



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 4/4/2023

Agenda Item: 9B.

Department: City Manager
Prepared By Andy Hall, City Manager

Subject:
CONSIDERATION OF CITY COUNCIL POLICY UPDATES

Summary:

City Council directed staff to prepare draft modifications to the City Council Policies and Procedures concerning City Council Meeting and Operating procedures, Use of City Letterhead and Legislative Body Reimbursements for discussion and consideration by the City Council.

1. City Council Policy and Procedure 1201-11 (City Council Meeting and Operating Procedures)

On February 21, 2023, Mayor Duncan, with the support of Councilmember James and Mayor Pro Tem Knoblock, agendized a review of Policy 1201-11 related to City Council meeting and operating procedures. Staff has prepared the following draft modifications for consideration by the City Council:

4.4.12 The City Council desires to allow all members of the public, applicants, staff and each member of the City Council to engage in organized and effective dialog during public meetings. This exchange of information allows the City Council to make well-informed decisions. To share and receive the information in a public setting, participants need to be able to express their thoughts and ideas with limited interruption. It is anticipated that on occasion, attendees may express their support or disagreement with what is being said in traditional methods such as clapping. The Presiding Officer, with input and support of the full membership of the City Council, will maintain order during the meetings of the City Council. The Presiding Officer may ask the audience to reduce background noise if it interferes with the ability of the City Council to hear the communications. If the background noise continues, the Presiding Officer may call for a temporary recess.

4.4.14 The Ralph M. Brown Act limits the ability of Councilmembers to discuss items that have not been properly placed on an agenda. This can be challenging when attendees at a City Council meeting are seeking immediate answers. The delicate balance of adhering to the Brown Act and being responsive to public is an important issue for elected officials. During the "Open Communications" item on the agenda, Councilmembers will refrain from conversing with speakers. At the end of the "Open Communications" portion of the agenda, the Presiding Officer will ask if any member of the City Council would like staff to briefly clarify any issues raised during that portion of the agenda. Councilmembers may ask staff to briefly address any of the concerns raised if (a) a short, concise answer can be provided and (b) the item is not an issue that will require any current or future action by the City Council, or ask staff to follow-up with a speaker following the meeting. If the clarification requires more detailed analysis or more than a short answer provided by staff, the

Councilmember can ask that item be placed on a future agenda for consideration by the City Council during the "Items for Future Agendas" portion of the meeting.

2. Council Policy and Procedure 1201-13 (Use of City of San Clemente Letterhead and Stationary)

City Council Policy and Procedure 1201-13 was created to establish guidelines for City Council use of City Letterhead and Stationary, and Staff time used to prepare and distribute City Council correspondence.

At the City Council meeting conducted on March 21, 2023, Councilmember James, with the support of Mayor Duncan and Mayor Pro Tem Knoblock, agendized consideration of a policy concerning media and press releases. Proposed updates to the policy are as follows:

City Letterhead and Stationary

Section 4.2 Letters, press releases, resident correspondence and all other forms of communication, including electronic and on social media, that infers City Council or City of San Clemente support, or opposition, as the case may be, shall only be issued following a majority vote of the City Council, or with specific reference to an adopted City ordinance or resolution.

Individual Councilmember Letterhead and Stationary

Section 4.4 When a member of the City Council is issuing communication unilaterally, language in the correspondence shall clearly indicate that the support or opposition is that of the individual Councilmember alone and may not represent the full body of the City Council or official City policy. Councilmembers shall be mindful of all legal and ethical constraints in issuing communications.

3. City Council Policy and Procedure 1201-8 (Legislative Body Reimbursement.)

At the City Council meeting on March 21, 2023, the City Council directed staff to prepare specific modifications to the Legislative Body Reimbursement Policy concerning Council related travel. Staff has prepared the following for consideration by the City Council:

Section 4.0 Policy

4.1 **Reimbursement** - Members of the legislative body will be reimbursed for all business expenses incurred while conducting City business provided that all required documentation is presented to substantiate the expenses. Reimbursements will be made for:

1. Communicating with representatives of regional, state and national government on City adopted policy positions.
2. Attending educational seminars designed to improve skills and knowledge. Miscellaneous expenses for registration, tuition, parking, and phone are reimbursable for City authorized business. Miscellaneous expenses must be supported with original itemized receipts.
3. Participating in regional, state and national organizations whose activities affect the City's interests.

4. Any costs associated with attending City events.
5. Implementing a City-approved strategy for attracting or retaining businesses to the City which will typically involve at least one staff member.

4.1.5 Councilmembers are expected to conduct City business within Orange County through attendance at meetings of Boards and Commissions, as appointed by the City Council, as well as meetings with City staff, constituents, attendance at events, etc., during various hours of the day or night. It is determined by the City Council that their effectiveness in representing the City is dependent on frequent and availability of adequate and reliable vehicles. Therefore, the City Council is eligible to use vehicles purchased and maintained by the City when appropriate.

4.2.3 Meal expenses and associated gratuities should be moderate, considering community standards and the prevailing restaurant costs of the area. The City will not pay for or reimburse for alcohol/personal bar expenses. The City will use the IRS per diem rates as a guide for reimbursement.

4.3 Transportation

4.3.1 The City of San Clemente will not reimburse Councilmembers for personal travel (or the personal portion of any travel); political or charitable contributions or events; family expenses including partner, children or pet expenses when accompanying a member on City business; entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events; personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and personal losses incurred while on City business.

4.3.2 When traveling, Councilmembers will use the most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements. This includes the use of the most direct and time efficient route. In the event that a more expensive transportation form or route is used, the cost borne by City will be limited to the cost of the most economical, direct, efficient, and reasonable transportation form. Government and group rates must be used when available.

4.3.3 Reasonable and necessary charges for public transportation, taxi, or shuttle service are reimbursable at actual cost with receipts. Car rental is allowed when it is determined it is the most economical and reasonable mode of transportation during travel. Itemized original receipts must be submitted with vehicle rental reimbursement claims.

4.3.4 Airfares that are equal to those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), <http://www.cacities.org/travel>) the California State Association of Counties (<http://www.csac.counties.org>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement

under this policy. When reimbursement for parking is requested, any airport parking more than 24 hours must be in long term parking or private economy lots. Reasonable and standard baggage handling fees will be reimbursed. If a Councilmember uses a personal car for travel, the Councilmember can seek reimbursement for mileage at the Internal Revenue Service (IRS) rates presently in effect.

Section 6.0 Procedure:

6.1 The City of San Clemente travel and expense policy is intended to be consistent with all provisions of State law. Where and if discrepancies between State law and these policies exist, the provisions of State law will prevail. All Councilmember travel expenditures in excess of \$250 require prior approval by the City Council. The estimated travel expenses will be placed on the consent agenda of a City Council meeting prior to travel whenever possible. If travel is more urgent and justified, the travel expenses will be placed on the consent agenda of a City Council meeting immediately following the travel.

6.6 **Approvals** - Travel expenses and travel reimbursements must be first approved by the City Manager before reports are sent to the Finance Department for the processing of payment. In the event that the City Manager is uncertain whether use of a credit card or a request for cash advancement complies with this Policy, the City Manager will ask the Councilmember to seek authorization from the City Council.

Council Options:

- Approve, and authorize the Mayor to execute, the Policies outlined in the Administrative Report dated April 4, 2023.
- Modify the policies and authorize the Mayor to execute the updated Policies.
- Continue the item and provide direction to staff to provide additional information.
- Deny approval of the Policies.

Fiscal Impact:

None.

Recommended Actions:

Staff Recommendation

1. Approve revised Policy and Procedure 1201-11 - City Council meeting and operating procedures.
2. Adopt Resolution No. 23-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-11 (COUNCIL MEETING AND OPERATING PROCEDURES) TO INCLUDE POLICIES FOR DECORUM AT CITY COUNCIL MEETINGS.
3. Approve revised Policy and Procedure 1201-13 - Use of City of San Clemente Letterhead and Stationary.
4. Adopt Resolution No. 23-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-13 (USE OF CITY LETTERHEAD) TO INCLUDE POLICIES FOR PRESS RELEASES.

5. Approve revised Policy and Procedure 1201-8 - Legislative Body Reimbursement.
6. Adopt Resolution No. 23-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING POLICY AND PROCEDURE 1201-8 (LEGISLATIVE BODY REIMBURSEMENT) TO INCLUDING AGENDIZING TRAVEL ON THE CONSENT CALENDAR AND APPROVALS FOR USE OF THE CITY CREDIT CARD.

Attachment:

1. City Council Policy and Procedure 1201-11 (City Council Meeting and Operating Procedures) with proposed changes highlighted in yellow
2. Resolution No. 23-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-11 (COUNCIL MEETING AND OPERATING PROCEDURES) TO INCLUDE POLICIES FOR DECORUM AT CITY COUNCIL MEETINGS
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4. Resolution No. 23-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-13 (USE OF CITY LETTERHEAD) TO INCLUDE POLICIES FOR PRESS RELEASES
5. City Council Policy and Procedure 1201-8 (Legislative Body Reimbursement)
6. Resolution No. 23-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING POLICY AND PROCEDURE 1201-8 (LEGISLATIVE BODY REIMBURSEMENT) TO INCLUDING AGENDIZING TRAVEL ON THE CONSENT CALENDAR ON THE CONSENT CALENDAR, REIMBURSEABLE EXPENDITURES AND APPROVALS FOR USE OF THE CITY CREDIT CARD.

Notification:

None.



POLICY AND PROCEDURE

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| Subject: City Council Meeting and Operating Procedures (Parliamentary Procedures, Due Process, Mayor/Mayor Pro Tempore, Council Correspondence, Meetings, Agendas, and Minutes) | Index: City Council |
| | Number: 1201-11 |
| Effective Date: April 4, 2023 | Prepared By: City Clerk |
| Supersedes: Policy and Procedures 1201-1 (Mayor and Mayor Pro Tempore); 1201-2 (Meetings of the City Council); 1201-3 (Order of Business and Preparation of Minutes); 1201-4 (Council Correspondence and Agenda); 1201-5 (Rules of Debate, Decorum, Voting Requirements & Procedures); 1202-2 Management/Streamlining of City Council Meetings); and 1201-11 (City Council Meeting and Operating Procedures) | Approved By: City Council |

1.0 PURPOSE:

To establish policies for City Council meetings and operations, including parliamentary procedures, due process, election/roles of Mayor and Mayor Pro Tem, agendas, and the preparation of minutes.

2.0 ORGANIZATIONS AFFECTED:

City Council
 City Commissions and Committees*

**Note: Except as otherwise noted throughout this Policy, this Policy shall also apply to the City's Commissions and Committees. In applying this Policy to City Commissions and Committees, the term "Council" shall be interpreted to mean the name of the City Commission or Committee, the term "Mayor" shall be interpreted to mean "Chairperson", the term "Mayor Pro Tempore shall be interpreted to mean "Vice Chair", the term "Manager" shall be interpreted to mean "Director", and the*

term "City Clerk" shall be interpreted to mean the staff member responsible for providing support to the Commission/Committee.

3.0 REFERENCES:

The Ralph M. Brown Act, GC Section 54950, et seq.

4.0 POLICY:

4.1 Parliamentary Procedures and Due Process

4.1.1 The proceedings of the City Council shall be guided under the latest revised edition of "Rosenberg's Rules of Order," on all matters pertaining to parliamentary procedure, but no ordinance, resolution, proceeding or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow such rules. In the event of a discrepancy between Rosenberg's Rules of Order and this Policy and Procedure, this Policy and Procedure shall prevail.

4.1.2 The Mayor, with assistance from the City Attorney, is designated as the parliamentarian for City Council meetings. The City Clerk shall assist in the City Attorney's absence. Any member of the City Council or the public (pursuant to process below) may raise a point of order and/or seek the City Attorney's input on parliamentary issues, which shall then be considered by the Mayor. The City Council may override any parliamentary decision of the Mayor with a majority vote. The Mayor may interpret and apply but not amend these policies.

Points of order may be raised at any time by City Councilmembers.

Points of order may be raised by members of the public in connection with their opportunity to speak on agenda items pursuant to Section 4.4.6. The Mayor (or chair) shall rule on the point of order and/or request clarification of the law from the City Attorney and then decide and rule. If the point of order is denied by the Mayor or chair, the person making the point of order may seek a vote of the entire Council or body, which decision shall be final.

Members of the public wishing to raise points of order after their opportunity to speak may submit those points of order in writing prior to the adjournment of the meeting. Items so submitted shall be presented for consideration by the City Council in connection with its approval of the minutes of that meeting pursuant to Section 4.6 hereof. At that time the Mayor and City Council will review and decide the point of order raised and determine whether it warrants scheduling and noticing of that item for reconsideration.

4.1.3 It shall be understood that a member of the City Council or prospective member of the City Council may, in the course of seeking elective office, be asked to state positions on general issues that may eventually come before the Council at a later date. This policy shall in no way impair that Councilmember's right to consider the issue and vote as he/she determines is appropriate.

4.1.4 Ex parte communications are communications received outside of Council meetings or hearings. When the Council acts in a legislative role (for example, to adopt general plan or zoning amendments or to adopt ordinances), Councilmembers are permitted to draw upon nearly all observations and considerations they receive inside and outside the Council meeting. On the other hand, when acting in a quasi-adjudicatory role (hearing permits, revocations, and similar non-legislative decisions), the Council, as fact-finder, should limit its consideration of facts to those presented at the hearing, where all sides have the opportunity to hear and rebut testimony given by all participants. To this end, Councilmembers should avoid receiving or gathering information that might otherwise influence its consideration of the written record and any other testimony it hears through the formal hearing process, or at least disclose their receipt of that information.

4.2 **Election of Mayor and Mayor Pro Tempore and Roles of Those Offices**

4.2.1 At the first Regular City Council meeting in December of each year, the Council shall elect from its members a Mayor and Mayor Pro Tempore. The new Mayor and Mayor Pro Tempore shall assume office immediately upon election. *(Note: Commissions and Committees shall elect from its members a Chairperson and Vice Chair at its first regular meeting occurring after Council completes its annual appointment process for Commission and Committee members and those members assume office.)* The process for electing Mayor and Mayor Pro Tempore and for electing Commission and Committee Chairs and Vice-Chairs shall be as follows:

4.2.3 The nomination/election of the Mayor or Chair is conducted by the City Clerk or staff. Once the new Mayor or Chair is elected, that member of the Council or body immediately presides and conducts the vote on Mayor Pro Tempore or Vice-Chair.

4.2.4 The method of nomination in this respect is an "open nomination" solely by and from within the membership of the presently-seated City Council or City body. Nomination cannot be accepted from members of the public.

- 4.2.5 No "second" is required for nomination, although sometimes one or more members will "second" a nomination to indicate endorsement.
- 4.2.6 In no event may any one member nominate more persons than there are offices to fill in the respective selection.
- 4.2.7 When it appears that no one else wishes to make a nomination, the chair of the meeting asks one (1) final time if there are additional nominations. If there is a no response, the chair then declares...*"the nomination for Mayor or Mayor Pro Tempore, Chair or Vice-Chair as applicable is closed."*
- 4.2.8 It is unnecessary to have a motion to officially close the nomination; yet, if such a motion is made, that motion then requires an affirmative 2/3rd vote of the members present [4 or 5]. After nominations are closed, a majority vote is required to re-open it.
- 4.2.9 Nominees are voted on in the order in which they are nominated. As soon as one of the nominees receives a majority vote of those members present in the voting, the Mayor or Chair then declares that person elected to that respective office, and no vote is taken on the remaining nominee(s).
- 4.2.10 Rounds of voting shall continue in succession until one nominee is elected.
- 4.2.11 The Mayor and Mayor Pro Tempore shall serve a one-year term at the pleasure of the Council majority.
- 4.2.12 The Mayor shall act as the primary spokesperson and official representative of the City Council, unless such responsibility is delegated by the Mayor, or otherwise assigned by a majority of the City Council.
- 4.2.13 The Mayor shall preside at all regular, adjourned regular, special and emergency meetings of the City Council, including joint meetings with commissions and committees and closed sessions.
- 4.2.14 The Mayor shall execute all official City documents, warrants and correspondence approved by the City Council.
- 4.2.15 The Mayor is authorized to issue proclamations, commendations and certificates of recognition, which may be presented at Council meetings under Special Presentations. The total time allotted to Special Presentations should, if possible, be limited to 15 minutes per meeting. *(This section does not apply to Commissions or Committees.)*

- 4.2.16 Nothing in this section is intended to suggest that the office of Mayor possesses formal powers or authority in excess of other members of the City Council; rather, the person serving as Mayor is to be recognized as the chairperson of the Council.
- 4.2.17 The Mayor Pro Tempore shall serve and perform the functions of the Mayor in the absence of the Mayor. If both the Mayor and Mayor Pro Tempore are absent from a City Council meeting, the Council members present shall select a Councilmember from those members present to perform the functions of Mayor at that particular meeting.

4.3 **City Council Correspondence**

- 4.3.1 The City Manager, or his/her designee, is authorized to open and examine all mail or other written communications addressed to the City Council as a body, but shall not open correspondence addressed to an individual Councilmember without their express authorization.
- 4.3.2 The City Manager may take action, or direct that action be taken, on issues or requests that do not require Council action. The City Manager shall inform Council when actions are taken on matters of significance or that are likely to be of interest to the City Council.

4.4 **City Council Meetings**

- 4.4.1 The date, time and location of Regular Meetings of the City Council shall be established by resolution. At 11:00 p.m. at each meeting, the City Council, by majority vote, will determine whether to continue the meeting or adjourn.
- 4.4.2 At all meetings of the City Council, a majority of the Council members shall constitute a quorum for the transaction of business. In the event less than a quorum of the City Council is present, the City Clerk shall adjourn the meeting (which may include adjourning to an Adjourned Regular Meeting), post a Notice of Adjournment, and prepare minutes that reflect that the meeting was adjourned due to lack of a quorum.
- 4.4.3 The City Clerk, or Mayor, shall announce an agenda item before discussion on that item commences.
- 4.4.4 Each person desiring to address the Council is requested to submit to the City Clerk a speaker form. After being called upon by the Mayor, the speaker may proceed to the podium. The speaker may

state for the record his/her name and city of residence, but shall not be required to do so.

Members of the public may speak for three (3) minutes and project applicants and appellants (including members of an applicant's or appellant's project presentation team, when applicable) may speak for a combined total of ten (10) minutes on agenda items. At Council's request where Council is acting in a fact-finding or hearing capacity, the Mayor may grant additional time (unless overruled by a majority of Councilmembers present) to speakers on agenda items.

Speakers will be called to the podium once Staff concludes its presentation of an item and before Council begins its deliberations. Speaker cards will not be accepted once deliberations have commenced.

Speakers on non-agenda items may speak for three (3) minutes during the oral communications - public forum portion of the meeting.

The time that a speaker devotes to responding to Council inquiries shall not be deducted from their allotted speaker time.

- 4.4.5 Members of the public may not assign their speaker time to another person.
- 4.4.6 The purpose of addressing the City Council is to communicate formally with the City Council regarding matters that relate to City Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the City Council. Speakers may be asked to clarify how their comments relate to the matter at hand. Speakers may address the entire Council or individual Councilmembers, and, if allowed by the Mayor or chair, City staff.
- 4.4.7 Once recognized, members of the public shall not be interrupted when speaking unless to be called to order by the Mayor to: (i) curtail extraordinary repetition, (ii) curtail speech that is irrelevant to the City Council's subject matter jurisdiction, (iii) explain how his or her speech relates to the City's subject matter jurisdiction, or (iv) address some other point of order. If a speaker is interrupted to be called to order, the speaker shall cease speaking until the question of order is determined, and if in order, he or she shall be permitted to proceed, with additional time allotted for the time taken to determine the question of order.

- 4.4.8 In order to avoid repetitious presentations, whenever any group of persons wishes to address the Council with the same message, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to represent the group's position. Speakers shall not, however, be required to abide by such a request.
- 4.4.9 To expedite Council meetings, Councilmembers are encouraged to contact Staff prior to Council meetings to obtain answers to questions and to obtain clarifications as needed.
- 4.4.10 Staff shall compose Administrative Reports in a clear and concise manner. Staff shall strive to write reports in a manner that can be easily understood by persons that do not have training in the report's subject matter.
- 4.4.11 Staff presentations at Council meetings are to be condensed to the briefest extent possible, while still providing a basic overview of the issue under consideration. Staff is encouraged to refrain from reiterating issues previously addressed in the Administrative Report. However, Staff engaged in such communications shall not use these opportunities to communicate with the members of the City Council the comments or position of any other member of the City Council on City Council business.
- 4.4.12 It is the intention of the City Council to allow all members of the public, applicants, staff and each member of the City Council to engage in organized and effective dialog during public meetings. Every person in attendance should have an equal opportunity to share their thoughts and ideas without interruption. It is anticipated that on occasion, attendees may express their support or disagreement with what is being said in traditional methods such as clapping. The Presiding Officer, with the support of the full membership of the City Council, will maintain order during the meetings of the City Council. The Presiding Officer may ask the audience to reduce background noise if it interferes with the ability of the City Council to hear the communications. If the background noise continues, the Presiding Officer may call for a temporary recess.
- 4.4.13 Members of the public shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting is subject to removal from the meeting.

Prior to removing anyone from a City meeting, the Mayor (or other designated chair) shall: (i) notify the person that he/she is in violation of this Section 4.4.12, (ii) specify the specific behavior

giving rise to that conclusion; (iii) explain all grounds for the belief that the person's conduct is in violation of law/policy and why such conduct subjects the person to expulsion; and (iv) notify the person that if the conduct continues he/she will be removed. The person receiving such notification shall be asked if he/she understands the conclusion but shall not be required to accept it.

Members of the public receiving notice of disruption pursuant to this section shall have the right, prior to being removed from the meeting, to ask the Mayor to consult with the City Attorney on the grounds for expulsion, and to submit a point of order on the grounds for expulsion. The City Council may override this decision pursuant to Section 4.1.2. The City Attorney shall have a duty to inform the Mayor (or other designated chair) and the public if the City Attorney believes that the Mayor's action is in violation of applicable law.

4.4.14 The Ralph M. Brown Act limits the ability of Councilmembers to discuss items that have not been properly placed on an agenda. This can be challenging when attendees at a City Council meeting are seeking immediate answers. The delicate balance of adhering to the Brown Act and being responsive to the public is an important issue for elected officials. During the "Open Communications" item on the agenda, Councilmembers will refrain from conversing with speakers. At the end of the "Open Communications" portion of the agenda, the Presiding Officer will ask if any member of the City Council would like to briefly clarify any issues raised during that portion of the agenda. Councilmembers may ask staff to briefly address any of the concerns raised if (a) a short, concise answer can be provided and (b) the item is not an issue that will require any current or future action by the City Council, or ask staff to follow-up with a speaker outside of the meeting. If the clarification requires more detailed analysis or more than a short answer provided by staff, the Councilmember can ask that item be placed on a future agenda for consideration by the City Council during the "Items for Future Agendas" portion of the meeting.

4.4.15 Motions must be seconded in order to proceed to a vote.

4.5 **City Council Agendas**

4.5.1 With the exception of items added to a City Council agenda pursuant to Section 4.5.4 of this Policy, the City Manager and Mayor in conference shall be responsible for determining items to appear on City Council meeting agendas.

- 4.5.2 The standard template for City Council agendas shall be established by Council by majority vote. The City Manager shall have the authority to reorganize the template on a case-by-case basis if he/she believes that a variation in the normal order of business is appropriate.
- 4.5.3 Councilmembers may agendize items to enable them to "report out" on matters relating to their own activities, including activities pertinent to their Council-appointed positions on regional commissions, committees and boards, provided the report is informational only. If Council action is being sought, the process defined in Section 4.5.4 of this Policy shall be followed.
- 4.5.4 Two members of the City Council may propose at a Council meeting that an item be agendized for future Council discussion, consideration, and/or action. Subject to notice and hearing requirements, the item shall be agendized for a future meeting and noticed as required by law. Items agendized pursuant to this section shall appear on an agenda under the New Business portion of the agenda and the names of the Councilmembers who agendized the item shall be included with the item description. Staff Reports will only be prepared if a minimum of three members of the City Council vote affirmatively at a Council meeting to direct Staff to prepare a report.
- 4.5.5 Notwithstanding Sections 4.5.1 and 4.5.4 of this Policy, the process to review, appeal, or otherwise "call up" decisions by the Planning Commission or other subordinate City bodies shall be subject to the requirements of the San Clemente Municipal Code.
- 4.5.6 Notwithstanding Section 4.5.4, a proposal to reconsider any action taken by the City Council may be raised only at the same meeting or the next regularly scheduled meeting of the City Council after the action is taken and may be raised only by one of the Councilmembers who voted with the prevailing side. Additionally, the motion to reconsider may only be made by one of the Councilmembers who voted with the prevailing side.
- 4.5.7 The City Clerk shall be responsible for the preparation of Council meeting agendas and shall cause copies to be posted on the City Hall bulletin board(s) and City website. Regular and Adjourned Regular Meeting agendas shall be posted within the posting time requirements as set forth in State law. In the case of special meetings, agendas shall be posted as soon as practical, but in no event less than the posting time requirements as set forth in State law.

- 4.5.8 Consent Calendar items shall be comprised of items that are expected to be noncontroversial. Unless an item is removed from the Consent Calendar by a member of the Council, staff, or the public for separate discussion and action, the Consent Calendar may be acted upon by one motion.
- 4.5.9 The City Council may waive the reading in full of all Resolutions and Ordinances. The reading of Resolution titles shall be optional. The reading of Ordinance titles shall not be waived.
- 4.5.10 Members of the public may address Council concerning matters within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, during the Oral Communications portion of the agenda. Speakers may address Council once during either Oral Communications Part 1 or Part 2. Speakers shall be allotted 3 minutes in which to give his or her presentation.

4.6 **City Council Minutes**

- 4.6.1 The City Clerk shall have exclusive responsibility for the preparation of the minutes.
- 4.6.2 The minutes of City Council meetings shall be submitted to Council for approval/modification at a City Council meeting. Any direction for modifications to the City Council minutes shall only be made upon a majority vote of the City Council.
- 4.6.3 Minutes shall be prepared in brief concise form, in what are commonly referred to as "action minutes". Action minutes memorialize what was *done* at a meeting, as opposed to what was *said* at a meeting. An exception to this guideline is that a brief summarization of comments provided to Council by the public are to be included in the minutes. Additionally, the identity of Councilmembers who make motions, second motions, and cast votes on motions are to be included in the minutes.
- 4.6.4 Unless the reading of the minutes of a City Council meeting is ordered by a majority of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy thereof.
- 4.6.5 The approved minutes shall be executed by the Mayor and City Clerk upon approval by the City Council and shall constitute the official record of the City Council meeting.
- 4.6.6 The City Clerk shall enter the original executed minutes into the official records of the City as a permanent document.

4.7 **Closed Sessions**

- 4.7.1 The City Council may hold closed sessions during duly-noticed Council meetings on issues authorized by State law.
- 4.7.2 A City Commission or Committee may hold closed sessions during duly-noticed meetings of its body on issues authorized by State law, the City Council, and the City Attorney.
- 4.7.3 No member of the City Council, employee of the City, or any person present during a closed session shall disclose to any other person the content or substance of discussion or action which took place during the session, unless a majority vote of the Council authorizes such disclosure.
- 4.7.4 Closed sessions shall be limited to members of the City Council, City Manager, City Attorney and/or City legal counsel, as well as staff members and experts designated by the City Manager or City Attorney to attend portions of Closed Sessions relating to specific issues, as permitted by law.
- 4.7.5 To the extent possible, the public will be notified prior to the time that the City Council recesses to closed session as to whether or not a public announcement of action is anticipated following the Closed Session.
- 4.7.6 Where potential plaintiffs and defendants have manifested or communicated their awareness of facts and circumstances and a legal theory connecting those facts and circumstances to potential litigation involving the City, those facts and circumstances, together with (i) the identity of potential parties or (ii) related documentation, shall be disclosed prior to a closed session to discuss anticipated litigation, in accordance with GC 54956.9.

4.8 **Nomination and Vote on City Council Appointments to City Commissions and Committees**

- 4.8.1 Council votes on appointments to City Commission and Committees shall be according to the procedure for election of Mayor and Mayor Pro Tempore set forth in Section 4.2 above.

RESOLUTION NO. 23-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE,
CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-11
(COUNCIL MEETING AND OPERATING PROCEDURES) TO INCLUDE POLICIES
FOR DECORUM AT CITY COUNCIL MEETINGS

WHEREAS, City Council Policy and Procedure 1201-11 (the "Policy") contains the policies and procedures for City Council Meetings and Council Operating Procedures; and

WHEREAS, Section 4.1.1 of the Policy provides that Rosenberg's Rules of Order shall guide Council proceedings; and

WHEREAS, Rosenberg's Rules contain no specific procedures applicable to the nomination and election of Council officers or Council appointments to City Commissions or Committees; and

WHEREAS, the City Council wishes to adopt clear, concise, and simple rules of procedure for these elections and appointments.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Section 4., Subsection 4.4.12 and 4.4.14 of City Council Policy 1201-11 is hereby added to read as shown in Exhibit "A" hereto.

Section 3. The City Clerk Shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

Attachment A
(Amendments to Policy 1201-11)

4.4 **City Council Meetings**

- 4.4.1 The date, time and location of Regular Meetings of the City Council shall be established by resolution. At 11:00 p.m. at each meeting, the City Council, by majority vote, will determine whether to continue the meeting or adjourn.
- 4.4.2 At all meetings of the City Council, a majority of the Council members shall constitute a quorum for the transaction of business. In the event less than a quorum of the City Council is present, the City Clerk shall adjourn the meeting (which may include adjourning to an Adjourned Regular Meeting), post a Notice of Adjournment, and prepare minutes that reflect that the meeting was adjourned due to lack of a quorum.
- 4.4.3 The City Clerk, or Mayor, shall announce an agenda item before discussion on that item commences.
- 4.4.4 Each person desiring to address the Council is requested to submit to the City Clerk a speaker form. After being called upon by the Mayor, the speaker may proceed to the podium. The speaker may state for the record his/her name and city of residence, but shall not be required to do so.

Members of the public may speak for three (3) minutes and project applicants and appellants (including members of an applicant's or appellant's project presentation team, when applicable) may speak for a combined total of ten (10) minutes on agenda items. At Council's request where Council is acting in a fact-finding or hearing capacity, the Mayor may grant additional time (unless overruled by a majority of Councilmembers present) to speakers on agenda items.

Speakers will be called to the podium once Staff concludes its presentation of an item and before Council begins its deliberations. Speaker cards will not be accepted once deliberations have commenced.

Speakers on non-agenda items may speak for three (3) minutes during the oral communications - public forum portion of the meeting.

The time that a speaker devotes to responding to Council inquiries shall not be deducted from their allotted speaker time.

- 4.4.5 Members of the public may not assign their speaker time to another person.
- 4.4.6 The purpose of addressing the City Council is to communicate formally with the City Council regarding matters that relate to City Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the City Council. Speakers may be asked to clarify how their comments relate to the matter at hand. Speakers may address the entire Council or individual Councilmembers, and, if allowed by the Mayor or chair, City staff.
- 4.4.7 Once recognized, members of the public shall not be interrupted when speaking unless to be called to order by the Mayor to: (i) curtail extraordinary repetition, (ii) curtail speech that is irrelevant to the City Council's subject matter jurisdiction, (iii) explain how his or her speech relates to the City's subject matter jurisdiction, or (iv) address some other point of order. If a speaker is interrupted to be called to order, the speaker shall cease speaking until the question of order is determined, and if in order, he or she shall be permitted to proceed, with additional time allotted for the time taken to determine the question of order.
- 4.4.8 In order to avoid repetitious presentations, whenever any group of persons wishes to address the Council with the same message, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to represent the group's position. Speakers shall not, however, be required to abide by such a request.
- 4.4.9 To expedite Council meetings, Councilmembers are encouraged to contact Staff prior to Council meetings to obtain answers to questions and to obtain clarifications as needed.
- 4.4.10 Staff shall compose Administrative Reports in a clear and concise manner. Staff shall strive to write reports in a manner that can be easily understood by persons that do not have training in the report's subject matter.
- 4.4.11 Staff presentations at Council meetings are to be condensed to the briefest extent possible, while still providing a basic overview of the issue under consideration. Staff is encouraged to refrain from reiterating issues previously addressed in the Administrative Report. However, Staff engaged in such communications shall not use these opportunities to communicate with the members of the City Council

the comments or position of any other member of the City Council on City Council business.

4.4.12 It is the intention of the City Council to allow all members of the public, applicants, staff and each member of the City Council to engage in organized and effective dialog during public meetings. Every person in attendance should have an equal opportunity to share their thoughts and ideas without interruption. It is anticipated that on occasion, attendees may express their support or disagreement with what is being said in traditional methods such as clapping. The Presiding Officer, with the support of the full membership of the City Council, will maintain order during the meetings of the City Council. The Presiding Officer may ask the audience to reduce background noise if it interferes with the ability of the City Council to hear the communications. If the background noise continues, the Presiding Officer may call for a temporary recess.

4.4.13 Members of the public shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting is subject to removal from the meeting.

Prior to removing anyone from a City meeting, the Mayor (or other designated chair) shall: (i) notify the person that he/she is in violation of this Section 4.4.12, (ii) specify the specific behavior giving rise to that conclusion; (iii) explain all grounds for the belief that the person's conduct is in violation of law/policy and why such conduct subjects the person to expulsion; and (iv) notify the person that if the conduct continues he/she will be removed. The person receiving such notification shall be asked if he/she understands the conclusion but shall not be required to accept it.

Members of the public receiving notice of disruption pursuant to this section shall have the right, prior to being removed from the meeting, to ask the Mayor to consult with the City Attorney on the grounds for expulsion, and to submit a point of order on the grounds for expulsion. The City Council may override this decision pursuant to Section 4.1.2. The City Attorney shall have a duty to inform the Mayor (or other designated chair) and the public if the City Attorney believes that the Mayor's action is in violation of applicable law.

4.4.14 The Ralph M. Brown Act limits the ability of Councilmembers to discuss items that have not been properly placed on an agenda. This can be challenging when attendees at a City Council meeting are seeking immediate answers. The delicate balance of adhering to the Brown Act and

being responsive to the public is an important issue for elected officials. During the “Open Communications” item on the agenda, Councilmembers will refrain from conversing with speakers. At the end of the “Open Communications” portion of the agenda, the Presiding Officer will ask if any member of the City Council would like to briefly clarify any issues raised during that portion of the agenda. Councilmembers may ask staff to briefly address any of the concerns raised if (a) a short, concise answer can be provided and (b) the item is not an issue that will require any current or future action by the City Council, or ask staff to follow-up with a speaker outside of the meeting. If the clarification requires more detailed analysis or more than a short answer provided by staff, the Councilmember can ask that item be placed on a future agenda for consideration by the City Council during the “Items for Future Agendas” portion of the meeting.

4.4.15 Motions must be seconded in order to proceed to a vote.



POLICY AND PROCEDURE

| | |
|----------------------------------------|--------------------------------------------------|
| Subject: Use of City Letterhead | Index: 1201-13 Number: |
| Effective Date: April 4, 2023 | Prepared By: Laura Campagnolo, City Clerk |
| Supersedes: | Approved By: |

1.0 PURPOSE:

To establish guidelines for Council use of City of San Clemente letterhead and stationary.

2.0 ORGANIZATIONS AFFECTED:

San Clemente City Council, Appointed Commissions and Committees and City Staff.

3.0 REFERENCES:

N/A

4.0 POLICY:

4.1 Councilmembers may use City of San Clemente letterhead and stationary for official City business consistent with policies and positions which have been approved by the City Council. All Council correspondence written with City resources (letterhead, typing Staff report, postage, etc.) will reflect the position of the full Council, not individual Councilmember's positions. All Councilmember correspondence using City resources will be copied to the full Council and the City Clerk.

4.2 Letters, press releases, resident correspondence and all other forms of communication, including electronic and on social media, that infers City Council or City of San Clemente support, or opposition, as the case may be, shall only be issued following a majority vote of the City Council, or with specific reference to an adopted City ordinance or resolution.

4.3 City Councilmembers will be provided individual stationary for use of communications reflecting their personal positions, not the position of the full Council. These communications will be prepared by the individual Councilmembers. Councilmembers may utilize the City's outgoing mail service.

4.4 When a member of the City Council is issuing communication unilaterally, language in the correspondence shall clearly indicate that the support or opposition is that of the individual Councilmember alone and may not represent the full body of the City Council or official City policy. Councilmembers shall be mindful of all legal and ethical constraints in issuing communications.

4.5 The City Manager's office will coordinate the typing of correspondence for communications reflecting the position of the full Council.

RESOLUTION NO. 23-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-13 (USE OF CITY LETTERHEAD) TO INCLUDE POLICIES FOR PRESS RELEASES

WHEREAS, City Council Policy and Procedure 1201-13 (the "Policy") contains the policies and procedures for Use of City Letterhead; and

WHEREAS, the City Council wishes to adopt clear, concise, and simple rules of procedure for use of City letterhead for letters, press releases, resident correspondence and all other forms of communication that infers City Council or City of San Clemente support or opposition.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Section 4.0, Subsection 4.2 and Section 4.4 of City Council Policy 1201-13 are hereby added to read as shown in Exhibit "A" hereto.

Section 3. The City Clerk Shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

Attachment A
(Amendments to Policy 1201-13)

4.0 **Policy**

4.1 Councilmembers may use City of San Clemente letterhead and stationary for official City business consistent with policies and positions which have been approved by the City Council. All Council correspondence written with City resources (letterhead, typing Staff report, postage, etc.) will reflect the position of the full Council, not individual Councilmember's positions. All Councilmember correspondence using City resources will be copied to the full Council and the City Clerk.

4.2 Letters, press releases, resident correspondence and all other forms of communication, including electronic and social media, that infers City Council opposition, as the case may be, shall only be issued following a majority vote of the City Council, or with specific reference to an adopted City ordinance or resolution.

4.3 City Councilmembers will be provided individual stationary for use of communications reflecting their personal positions, not the position of the full Council. These communications will be prepared by the individual Councilmembers. Councilmembers may utilize the City's outgoing mail service.

4.4 When a member of the City Council is issuing communication unilaterally, language in the correspondence shall clearly indicate that the support or opposition is that of the individual Councilmember and may not represent the full body of the City Council or official City policy. Councilmembers shall be mindful of all legal and ethical constraints in issuing communications.

4.5 The City Manager's office will coordinate the typing of correspondence for communications reflecting the position of the full Council.



POLICY AND PROCEDURE

| | |
|------------------------------------------------|---------------------------------------------------------|
| Subject: Legislative Body Reimbursement | Index: Finance Number: 1201-8 |
| Effective Date: April 4, 2023 | Prepared By: Finance and Administrative Services |
| Supersedes: May 15, 2008 | Approved By: |

1.0 **PURPOSE:**

Expense reimbursement policies and procedures for members of the legislative body are hereby established to provide a common understanding of the circumstances in which such persons are entitled to reimbursement for travel outside the local area; to provide for the reimbursement of expenses incurred while members of the legislative body are conducting City business; and to ensure that all requests for reimbursement are in accordance with AB 1234, Government Code Section 53232 and existing City policies and generally accepted accounting practices.

2.0 **ORGANIZATIONS AFFECTED:**

Elected City Council Members
Appointed Members of City Commissions and Committees
Any other "Brown Act" Legislative Bodies

3.0 **REFERENCES:**

Government Code Section 53232
AB 1234

4.0 **POLICY:**

4.1 **Reimbursement** – Members of the legislative body will be reimbursed for all business expenses incurred while conducting City business provided that all required documentation is presented to substantiate the expenses. Reimbursements will be made for:

1. Communicating with representatives of regional, state and national government on City adopted policy positions.

2. Attending educational seminars designed to improve skills and knowledge. Miscellaneous expenses for registration, tuition, parking, and phone are reimbursable for City authorized business. Miscellaneous expenses must be supported with original itemized receipts.
3. Participating in regional, state and national organizations whose activities affect the City's interests.
4. Any costs associated with attending City events.
5. Implementing a City-approved strategy for attracting or retaining businesses to the City which will typically involve at least one staff member.

Reimbursement is limited to lodging, telephone charges, transportation, registration fees, meals, parking, airport or train station to hotel transportation, tips and laundry/dry cleaning.

- 4.1.1 Lodging reimbursement is limited to the minimum number of nights required to conduct the assigned City business. If a member of the legislative body chooses to arrive earlier, stay later or upgrade the room, the additional expenses will not be reimbursed by the City.
- 4.1.2 If Lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of section 54952.2, included but not limited to, ethics training required by Article 2.4, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. (53232.2 (d))
- 4.1.3 If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the Internal Revenue Service rates for reimbursement of travel and use government and group rates offered by a provider of lodging services when available. Non-reimbursable lodging-related expenses include, but are not limited to, costs for an extra person staying in the room, costs related to late check out or un-cancelled reservations, in-room pay-per-view movie rentals, and non-City business related phone calls. Original itemized receipts must accompany claims for lodging reimbursements.

- 4.1.4 Local and long distance telephone charges will be reimbursed only when such calls are made while conducting City business.
- 4.1.5 Councilmembers are expected to conduct City business within Orange County through attendance at meetings of Boards and Commissions, as appointed by the City Council, as well as meetings with City staff, constituents, attendance at events, etc., during various hours of the day or night. It is determined by the City Council that their effectiveness in representing the City is dependent on frequent and availability of adequate and reliable vehicles. Therefore, the City Council is eligible to use vehicles purchased and maintained by the City when appropriate.
- 4.1.6 Laundry/dry cleaning expenses will be reimbursed only for members attending a seminar or school for more than one week in length.
- 4.1.7 Reasonable actual costs of meals or refreshments provided **while conducting City business** will be reimbursed. Identification of the elected and appointed officials and the nature of the business must be documented. As an alternative to actual costs a "per diem" reimbursement may be selected for reimbursement.
 - 4.1.7.1 Expenses for liquor, spouses, guests or other persons not authorized to receive reimbursement will not be allowed.
- 4.1.8 Costs incurred, as part of travel, but not identified as allowable for reimbursement as part of this policy are considered the individuals responsibility.

4.2 **Per Diem Allowance** – A daily or "per diem" allowance for meals, including the meal tip, has been established at the following rates:

| | |
|-----------|------|
| Breakfast | \$9 |
| Lunch | \$12 |
| Dinner | \$25 |

- 4.2.1 A "per diem" allowance will not be reimbursed for meals included in the conference or seminar cost. A copy of the conference registration (brochure) and whether meals are included should be attached to the Travel Expense Report.
- 4.2.2 A "per diem" allowance will not be allowed if the meal is provided as part of the hotel stay.

4.2.3 Meal expenses and associated gratuities should be moderate, considering community standards and the prevailing restaurant costs of the area. The City will not pay for or reimburse for alcohol/personal bar expenses. The City will use the IRS per diem rates as a guide for reimbursement.

4.3 Transportation –

4.3.1 The City of San Clemente will not reimburse Councilmembers for personal travel (or the personal portion of any travel); political or charitable contributions or events; family expenses including partner, children or pet expenses when accompanying a member on City business; entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events; personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and personal losses incurred while on City business.

4.3.2 When traveling, Councilmembers will use the most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements. This includes the use of the most direct and time efficient route. In the event that a more expensive transportation form or route is used, the cost borne by City will be limited to the cost of the most economical, direct, efficient, and reasonable transportation form. Government and group rates must be used when available.

4.3.3 Reasonable and necessary charges for public transportation, taxi, or shuttle service are reimbursable at actual cost with receipts. Car rental is allowed when it is determined it is the most economical and reasonable mode of transportation during travel. Itemized original receipts must be submitted with vehicle rental reimbursement claims.

4.3.4 Airfares that are equal to those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. When reimbursement for parking is requested, any airport parking more than 24 hours must be in long term parking or private economy lots. Reasonable and standard baggage handling fees will be

reimbursed. If a Councilmember uses a personal car for travel, the Councilmember can seek reimbursement for mileage at the Internal Revenue Service (IRS) rates presently in effect.

- 4.4 **Travel Advance** – Individuals are encouraged to prepay all transportation, lodging and registration costs. The City may provide an advance of City funds if requested.
 - 4.5 **Mileage Reimbursement** – Mileage for personal vehicles may be reimbursed only when the cost is lowest when compared to other means of transportation. If a personal vehicle is authorized for use, a mileage reimbursement will be made at the standard mileage rate published by the Internal Revenue Service. The mileage reimbursement is intended to pay for gas, wear and tear and liability insurance for the personal vehicle.
 - 4.6 **City Manager Credit Card** – A credit card has been made available to the City Manager to pay for business conducted on behalf of the City. The cardholder is responsible for the security and use of all purchases made with the credit card.
- 5.0 **DEFINITIONS:**
Not Applicable.
- 6.0 **PROCEDURE:**
- 6.1 The City of San Clemente travel and expense policy is intended to be consistent with all provisions of State law. Where and if discrepancies between State law and these policies exist, the provisions of State law will prevail. All Councilmember travel expenditures in excess of \$250 require prior approval by the City Council. The estimated travel expenses will be placed on the consent agenda of a City Council meeting prior to travel whenever possible. If travel is more urgent and justified, the travel expenses will be placed on the consent agenda of a City Council meeting immediately following the travel.
 - 6.2 **Legislative Reporting** - Members of the legislative body shall provide brief reports on meetings attended at the expense of the City at the next regular meeting of the legislative body. (53232.3(d))

- 6.3 Travel Expense Report** - Requests for reimbursement of authorized expenses must be made on a Travel Expense Report. All requests must be submitted within 60 days of the original transaction or the completion of travel to be reimbursed. Documentation of all *original* receipts or bank card charge slips detailing the amount paid, the items/services received and the date must be submitted with the Travel Expense Report. Requests for reimbursement will be processed within the normal Accounts Payable schedule. Travel expense reports are located in Microsoft Word under the general templates, and general tab. The time calculations for per diem starts when the Councilmember begins travel. Receipts are not required to claim the meal and incidental expenses per diem. However, a travel expense report indicating time, date, place, and business purpose must be completed upon return.
- 6.4 Travel Advance Requests** - Requests for Travel Advances must be made on a Travel Expense Report. Upon completion of travel, a second Travel Expense Report must be submitted with the proper documentation of expenses for Finance Department reconciliation. In the event that the actual expenses were less than the amount advanced, a refund of the unspent portion of the advance must be turned in with the expense report. If the expenses were greater than the amount advanced, reimbursement will be processed within the normal Accounts Payable schedule.
- 6.5 Credit Card Repayment** – The credit card statement is to be provided with copies of the supporting documents/receipts and list the purpose for all purchases made with the credit card. The expenditure account number for each of the purchases is to be properly listed on the payment request. This information is to be submitted to the City Treasurer for approval. Once approved, the expenses will be submitted to Finance to be processed within the normal accounts payable schedule.
- 6.6 Approvals** – Travel expenses and travel reimbursements must be first approved by the City Manager before reports are sent to the Finance Department for the processing of payment. In the event the City Manager is uncertain whether use of a credit card or a request for cash advancement complies with this Policy, the City Manager will ask the Councilmember to seek authorization from the City Council.

RESOLUTION NO. 23-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-8 (LEGISLATIVE BODY REIMBURSEMENT) TO INCLUDE AGENDIZING TRAVEL ON THE CONSENT CALENDAR, REIMBURSEABLE EXPENDITURES AND APPROVALS FOR USE OF THE CITY CREDIT CARD.

WHEREAS, City Council Policy and Procedure 1201-8 (the "Policy") contains the policies and procedures for Legislative Body Reimbursement; and

WHEREAS, the City Council wishes to adopt clear, concise, and simple rules of procedure for these elections and appointments.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Subsection 4.1, 4.1.5, 4.2.3, 4.3.1-4.3.4, 6.1, 6.3 and 6.6 are added or amended to read as shown in Exhibit "A" hereto.

Section 2. The City Clerk Shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

Attachment A
(Amendments to Policy 1201-8)

6.0 **PROCEDURE:**

4.0 **POLICY:**

4.1 **Reimbursement** – Members of the legislative body will be reimbursed for all business expenses incurred while conducting City business provided that all required documentation is presented to substantiate the expenses. Reimbursements will be made for:

1. Communicating with representatives of regional, state and national government on City adopted policy positions.
2. Attending educational seminars designed to improve skills and knowledge. Miscellaneous expenses for registration, tuition, parking, and phone are reimbursable for City authorized business. Miscellaneous expenses must be supported with original itemized receipts.
3. Participating in regional, state and national organizations whose activities affect the City's interests.
4. Any costs associated with attending City events.
5. Implementing a City-approved strategy for attracting or retaining businesses to the City which will typically involve at least one staff member.

4.1.5 Councilmembers are expected to conduct City business within Orange County through attendance at meetings of Boards and Commissions, as appointed by the City Council, as well as meetings with City staff, constituents, attendance at events, etc., during various hours of the day or night. It is determined by the City Council that their effectiveness in representing the City is dependent on frequent and availability of adequate and reliable vehicles. Therefore, the City Council is eligible to use vehicles purchased and maintained by the City when appropriate.

4.2.3 Meal expenses and associated gratuities should be moderate, considering community standards and the prevailing restaurant costs of the area. The City will not pay for or reimburse for alcohol/personal bar expenses. The City will use the IRS per diem rates as a guide for reimbursement.

4.3 **Transportation** –

4.3.1 The City of San Clemente will not reimburse Councilmembers for personal travel (or the personal portion of any travel); political or charitable contributions or events; family expenses including partner, children or pet expenses when accompanying a member on City business; entertainment

expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events; personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and personal losses incurred while on City business.

- 4.3.2 When traveling, Councilmembers will use the most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements. This includes the use of the most direct and time efficient route. In the event that a more expensive transportation form or route is used, the cost borne by City will be limited to the cost of the most economical, direct, efficient, and reasonable transportation form. Government and group rates must be used when available.
 - 4.3.3 Reasonable and necessary charges for public transportation, taxi, or shuttle service are reimbursable at actual cost with receipts. Car rental is allowed when it is determined it is the most economical and reasonable mode of transportation during travel. Itemized original receipts must be submitted with vehicle rental reimbursement claims.
 - 4.3.4 Airfares that are equal to those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. When reimbursement for parking is requested, any airport parking more than 24 hours must be in long term parking or private economy lots. Reasonable and standard baggage handling fees will be reimbursed. If a Councilmember uses a personal car for travel, the Councilmember can seek reimbursement for mileage at the Internal Revenue Service (IRS) rates presently in effect.
- 6.1** The City of San Clemente travel and expense policy is intended to be consistent with all provisions of State law. Where and if discrepancies between State law and these policies exist, the provisions of State law will prevail. All Councilmember travel expenditures in excess of \$250 require prior approval by the City Council. The estimated travel expenses will be placed on the consent agenda of a City Council meeting prior to travel whenever possible. If travel is more urgent and justified, the travel expenses will be placed on the consent agenda of a City Council meeting immediately following the travel.

- 6.3 Travel Expense Report** - Requests for reimbursement of authorized expenses must be made on a Travel Expense Report. All requests must be submitted within 60 days of the original transaction or the completion of travel to be reimbursed. Documentation of all *original* receipts or bank card charge slips detailing the amount paid, the items/services received and the date must be submitted with the Travel Expense Report. Requests for reimbursement will be processed within the normal Accounts Payable schedule. Travel expense reports are located in Microsoft Word under the general templates, and general tab. The time calculations for per diem starts when the Councilmember begins travel. Receipts are not required to claim the meal and incidental expenses per diem. However, a travel expense report indicating time, date, place, and business purpose must be completed upon return.
- 6.6 Approvals** – Travel expenses and travel reimbursements must be first approved by the City Manager before reports are sent to the Finance Department for the processing of payment. In the event the City Manager is uncertain whether use of a credit card or a request for cash advancement complies with this Policy, the City Manager will ask the Councilmember to seek authorization from the City Council.