leginfo.gov">www.leginfo.gov</a>
Cal. Fair Political Practice Commission <i>Conflict of Interest Info</i>	<a href="http://www.fppc.ca.gov">www.fppc.ca.gov</a>
Cal. Attorney General <i>See AG Opinions</i>	<a href="https://oag.ca.gov">https://oag.ca.gov</a>
Cal. Senate <i>Bill Information Online</i>	<a href="http://www.senate.ca.gov">www.senate.ca.gov</a>
Cal. Secretary of State <i>Election Information</i>	<a href="http://www.sos.ca.gov">www.sos.ca.gov</a>
LA County Registrar–Recorder/County Clerk <i>Election Information</i>	<a href="http://www.lavote.net">www.lavote.net</a>
League of California Cities <i>Municipal resources</i>	<a href="http://www.cacities.org">www.cacities.org</a>
Institute for Local Government <i>Municipal resources</i>	<a href="http://www.ca-ilg.org">www.ca-ilg.org</a>
Cal. Association of Joint Powers Authorities <i>Risk Management &amp; Training</i>	<a href="http://www.cajpa.org">www.cajpa.org</a>
Marrkula Institute for Applied Ethics <i>Ethical Decision Making</i>	<a href="http://www.scu.edu/ethics/practicing/decision">www.scu.edu/ethics/practicing/decision</a>

# SAMPLE POLICY

## CODE OF CIVILITY

A healthy democracy respects the people's right to debate issues with passion. A healthy democracy not only tolerates disagreement but welcomes it in order to refine ideas and create policies that benefit the greater good.

The deterioration of civility across the country and within our community poses a threat to our democracy and our civic well-being. This deterioration:

- Compromises the integrity of a healthy, representative democracy
- Closes the door on depth of thought, reducing complex problems to harmful oversimplification
- Deters potential leaders from running for office or serving in government
- Poisons the civic well and discourages citizens from engaging on pressing community issues
- Casts the spotlight on poor behavior rather than shining a light on possible solutions
- Sets a poor example for our children

As elected leaders throughout the region we are accountable to each other, the press and the public. We have crafted this Code of Civility as a promise to each other, and to the people and institutions we serve, that we will always strive to conduct our debates - whether in person, online, or in written communication - in ways that allow for the widest range of opinions on ideas and policies, yet also respect the dignity, integrity and rights of those with whom we might disagree.

Therefore, in our deliberations, we pledge to:

### Listen First

*We will make an honest effort to understand views and reasoning of others by listening to understand, not listening to find fault, allowing thoughtful discussion to lead to the best possible outcomes.*

### Respect Different Opinions

*We will invite and consider different perspectives, allowing space for ideas to be expressed, opposed and clarified in a constructive manner.*

### Show Courtesy

*We will treat all colleagues, staff and members of the public in a professional and courteous manner whether in person, online, or in written communication, especially when we disagree.*

### Criticize Constructively

*We strive to advance solutions to community issues; when faced with disagreement, we do more than simply share our concerns with differing positions, we work to propose a course of action of mutual benefit.*

### Debate the Policy Not the Person

*We will focus on the issues, and not personalize debate or use other tactics that divert attention from the issue.*