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CHAPTER 1
INTRODUCTION AND OVERVIEW

1.1. Purpose of Handbook
The City of Walnut Creek has prepared its own City Council Handbook ("Handbook") to assist the City Council by documenting accepted practices and clarifying expectations. The Handbook is intended to assist Councilmembers in carrying out their roles, as well as to provide useful information to prospective Councilmembers and other interested citizens. Through agreement of the City Council and staff to adhere to these practices, the effective administration of City Council affairs is greatly enhanced. While attempting to not be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

Councilmembers will be provided a copy of and be familiar with the Handbook. The City Council will conduct its meetings in accordance with the guidance in the Handbook.

The City Clerk shall be responsible for the maintenance of the Handbook and for making it available to the public. It is anticipated that this Handbook will be reviewed at least biennially, in odd years, in order to reflect changes in the law or City Council procedure or policy.

Failure to observe any of the listed rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Councilmember or by the City Council as a whole. This Handbook is not intended to be a legal statement, and is not written in legal terms.

1.2. Overview of City Documents
This Handbook provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary to undertake the business of a City Council. Many other laws, policies, plans and documents exist that bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that provide guidance to the City Council direction is provided below.

- **California Constitution and Codes**
  The California Constitution and Codes contain many requirements for the operation of city government. Many of these requirements are also replicated within the Walnut Creek Municipal Code to ensure there is broad awareness of such requirements. Walnut Creek is a “general law” city, which means it is organized in accordance with provisions of the California Government Code. Some cities within California are “charter cities” and have adopted local charters by election.

  Also described within the California Government Code is the City Council – City Manager form of government, which is practiced in Walnut Creek. Basically, this form of government prescribes that a City Council’s role is to establish polices and priorities, while the role of the City Manager is to oversee the operations of City government.
• **Walnut Creek Municipal Code**
  The Walnut Creek Municipal Code contains local laws and regulations adopted by ordinance. It contains a variety of laws including, but not limited to, planning and zoning standards, election laws, local tax standards, and park and open space regulations. The Walnut Creek Municipal Code is available either on the City’s website and from the City Clerk.

• **General Plan 2025 (Adopted April 4, 2006)**
  General Plan 2025 comprises of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas. This is a state-mandated plan addressing adopted future land development plans and policies through 2025. General Plan 2025 has been implemented through the adoption of numerous Specific Plans, including the Locust Street / Mt. Diablo Boulevard Specific Plan and the North Main Street / Ygnacio Valley Road Specific Plan.

1.3. **Orientation of New Councilmembers**
Members of the City Council should have an understanding of the full range of services, facilities and programs provided by the City. As new members join the City Council, the City Clerk coordinates with Department Directors to provide an orientation, allowing an opportunity to meet key staff and provide tours of City facilities. A Councilmember who is interested in learning more about the services, facilities and programs provided by the City should contact the City Manager.
CHAPTER 2  
CITY COUNCIL – GENERAL POWERS AND RESPONSIBILITIES

The City of Walnut Creek is governed by a five-member City Council elected at-large to four-year terms on a staggered biennial basis. Councilmember terms are staggered so that a measure of continuity is maintained in the transition from one City Council to the next. The City utilizes a mayoral rotation system in order to determine which Councilmembers shall be chosen to serve as Mayor and Mayor Pro Tem (discussed more in detail in Section 2.4). The City Councilmembers also serve as members of other entities operating on behalf of the city of Walnut Creek, including the Parking Authority, Public Facilities Financing Authority and the Successor Agency to the former Walnut Creek Redevelopment Agency.

2.1. City Council Generally
The powers of a City Council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically forbidden by the Constitution and laws of the State of California.

The Walnut Creek City Council acts as a body. While the Mayor has some additional ceremonial and administrative responsibilities, no Councilmember has any power beyond those of the other members. In the establishment of policy, voting and in all areas except those identified below, all members are equal. Except where the law requires a certain number of affirmative votes, a majority vote of the City Council establishes policy and makes decisions for the City. While an individual member may disagree with a decision of the City Council, a decision of the majority does bind the City Council to a course of action. In turn, it is staff’s responsibility to ensure that the policy of the City Council is implemented. Actions by staff to implement a decision of the City Council do not reflect any bias against a Councilmember who held a minority view on that issue.

2.2. City Council-Manager Form of Government and the Role of the City Manager
The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City who works for five independently elected officials. The City Council and City Manager should be a participatory team. Councilmembers should avoid situations that can result in the City staff being directed by one or two members of the Council. Regular communication between the City Council and the City Manager is important in managing open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.

The City Council is to evaluate the City Manager on a regular basis to ensure that both the City Council and the City Manager are in agreement about performance and goals.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.
The City Manager’s power and authority include the ability to:

- Review all agenda documents before preparing the agenda for any regular or special meeting of the City Council.

- Direct the work of all appointive City officers and departments that are the concern and responsibility of the City Council, except those that are directly appointed by or report directly to the City Council.

- Recommend to the City Council adoption of measures that the City Manager may deem necessary for the health, safety or welfare of the community.

- Consolidate or combine offices, positions, departments or units under the City Manager’s jurisdiction.

- Conduct research in administrative practices in order to bring about greater efficiency in City government.

- Provide management and leadership training to City departments.

2.3. Roles and Responsibilities – Mayor, Mayor Pro Tem and Councilmembers

1. Mayor

- Is appointed by the Council for a term of one year.

- Serves as the presiding officer of the City Council, preserving strict order and decorum at all meetings of the City Council; announces City Council decisions on all subjects; and decides all questions of order, subject to modification by the City Council.

- Leads the City Council into an effective, cohesive working team.

- Is recognized as the ceremonial spokesperson for the City.

- Selects a substitute for City representation when unable to attend.

- Concurs as to any agenda prepared by the City Clerk at the direction of the City Manager.

- May call for special meetings as necessary in response to the scope and timing of the City Council’s workload and schedule.

1 A publication that provides additional useful information in defining roles and responsibilities of elected officials can be found in the “Leadership Guide for Mayors and Councilmembers,” published by the League of California Cities. The Guide is available upon request from the City Clerk.
• Recommends City Council appointments to various public bodies, which are then confirmed by a majority vote of the City Council every December.

• Signs minutes or other required documents on behalf of the City when Mayor’s signature is required.

• Responds to correspondence submitted to the full City Council on non-agenda items.

• Charged with the administration of proclamations. Following City Council-adopted standards, the issuance of proclamations is at the Mayor’s discretion, without formal action by City Council.

• Coordinates the annual evaluation of the City Manager and City Attorney.

• Coordinates with the City Clerk for the planning of various annual ceremonial events (see Chapter 7.5 for the list of events).

• Serves as the City Council’s spokesperson in the media.

• Is entitled to vote on all matters, but does not have veto power.

2. **Mayor Pro Tem**

• Serves as the presiding officer when the Mayor is absent.

• Performs the duties of the Mayor in the Mayor’s absence or at the request of the Mayor.

• Represents the City at ceremonial functions at the request of the Mayor.

3. **Councilmembers (including Mayor and Mayor Pro Tem)**

• Participate in City Council meetings and in other public forums while demonstrating respect, consideration and courtesy to others.

• Serve as a model of leadership and civility to the community.

• Inspire public confidence in City government.

• Demonstrate honesty and integrity in every action and statement.

• Are familiar with the City Council Handbook.

• Prepare in advance of City Council meetings and be familiar with issues on the agenda.
• Advise the City Manager and City Clerk as soon as possible of an impending absence.  

• Seek authorization from the City Manager if any request of staff will require more than one hour of staff time to complete. This provision does not apply to City Council questions related to agenda reports.

• Shall not take action on any matter that has no direct effect on the local affairs of the City and over which the City has no jurisdiction.

• Shall be respectful of other people’s time, stay focused and act efficiently during public meetings.

• Commit to spending time each year outside of regular City Council meetings to work with the City Manager and staff on setting goals and priorities for the City government and to work on issues that may be inhibiting the maximal achievement of City goals.

• May represent the City at ceremonial functions at the request of the Mayor.

• Serve on City Council committees, as appointed by the Mayor with City Council confirmation.

• Represent the City Council on County, area, district or state boards, committees or commissions, and other public agencies, or quasi-public agencies, as appointed by the Mayor with City Council confirmation.

• May join two other Councilmembers to call a special meeting of the City Council (discussed in more detail in Section 9.1).

• Complete all required training in a timely manner, including State-mandated AB 1234 Ethics Training and legally mandated harassment training. (see Section 13.1).

• File in a timely manner all required Fair Political Practices Commission documentation, including the annual Statement of Economic Interests and campaign statements.

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2 California Government Code Section 36513 provides that if a Councilmember is absent from all regular City Council meetings without permission for sixty (60) days consecutively from the last regular meeting attended, (or seventy (70) days if the City Council meets once a month), the seat held by that Councilmember becomes vacant. The law is silent with regard to the basis for granting or denying permission to be absent. Such a determination is left to the City Council as a whole.
2.4. Election of Mayor and Mayor Pro Tem
There are five Councilmembers, each of whom is either elected or appointed to the City Council. Each Councilmember, regardless of whether elected or appointed, has an equal opportunity to serve as Mayor. Generally, a Councilmember will serve as Mayor once every five years. Because Councilmembers have four-year terms of office, a Councilmember may not be able to serve as Mayor in a given four-year period.

Each Councilmember has a specified position in the rotation sequence. In any year, the first person in the sequence shall be selected as Mayor, the second in the sequence as Mayor Pro Tem. After serving as Mayor, that Councilmember moves to the end of the rotation sequence, and the other four Councilmembers move forward in the sequence. If a Councilmember leaves office, the other Councilmembers move forward in the sequence. A Councilmember’s position in the sequence relative to other Councilmembers may not change except by City Council majority vote.

When a new Councilmember is elected or appointed, that Councilmember goes to the fifth position in the rotation, after all incumbents. If two or more new Councilmembers are elected at the same time, the number of votes received in the election determines the position in the rotation sequence, with the new Councilmember receiving the highest number of votes being first among the new members. Within 60 days of the election or appointment of a new Councilmember or members, the City Council will approve an updated mayoral rotation sequence.

At the first meeting in December each year, the City Council shall elect one of its members as Mayor and one as Mayor Pro Tem according to the rule set forth above. The election of the Mayor and Mayor Pro Tem shall be by vote of a majority of members of the City Council. The Mayor shall be seated and assume the duties of presiding officer immediately following the election of Mayor and before the election of the Mayor Pro Tem, unless a motion is carried to elect and seat the Mayor and Mayor Pro Tem at the same time.

The mayoral rotation system can be changed at any time by a Council majority vote.

2.5. Appointment of City Manager and City Attorney
The City Council appoints two positions within the city organization: the City Manager and the City Attorney (currently a contract attorney). Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City with the exception of staff of the City Attorney’s office. The City Attorney has such duties as prescribed by the general laws of the State and the regulations of the City (Title 2, Administration, Chapter 6, Officers.)

2.6. Vacancies
An elective office becomes vacant when the incumbent dies, resigns, retires, is removed from office under recall proceedings, is adjudged insane, convicted of a felony; or of an offense involving a violation of her/his official duties; or ceases to be a resident of the City; or neglects to qualify within ten days following election or appointment; or shall have been absent from the State without leave for more than sixty consecutive days; or fails to attend the meetings of the body of which she/he is a member for a like period without being excused by said body.
Government Code Section 36512 governs the filling of City Council vacancies for general law cities, if the City has not already adopted its own ordinance governing vacancies pursuant to that section. Per Government Code Section 36512, the City Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. However, the City may enact an ordinance providing that a person appointed to fill a vacancy holds office only until the date of a special election which shall immediately be called to fill the remainder of the term.

2.7. Concurrent Roles - Successor Agency, Public Facilities Financing Authority and Parking Authority

The City Councilmembers serve as members of other entities operating on behalf of the City Council of the City of Walnut Creek:

Parking Authority
The Parking Authority was formed in April 1970. The City Council declared via Resolution 2519 the need for a Parking Authority pursuant to the Parking Law of 1949 (Streets and Highway Code 32500 et seq). The Walnut Creek City Council declared the City Council to be the Parking Authority.

Public Facilities Financing Authority
The Public Facilities Financing Authority (PFFA) was formed in December 1992 (Resolution 92-101). The PFFA was formed via a joint powers authority with the former Redevelopment Agency of the City of Walnut Creek (currently, the Successor Agency). The PFFA was formed to provide financing of public capital improvements and working capital for its members. Examples of some of the actions made by the City Council as the PFFA are as follows: financing of the new South Locust Street Parking Garage (1/19/1993); tax allocation bonds for the Veterans Building (1250 Locust Street) (10/7/2003); the purchase and sale of tax allocation bonds for the merged Mt. Diablo and South Broadway project (1/18/2000); and bond issuance for the Boundary Oak Golf Course Improvements (6/3/1997).

Successor Agency to the Former Walnut Creek Redevelopment Agency
The California State Legislature enacted Assembly Bill X1 26 (the “Dissolution Act”) to dissolve redevelopment agencies formed under the Community Redevelopment Law effective February 1, 2012. The California Supreme Court, in its decision in California Redevelopment Association v. Matosantos, issued December 29, 2011 (the “Supreme Court Decision”), declared the Dissolution Act to be constitutional. On January 17, 2012, the Walnut Creek City Council adopted a resolution accepting for the City the role of successor agency (the “Successor Agency”) to the Redevelopment Agency of the City of Walnut Creek (the “Redevelopment Agency”). An Oversight Board (the "Oversight Board"), consisting of members representing the County, the City, and various education and special districts, was formed to approve and direct certain actions of the Successor Agency.

2.8. Role in Disaster
The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed to assemble in the City’s Emergency Operations Center
(EOC), to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The City Council adopted Resolution No. 18-26 appointing Standby Officers for the City Council and City Manager and designating an alternative location for the seat of government in the event of enemy attack, or in the event of a state of emergency or a local emergency (Appendix A). Standby officers should be identified in December of election years.
CHAPTER 3
FINANCIAL MATTERS

3.1. Council Compensation
State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, Councilmembers receive a stipend of $650 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, health, dental, vision, and life insurance plans as noted in the Compensation and Benefits Summary for Elected Officials. (Appendix B).

Councilmembers are not compensated by Walnut Creek for attendance at standing committees, joint power authorities, or other agencies or organizations, but may be compensated by those external organizations for attending meetings.

3.2. Expenditure Allowance
The annual city budget includes limited funding for Councilmembers to undertake official City business. Eligible expenses include travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending (1) meetings and events organized by the League of California Cities, U.S. Conference of Mayors, National League of Cities and the Contra Costa Mayors’ Conference; (2) meetings with representatives of local, regional, state and the federal government on adopted City policy positions; (3) educational seminars designed to improve officials’ skill and information levels; (4) meetings of regional, state and national organizations whose activities affect the City’s interests; and (5) meetings to implement a City-approved strategy for attracting or retaining businesses in the city, which will typically involve at least one staff member. Appendix C is a copy of the City’s Travel and Reimbursement Policy.

3.3. Expenditure Guidelines
Any expense must be related to the conduct of City business, such as the actual and necessary expenses incurred in the performance of a Councilmember’s official duties. Public property and public funds may not be used for any private or personal purpose, including personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen at such meetings.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager’s office with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor and City Attorney.

3 Receipt of Compensation is optional.
CHAPTER 4
COMMUNICATIONS

An important role of each Councilmember is communication with the public to assess community opinions and to communicate information about the City. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the City Council. Equally important, when members are expressing personal views and not those of City Council, the public should be so advised.

4.1. Written Correspondence
The City Manager is authorized to receive and take administrative action on all correspondence directed to the City Council. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets, is to be compiled and distributed to the City Council prior to the City Council meeting. The City Manager is also authorized to respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond to the extent possible. A courtesy copy is provided to each Councilmember.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such issues as private citizens, city letterhead, official City Council title, and staff support should not be utilized. In addition, city letterhead and staff support cannot be utilized for personal or political purposes.

4.2. Speaking for “the City”
Similar to written correspondence, when Councilmembers are requested to speak to groups or are asked the City Council’s position on an issue, the response should reflect the position of the City Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, “While I voted against X, the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. The Mayor may delegate this responsibility to the Mayor Pro Tem or a fellow Councilmember.

4.3. Speaking as an Individual
On occasion, Councilmembers may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should clearly indicate in their communications that they are not speaking for the City Council as a whole, but for themselves as one member of the Council. City letterhead and office support may be utilized in these circumstances. As discussed above, in spoken conversations, Councilmembers should clarify when they are speaking as an individual and not on behalf of the City Council.

4.4. Council Conduct with the Media
Councilmembers are frequently contacted by the media for quotes and background information. The following provides helpful tips for communication with the media:
• The Mayor is the official spokesperson for the City Council on City policy. Because the Mayor is the designated representative of the Council to present and speak on the official City position, Councilmembers must be clear about whether comments represent the official City position or a personal viewpoint.

• **Avoid going “off the record.”** Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. However, one bad experience could be catastrophic.

• **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Therefore, be cautious about use of humor, sarcasm, or word play.
CHAPTER 5
POSITIONS ON ISSUES

5.1. Positions on Issues Not Under the Council's Jurisdiction
The City Council shall not take action on any matter that has no direct effect on the local affairs of the City of Walnut Creek and over which the City, as a California municipal corporation, has no jurisdiction.

5.2. State Legislation, Propositions
The City has been a member of the League of California Cities for many years. This group actively tracks legislation at the state level. Either through the advisories received from this organization or as a result of City staff following key legislative bills of importance to the City, the City Council is at times requested to take a position or an action on pending state legislation. As a framework for screening bills that are pending to determine if the City should weigh in, the City Council adopted a Legislative Policy resolution which serves as the legislative platform for the City Council. Correspondence on legislative matters shall generally be signed by the Mayor, but for good cause, the City Manager may authorize or prepare correspondence to be signed by another Councilmember, by the City Manager, or by another official or employee, provided that the position is consistent with the Legislative Policy adopted by the City Council. Appendix D is a report outlining the Legislative Policy program for the City of Walnut Creek.

5.3. Proclamations
Proclamations are public announcements or recognitions directing attention to local residents, organizations or events. Proclamations are not statements of policy. Proclamations specifically promoting religious, racial, ethnic or sexual orientation issues will not be considered. The City Council must approve any proclamation of a political nature. The Mayor, without formal action of the City Council, may issue proclamations that adhere to these guidelines. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion. Individual Councilmembers do not issue proclamations.

5.4. Local Ballot Measures
At times local measures that affect the City may be placed on the ballot. There are restrictions regarding what actions a City Council or individual Councilmembers may take on ballot measures. Should a local measure affecting the City be placed on the ballot, the City Council will be provided a report and given the opportunity to consider whether or not to take a position on the measure.

5.5. Endorsement of Candidates
Councilmembers have the right to endorse candidates for all City Council seats or other elected offices. It is inappropriate to mention endorsements during City Council meetings, other official City meetings, or when attending other meetings as a representative of the City. Councilmembers should act with the utmost integrity when making public comments in an election season that impact their peers on the seated City Council. Campaign buttons, shirts and logos are not to be displayed from the City Council dais.

5.6. Relationship with Advisory Bodies
Councilmembers should not lobby commissioners for particular votes. However, Councilmembers may request that commissioners consider certain issues during their deliberations.
CHAPTER 6
INTERACTION WITH CITY STAFF

6.1. Agreed Upon Norms for City Council – City Staff Interactions
Governance of a city relies on the cooperative efforts of elected officials, who set policy and priorities, and City staff, who analyze problems and issues, make recommendations, and implement and administer the City Council’s policies. In order to help facilitate effective communications between the City Council and City staff, a set of Agreed upon Norms for City Council – City Staff Interactions was adopted at the City Council’s April 18, 2011 retreat (Appendix E).

6.2. Timely Response to City Council Requests
City staff will make every effort to respond in a timely and professional manner to all requests made by individual Councilmembers for information or assistance; except that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

If a request by an individual Councilmember is determined by the City Manager to take three (3) or more hours of staff time to complete, that request may be included on the formal City Council agenda for full City Council discussion.

6.3. Access to Information
Individual Councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform City Council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his/her ability to monitor the flow of information, requests for information are best tracked if submitted in writing. And to ensure proper responsiveness, questions and requests for information are to go to the City Manager, Department Director or a Director’s designee. Councilmembers are asked to copy a Department Director and the City Manager on any emails to staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City’s ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the City Council.

6.4. Dissemination of Information
In cases where a staff response to an individual Councilmember request involves written materials that may be of interest to other Councilmembers, the City Manager will provide copies of the material to all other Councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, or otherwise not available to the City Council or of interest to the City Council.
6.5. Restriction of Political Involvement by Staff
Local governments are non-partisan entities. Professional staff, as reflected within the principles of the City Council-City Manager form of government, formulate recommendations consistent with City Council policy and for the good of the community and should not be influenced by political factors.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, law exists which preserve this right.

See Appendix F for further details (Memo from City Attorney dated July 12, 2016 on Political Activities of City Officials and Employees).
CHAPTER 7  
SUPPORT PROVIDED TO CITY COUNCIL  

7.1. Staff Support  
General administrative support to members of the City Council is provided through the City Manager’s office. Administrative support includes coordinating the Mayor’s calendar, correspondence, and coordinating responses to inquiries which require City staff input. Administrative support to members of the City Council includes handling City Council mail, phone calls, correspondence and travel arrangements for City Council business. Emails received directly by Councilmembers are handled individually by the recipient with the exception of the Mayor, whose emails are handled by the City Manager’s Office. If a Councilmember forwards an email request to staff for action, then that email is handled in the same manner as any written correspondence received by mail. In addition to supporting the five City Councilmembers, the administrative support staff members also assist the City Manager and handle requests, inquiries and complaints submitted to the City. Sensitivity to the workload of support staff members in the City Manager’s office is appreciated. Prior consultation with the City Manager is requested if a Councilmember seeks administrative support for a task that requires a significant time commitment.  

7.2. Use of Office Equipment and Electronic Devices  
To enhance Councilmembers’ ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones. The City Council also has access to a copy machine and a fax machine for conducting City business. Additionally, the City Council receives paperless City Council agenda packets via the iPad. All agenda matters are communicated through the iPad and Councilmembers may use their own iPad or the City will purchase an iPad for any Councilmember upon request. The City-purchased iPad will remain property of the City and must be returned to the City once the Councilmember leaves office. Users are allowed to take the device home or use it anywhere they conduct City business. However, such use is subject to the City’s Technology Use and Email Retention policy (iPads provided by the City will not have cellular connectivity and will require the use of public or private Wi-Fi networks.) See Appendix G for a copy of this policy.  

These technologies facilitate efficient communication by Councilmembers; however, their use also raises important legal issues to which Councilmembers must pay special attention.  

Be aware that most emails sent by Councilmembers using City computers, equipment, and devices may be public records under the Public Records Act. The information in the email may be stored on the computer network for several years even upon being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act. Also be aware that the City’s email system is intended for the conduct of official business, and not for political reasons.  

It is also important to note that emails and electronic messages sent by Councilmembers on their personal devices and/or accounts that are substantively related to the conduct of public business may also be considered as public records and subject to disclosure under the Public Records Act. Examples of such communication include, but are not limited to, emails, text messages, and voicemails on cellphones and other personal devices.  
Pursuant to a public records request, Councilmembers may be required to search responsive records on personal accounts or devices. In anticipation of such a task, Councilmembers should
receive regular training to distinguish between public and private records. After a reasonable search on personal accounts or devices by a Councilmember, that Councilmember may be asked to submit an affidavit to confirm that there are no response records located on such personal devices or accounts.

Special rules should be considered during meetings subject to the Brown Act. Specifically, the Brown Act prohibits members from using “technological devices” to develop a concurrence by a majority regarding an action to be taken by the City Council. “Technological devices” under the Brown Act include phones, faxes, computer email, text or other instant messaging, public access cable TV and video. Councilmembers should not use e-mail, faxes or phones for communicating with other Councilmembers in order to develop a majority position on any particular issue that may come before the full City Council.

Summarily, the use of telecommunications and mobile computing devices by members of City Council during public meetings should be limited as follows:

1. Cellular telephones, pagers, and any other telecommunications devices should be in the silent mode or turned off during the City Council meeting.

2. Mobile computing devices shall be generally be limited to viewing publically available agenda material and materials contained in the record before the entire body.

3. No device shall be used in violation of the requirements of the Brown Act, such as by sharing communications among a majority of the legislative body privately and separately from the public discussion at the meeting.

4. No device shall be used in violation of the due process rights of interested parties at adjudicatory hearings, such as by consideration of information not a part of the hearing record, or by use of an electronic communications or data device so as to result in inattention to the record and/or proceedings before the City Council.

7.3. Use of the City Council Office and Meeting Rooms

A City Council office is available near the City Manager’s office for shared use by members of the City Council. The City Council office is to be used for conducting City business (i.e., meeting with constituents, meeting with staff, or checking City e-mail).

Councilmembers can use City meeting rooms for official City business including for committee meetings where a Councilmember serves on that committee. Councilmembers can contact the City Manager’s office staff for assistance in reserving a meeting room.

7.4. Mail and Deliveries

Members of the City Council receive mail and other materials from the public, private interests and staff. The City Manager’s office staff maintains a mailbox for each Councilmember.

7.5. Ceremonial Events

The City traditionally holds or takes part in a number of ceremonial events each year and when planning events, does so with input from the Mayor. Annual standing events (subject to change) are provided below:
- **State of the City** – Normally held mid-January to mid-February (Chamber of Commerce event).

- **Commissioners’ Reception** – The City Clerk works with the Mayor to establish a date for this event.

- **Mayors’ Conference** – The City hosts every 19 months.

- **Memorial Day** – Held annually on the last Monday of May.

- **Veterans Day** – Held annually on November 11.
CHAPTER 8
CONFLICTS AND LIABILITY

8.1. Conflict of Interest
State laws are in place to prevent an action by a Councilmember that would constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney or the Fair Political Practices Commission (“FPPC”) regarding a Councilmember’s potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; government Code §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by Government Code §1090 are different from those in the Political Reform Act. A Councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Councilmember believes that he/she may have any financial interest in a contract that will be before the City Council, the Councilmember should immediately seek advice from the City Attorney, the FPPC, or the Councilmember’s personal attorney.

There are a number of other restrictions placed on Council actions that are highlighted in the League of California Cities’ Guide (available in the City Clerk’s office). Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Councilmembers.

8.2. Conflict of Interest Related to Real Property Holdings
Certain conflicts may arise due to Councilmember property holdings, and the law requires that a Councilmember disqualify him or herself in certain situations. The threshold question is whether or not a Councilmember’s decision would have a reasonably foreseeable financial effect on his or her real property interest, giving rise to a legal conflict of interest. As a general rule, a governmental decision is considered to have a reasonably foreseeable financial effect if it “would cause a reasonably prudent person, using due care and consideration under the circumstances, to believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property.” (FPPC Regulation § 18705.2)
Common examples of conflicts include (but are not limited to) when the governmental decision involves the adoption or amendment to a general or specific plan, and the parcel is located within the proposed boundaries, where the decision determines a parcel’s zoning or rezoning, where the decision would impose, repeal, or modify taxes or fees, etc., and when a decision affecting real property value is located within 500 feet of the property line of the official’s real property.

It is recommended that any concerns or questions regarding real property conflict of interests are directed to the City Attorney’s office.

8.3. City Attorney Advice
The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only entity that can provide binding interpretations and immunity on such matters is the FPPC. Members or the full City Council may also solicit opinions on such matters directly from the FPPC, however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual members of City Council, but the City Council as a whole.

8.4. Conflict of Interest Forms
Annual disclosure statements are required of all Councilmembers, designated commissioners and senior staff, which indicate potential conflicts of interest including sources of income, real property interests and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms.

8.5. Harassment and Workplace Standards
State law prohibits, and the City has policies and procedures which prohibit, discrimination and harassment. See Appendix H.

8.6. Liability
The City offers a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to agencies with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that Councilmember’s being personally liable for damages which would not be covered by the City’s insurance. Examples may include discrimination, harassment or fraud.
CHAPTER 9
CITY COUNCIL MEETINGS

9.1. City Council Meetings
All regular and special meetings of the City Council shall be open to the public; however, closed sessions may be held for the purposes permitted by law, from which the public may be excluded.

1. **Regular Meetings**
The first and third Tuesdays of each month are designated by Municipal Code Section 2-2.01 as the regular meetings of the City Council. During the last quarter of the year, the City Council approves a City Council meeting schedule for the upcoming calendar year.

The Mayor or a majority of the members of the City Council may call additional meetings as necessary in response to the scope and timing of the City Council's workload and schedule. A majority of the City Council may cancel a regular meeting.

If the City Council determines that the City Council Chamber is not appropriate, the City Council may reschedule the meeting or designate a suitable alternative location in the City. The decision to hold a regular meeting at a location other than the City Council Chamber must be made prior to the regular meeting date and the change in location must be clearly and conspicuously stated on the agenda. If the City Council adjourns its meeting from the City Council Chamber to another location, notice of adjournment and the new location for the meeting must be posted in the City Hall lobby during the time the meeting is being held.

2. **Special Meetings**
Upon giving notice in the manner required by law, the Mayor or a majority of the members of the City Council may call a special meeting of the City Council. Topics of discussion at special meetings must be limited to those noticed to the public.

3. **Types of Sessions: Open or Closed**

**Open Sessions:**
The City Council may hold an open session (i.e. study session, retreat or workshop) to meet with various people, City Commissions and ad hoc committees; to receive briefings and background information; and to hold general discussions on major issues before formal City Council action is required. Open sessions may be scheduled as regular, adjourned regular or special meetings. The Mayor and City Manager shall collaborate on scheduling of items. Presentations to the City Council may be made by staff members, consultants, representatives of other public agencies and/or any other person expressly invited for that purpose.

**Closed Sessions:**
It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, State law recognizes that public discussion of certain items could jeopardize the public interest, compromise the City’s position, or cost the citizens of Walnut Creek financially, and, therefore, generally allows the City Council to hold closed session meetings for the consideration of certain personnel matters, labor negotiations, real property negotiations, matters of public security and the discussion of litigation, among other things. Therefore, these rules provide for strict confidentiality of City
Council discussion under certain circumstances and as required by State law. The procedures for the conduct of the closed sessions shall be the same as those for open session meetings, except that the public, after allowance for public comment, will be excluded.

Confidential Information in Closed Sessions
In 2003, the Legislature passed Assembly Bill 1945 (“AB 1945”), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council. In the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) the body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) if the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) if the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

9.2. Agenda

1. **Agenda Preparation and Distribution**
The agenda for each meeting of the City Council shall be prepared by the City Clerk at the direction of the City Manager and with the concurrence of the Mayor.

The City Clerk will make the agenda and staff reports available to the public in accordance with the Brown Act.

2. **Action on Items Not on Agenda**
The City Council shall not take action on any item not appearing on the posted agenda, except as such action is permitted by law and under the following circumstances: Both (1) upon a determination that an emergency exists, as defined by state law; and (2) upon a determination by the City Council that the need to take action immediately arose after the agenda was posted.

When an issue arises during a meeting that requires City Council action, is not listed on the agenda, and does not qualify under an exception that allows immediate action, the City Council may refer the issue to staff for review and possible placement of the item on a subsequent City Council agenda.

Councilmembers may briefly respond to a question posed or comment made by a member of the public. In addition, on their own initiative, or in response to questions posed by the public, Councilmembers may ask a clarifying question, provide a reference to staff or other resources for factual information, or ask staff to report back to the City Council.

3. **Agenda Items Originated by Councilmembers**
A member of the City Council, or the City Council itself, may take action to place a matter of business on a future agenda.
A Councilmember who wants to place an item on a future City Council agenda should raise the issue under the Councilmember Announcements portion of a meeting. With the consent of City Council, the City Manager will direct staff to place the item on the agenda of a future meeting to be held within 90 days.

Once an item has been listed on an agenda, another Councilmember may not remove the item from the agenda without the consent of the Councilmember who originally requested it.

4. **Agenda Items Originated by the Public**
A member of the public may request an item be placed on a future agenda during public comment or through other communication with Councilmembers. Upon consensus of a majority of City Council, the item will be agendized within 90 days and a staff report will be prepared and approved by the City Manager, or his/her designee.

5. **Development of an Agenda**
A long-range calendar that reflects an estimate of when items will be scheduled is maintained by the City Clerk's office. In general, the final process for developing the specific items for the next City Council meeting requires two working weeks. In other words, at the time of a City Council meeting, staff is finalizing materials for the subsequent meeting. Consequently, only in rare instances can an item requested at a City Council meeting appear on the next meeting agenda.

9.3. **General Meeting Procedures**

1. **Presiding Officer**
The Mayor is the presiding officer of the City Council. The presiding officer shall preserve strict order and decorum at all meetings of the City Council, announce City Council decisions on all subjects and decide all questions of order. If a Councilmember challenges a decision by the presiding officer, the presiding officer must call for a vote of the entire Council to uphold or modify the decision.

In the absence of the Mayor for any reason, the Mayor Pro Tem shall be the presiding officer of the Council.

In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call the City Council to order, whereupon the temporary presiding officer, identified by the rotation sequence specified in Chapter 2.5, shall be acknowledged as the presiding officer by the Councilmembers present. Upon the arrival of the Mayor or the Mayor Pro Tem and at the conclusion of the business then before the City Council, the temporary presiding officer shall relinquish the chair.

2. **Seating Arrangements**
The Mayor Pro Tem is seated immediately next to the Mayor. The Mayor shall establish the seating arrangement for regular City Council meetings.

3. **Quorum**
A majority of the Council shall constitute a quorum for any City Council meeting. No business may be transacted by the City Council at a regular or special meeting unless a quorum of the membership is present.
Except where otherwise required by law, actions by the City Council shall be by a majority of the quorum of the City Council present when action is taken.

4. **Roll Call**
   Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers; the names of those present and those absent shall be entered in the minutes. If a Councilmember should arrive late to the meeting, it shall be noted in the minutes. If the reason for a Councilmember’s absence is known, it shall be reflected in the minutes.

9.4. **Order of Business**
At the time specified on the agenda for the commencement of a meeting of the City Council, the City Councilmembers, City Clerk, City Attorney, City Manager, and such other City officers and Department Directors have been requested to be present, shall take their designated seats in either the Council Chamber or the meeting location.

1. **Regular and Special Meeting Order of Business**
For a regular or special meeting, the City Council will take up its business for consideration and disposition in the order prescribed as follows; however, with the consent of a majority of the Councilmembers present, matters may be taken out of order.

1. Opening: Pledge of Allegiance, Roll Call and Ceremonial Items
2. Consent Calendar
3. Public Communications
4. Councilmember and Staff Announcements, Reports on Activities or Requests
5. Public Hearings
6. Council Considerations
7. Adjournment

A definition of these meeting categories follows:

<table>
<thead>
<tr>
<th>Meeting Item</th>
<th>Item Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Opening</td>
<td>The Opening shall include the Pledge of Allegiance, Roll Call and any ceremonial items such as proclamations or special informational presentations.</td>
</tr>
<tr>
<td>2. Consent Calendar</td>
<td>Items may be placed on the Consent Calendar by the City Manager when such items are expected to be routinely approved without discussion or debate. The Consent Calendar shall be voted upon as one item, provided, however, that Councilmembers or members of the public may request that an individual item be removed from the Consent Calendar, in which case the item shall be considered after the vote on the remainder of the Consent Calendar. Councilmembers who do not wish to discuss an item on the Consent Calendar but who wish to vote no or to abstain, may direct the City Clerk to record a no vote or abstention for that item. Councilmembers should contact the City Manager prior to noon on the day of a Council meeting to provide notification of items to be removed from the Consent Calendar. This practice allows the City to notify staff who must be present to respond to removed items. Equally important, it also allows the City Manager to inform staff who do not need to be present at the meeting.</td>
</tr>
</tbody>
</table>
3. Public Communications

The agenda for any regular meeting shall provide an opportunity for members of the public to address the City Council on matters within the City Council’s jurisdiction that do not otherwise appear on the agenda for that meeting (see Section 9.1 for exceptions for both special meetings and study sessions and for other specifics).

4. Councilmember and Staff Announcements, Reports on Activities or Requests

As called out in the order that follows, staff members and Councilmembers will provide brief oral reports and updates on activities as required by law and will make announcements of general interest to the community.

a. City Attorney Closed Session announcements
b. City Manager reports
c. City Councilmember Reports on AB1234 activities, City Council assignments and upcoming events or requests

5. Public Hearings

At a meeting when multiple public hearings are scheduled, generally the City Council will hear first any items on appeal. The Mayor, with the concurrence of Councilmembers, may re-order the items within this portion of the agenda in order to benefit the public or to provide efficient hearing of the scheduled items.

6. City Council Considerations / Study Session items

This portion of the agenda is for items that do not require a public hearing under State or local law but where a formal staff presentation, question-and-answer period, public input, or discussion among the Councilmembers will be helpful.

7. Adjournment.

The Mayor announces the end to the meeting. The meeting may be adjourned in honor of a local citizen, commemorating their loss, if they have made significant contributions to the community.

2. Items to be Considered after 11 p.m.

In order to allow the public to attend and participate in City Council meetings, the City Council shall not take up any new item after 11:00 p.m. unless the City Council so votes.

If a public hearing will continue beyond 11:00 p.m., the City Council shall vote to either complete the item or to continue the item to a future date certain. If the item being heard is subject to a deadline, such as under the Permit Streamlining Act, the continuance shall be not more than 24 hours from that date, unless the applicant agrees to a further continuance.

The City Council will endeavor to conclude its remaining business that evening in an expeditious manner by continuing all other items of other than a routine nature.

3. Order of Business for Adjourned Meetings and Continued Items

When a meeting is adjourned or an item is continued to another date, generally the continued item will be placed first on that portion of the agenda at that meeting; however, where deemed necessary, the City Clerk, with the concurrence of the City Manager and Mayor, may place a continued item in a different order on the agenda.

9.5. Public Comment

1. Opportunity to Speak

Members of the public will be afforded the opportunity to speak, upon request, regarding all items under the subject matter jurisdiction of the City Council. The Mayor has the authority to modify the time limits set forth below based on the size of the agenda and the likely number of speakers.
During special or study session meetings, the public may address the City Council only on items on the agenda. Therefore, public testimony on agendized items will occur during City Council consideration of the item.

Due to the number of items on the agenda and the length of City Council meetings, and to ensure equal treatment of all speakers, the following time limits have been set:

<table>
<thead>
<tr>
<th>Agenda Section</th>
<th>Time Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Communications</td>
<td>• 3 minutes for each person whether an individual or group spokesperson.</td>
</tr>
<tr>
<td></td>
<td>• Total time allocated at beginning of meeting: 30 minutes; additional time for</td>
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<td></td>
<td>public comment may be allocated at the end of the meeting if necessary.</td>
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<td></td>
<td>The Mayor shall allocate the 30 minutes among as many different topics as</td>
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<tr>
<td></td>
<td>feasible. Times may be modified by the Mayor in some circumstances.</td>
</tr>
<tr>
<td>Public Hearings OR Consideration Items</td>
<td>Order of presentation:</td>
</tr>
<tr>
<td></td>
<td>Staff presentation .................................................................................. As needed</td>
</tr>
<tr>
<td></td>
<td>Appellants (when not applicants) .......................................................... 15</td>
</tr>
<tr>
<td></td>
<td>Applicants .................................................................................................. 15</td>
</tr>
<tr>
<td></td>
<td>Organized presentation by group spokesperson ...................................... 10</td>
</tr>
<tr>
<td></td>
<td>Individual speakers .................................................................................. 3</td>
</tr>
<tr>
<td></td>
<td>Rebuttal by applicant ............................................................................... 5</td>
</tr>
<tr>
<td></td>
<td>Rebuttal by appellant ............................................................................. 5</td>
</tr>
</tbody>
</table>

The Mayor has the authority to modify the time limits set forth above based on the size of the agenda and the likely number of speakers.

Speakers may not assign unused time to other speakers. During Public Hearing or Consideration items, group spokespersons are allotted 10 minutes in-lieu of other members of the group speaking on the item. The City Clerk will ensure that each speaker receives adequate warning of the start and end of the allotted time.

2. **When to Speak**
   During Public Communications, the presiding officer will recognize persons who wish to speak on matters that are not on the agenda and are within the subject matter jurisdiction of the City Council. Public comment on agenda items will be taken when the City Council considers the item.

   All remarks shall be addressed to the City Council as a legislative body and not to any individual Councilmember. Councilmembers may ask questions of a speaker at the close of a speaker's testimony. Staff may be given the opportunity to clarify public comments on matters of fact before closing for City Council deliberations.

3. **Failure to Speak**
   Any failure of a member of the public to request to speak on an item, or any failure by the City Council to afford an opportunity to speak on an item, shall not affect the City Council's right to act on that item or the validity of any action subsequently taken by the City Council.

4. **Staff**
   Staff may be provided the opportunity to present a summary of each staff report and will be available to answer questions of Councilmembers.
5. **Spokesperson for a Group of Persons**
   When any group of persons wishes to address the City Council on the same subject matter, the presiding officer may ask the group to select a spokesperson to address the City Council. A group spokesperson shall ask the presiding officer to acknowledge him or her as a group spokesperson prior to beginning to address the City Council.

6. **Addressing the Council during Council Deliberations**
   No person may address the City Council following the time for public testimony and during City Council deliberations, unless a majority of the City Council agrees or in answer to a specific question directed to the individual by a member of the City Council.

7. **Speaker Cards and Other Protocol.**
   A member of the public who wishes to address the City Council will be asked to complete a speaker card for the record; the speaker card includes the speaker's name, address and other contact information, and the number of the agenda item. The completion of a public comment card is not necessary to address the City Council but will aid the City Clerk in maintaining an accurate record. The cards are located at the lectern and in the back of the Council Chamber. The completed cards should be presented to the City Clerk.

   To ensure accuracy of the record, members of the public addressing City Council should speak in an audible tone of voice into the microphone at the lectern. Each speaker is encouraged, but not required, to give his or her name and city of residence.

9.6. **Council Discussions**
   To assist the City Council in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for the management of City Council meetings.

   1. **Obtaining the floor.** A member of the City Council or staff shall first address the Mayor to gain recognition. Comments and questions should be limited to the issue before Council. Cross-exchange between Councilmembers and public should be avoided.

   2. **Questions to Staff.** A Councilmember shall, after recognition by the Mayor, address questions to the Department Director or designated staff member. If a Councilmember has questions on an agenda item, that member should contact staff prior to the meeting in order to allow staff time to research a response/answer for the meeting. If staff answers a question about an item on the agenda, that response should be copied to all other Councilmembers.

   3. ** Interruptions.** Once a Councilmember has the floor, other Councilmembers may not interrupt except to make a point of order or point of personal privilege.

   4. **Discussion Limit.** A Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak.

   5. **Tabling Procedure** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain.
6. **Right of protest.** A Councilmember is not required to state reasons for a dissenting vote.

7. **Calling for the question.** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable, and the City Council must vote on it.

9.7. **Additional Protocol and Decorum**

To assist the City Council in working with a wide variety of backgrounds, personalities, opinion, values, and goals, additional protocols are outlined below:

1. **Use Formal Titles.** Councilmembers should refer to one another formally during public meetings as “Mayor,” “Mayor Pro Tem,” or “Councilmember,” followed by the individual’s last name.

2. **Technology.** Cellular telephones or any other telecommunications devices should be in the silent mode or turned off during the City Council Meeting.

3. **Practice civility and decorum in discussions and debates.**

4. **Honor the role of the Mayor in maintaining order.**

5. **Warnings.** The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the City Council to regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order him or her to leave the City Council meeting. If the person does not depart the City Council Chamber of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the City Council to escort that person from the City Council Chamber.

The Mayor shall deliver the requisite warning in substantially the following form:

> You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to City Council Chamber for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

6. **Misdemeanor.** Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.
9.8. Voting Procedures

Normally, Councilmembers shall work to reach consensus through discussion before a motion is made. The Mayor or any Councilmember may focus discussion toward a decision by making a motion; however, before a motion can be considered or debated, it must be seconded. A second to a motion does not bind the seconder to voting for the motion.

After a motion has been seconded, the presiding officer may open the matter for further discussion, offering the first opportunity to speak to the maker of the motion. Following the comments of the maker of the motion, the presiding officer may recognize any other Councilmember. Once the motion has been discussed and the presiding officer calls for a vote, no further discussion will be allowed; however, Councilmembers may briefly explain their votes for the record. Unless otherwise provided by law or by the item acted upon by the City Council, all City Council actions shall take effect immediately.

1. Main Motions and Other Motions

A Main Motion is the primary proposal or question before the City Council for discussion and decision. A Main Motion is both debatable and amendable.

Ten other motions may be offered during a meeting:

<table>
<thead>
<tr>
<th>Motion</th>
<th>Purpose</th>
<th>Debatable</th>
<th>Amendable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn</td>
<td>To terminate a meeting</td>
<td>No</td>
<td>Only to the time to which the meeting is to be adjourned</td>
</tr>
<tr>
<td>Recess</td>
<td>To permit an interlude in the meeting and to set a definite time for continuing the meeting</td>
<td>No</td>
<td>Only as to the length of the recess</td>
</tr>
<tr>
<td>Postpone Temporarily or Table</td>
<td>To set aside, on a temporary basis, a pending motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Calling the Question</td>
<td>To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately Requires a two-thirds vote. If the motion passes, a vote shall be taken on the pending motion or motions.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Limit or Extend Debate</td>
<td>To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion Requires a two-thirds vote of the Councilmembers present.</td>
<td>No</td>
<td>Amendments are restricted to period of time of the proposed limit or extension</td>
</tr>
<tr>
<td>Motion</td>
<td>Purpose</td>
<td>Debatable</td>
<td>Amendable</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>Refer to Committee or Staff</td>
<td>To refer the question before the City Council to a committee or to staff for the purpose of investigating or studying the proposal and to make a report back to the City Council If the motion fails, discussion or vote on the question resumes.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Substitute</td>
<td>To strike out one main motion and to insert another main motion in its place; substitute motion must relate to the subject of the original motion</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Amend</td>
<td>To modify or change a motion that is being considered by the City Council so that it will express more satisfactorily the will of the members If the amended motion passes, then the main motion should be voted on as amended.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone Indefinitely</td>
<td>To prevent further discussion and voting on the motion If the motion fails, discussion and voting on the motion resumes. If it passes, the subject of the motion shall not be brought up again for the remainder of the meeting.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Reconsider</td>
<td>To immediately bring a successful motion back for reconsideration A motion to reconsider must be made by a Councilmember in the majority and on the same date as the vote to be reconsidered was taken.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Rescind</td>
<td>Used to repeal or amend a motion for which it is too late to reconsider. A motion to rescind may be made by any Councilmember.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

2. **Precedence of Motions**

When a Main Motion is before the City Council, no more than three other motions may be on the floor at any one time, and no motion shall be considered except the following, which shall have precedence, one over the other, in the following order:

1. Adjourn
2. Recess
3. Postpone temporarily
4. Previous question
5. Limit or extend debate
6. Refer to committee or staff
7. Substitute  
8. Amend  
9. Postpone indefinitely  
10. Reconsider/Rescind

The above order of preference is subject to the following restrictions:

(1) A motion shall not be in order when the previous question has been ordered.

(2) A motion shall not be in order while a vote is being taken.

3. **Votes by Voice Vote or Roll Call**
   When present, all members are to vote. City Council votes are taken by roll call.

   Votes are aye, no or abstain only. Abstentions must be explained.

   Each time the City Council takes action it must “publicly report” any “action taken” and the vote or abstention on that action of each member present for the action. “Action taken” is defined in the Brown Act as a collective decision made by a majority of the members of a legislative body upon a motion, proposal, resolution, order or ordinance. In order to comply with this requirement, each time the City Council takes action, the action should be by motion followed either (1) by a roll call vote with each vote or abstention individually recorded in the minutes or (2) following each vote the City Clerk should announce the vote, and identify each Councilmember’s vote.

   Tie votes shall be lost motions. If a tie vote occurs when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

   No action shall be taken by secret ballot, whether preliminary or final.

4. **Voting Requirements for Specific Actions**
   Most actions of the City Council can be taken by majority vote. However, state law requires that some actions have a minimum number of affirmative votes for approval. Examples include:

   1. Approval of a general plan or specific plan amendment: Three (3) Affirmative Votes.  
   3. Approval of an ordinance or expenditure of funds: Three (3) Affirmative Votes.  
   5. Placing a general tax measure on the ballot: Four (4) Affirmative Votes.  
   6. Placing a special tax measure on the ballot: Three (3) Affirmative Votes.

5. **Reconsideration of an Item**
   Reconsideration of an item will be allowed in accordance with the following guidelines: Resubmittal of issues previously acted upon is discouraged, however, requests will be considered by a majority vote of the City Council. A motion for reconsideration must be made by a member of the prevailing majority when the previous vote was taken.
motions for reconsideration shall be entertained within two (2) meetings of the previous action. No motion for reconsideration will be entertained after this deadline unless the City Council determines significant new information has arisen which warrants such action.

9.9. Open Meeting Law ("the Brown Act")
Operations and procedures of the City and City Council incorporate requirements of the state’s open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and Penalties
The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

A. Applicability: The Act applies to City Council and all commissions, boards and City Council appointed committees (except if comprised entirely of two Councilmembers) and task forces that advise City Council. Staff cannot promote actions that would violate the Act.

B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings are defined as meetings of any member of City Council or city staff who contact more than two Councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. Serial meetings are prohibited. This restriction does not apply to the public or media who may contact Councilmembers.

Correspondence that merely takes a position on an issue is acceptable. The Brown Act applies to individuals who are elected to the City Council after the election and before the swearing-in ceremony.

C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements. Agendas are physically posted in a bulletin board outside City Hall, accessible to the public 24 hours a day during the 72-hour period. Agendas are also made available on the City’s web-site.

D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions: 1) An emergency situation exists (determined by a majority of the City Council). 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the City Council; or if less than 2/3 are present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.

E. Public Input: The public, by law, has an opportunity to address the City Council on any item of interest to the public that is within the jurisdiction of the City Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers
and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the City Council.

F. Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

H. Special Meetings: Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and City Council 24 hours before the time of the meeting.

I. Emergency Meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

J. Other Provisions: The Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information. A Guide to the Ralph M. Brown Act is available in the City Clerk’s office.
CHAPTER 10
MISCELLANEOUS INFORMATION RELATED TO CITY COUNCIL MEETINGS

10.1. City Council Meetings Video Streamed and Broadcast
All City Council meetings held in the City Council Chamber are broadcast live and rebroadcast on the City’s government access channel, web-streamed on the City’s web site, and digitally archived.

The recordings of the City Council meetings are not the official record of those meetings. The minutes are the only official record.

10.2. Action Minutes
The City Clerk shall ensure the preparation of the minutes of each City Council meeting, and these minutes will comprise the official record of the actions of the City Council. City Council minutes are action minutes, wherein little narrative is included, for televised meetings. Non-televised meetings may contain additional information.

The minutes will be scheduled for approval at a subsequent City Council meeting as part of the Consent Calendar. Councilmembers have the authority to make revisions to the minutes subject to a majority vote of the City Council. Councilmembers having only typographical corrections to minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting. To make amendments to the minutes of a City Council meeting, a Councilmember should notify the City Clerk in writing of the proposed changes in advance of the meeting. In doing so, this will allow the City Clerk to prepare an amended set of minutes for distribution either prior to or during the City Council meeting.

Once the minutes are approved by the City Council, the Mayor and City Clerk will sign the minutes verifying their accuracy. The City Clerk will maintain the minute archives.
CHAPTER 11
COUNCIL ADVISORY BODIES

11.1. City Commissions
The City of Walnut Creek has established five commissions to assist in recommending policy and help in the decision-making process in areas the City Council has deemed important to Walnut Creek.

City commissions comprise five to seven members. Commission members must be registered voters and must also live within the City of Walnut Creek, with the exception of the two architects and one landscape architect serving on the Design Review Commission, and up to two Arts Commission at-large members. These commissioners must be registered voters, but need not reside in Walnut Creek. All commissioners serve without compensation.

<table>
<thead>
<tr>
<th>Commission</th>
<th>Formed</th>
<th>Authority</th>
<th>Membership</th>
<th>Department Liaison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts (4th Monday in Jan., April, July &amp; Oct.)</td>
<td>12/6/1961</td>
<td>Ordinances 564 &amp; 2106</td>
<td>5 members</td>
<td>Arts + Recreation</td>
</tr>
<tr>
<td>Repurposed</td>
<td>1/5/2012</td>
<td></td>
<td>4 year term</td>
<td></td>
</tr>
<tr>
<td>Design Review (1st &amp; 3rd Wednesdays each month)</td>
<td>4/23/1973 Ordinances 1172 &amp; 2106</td>
<td>5 members</td>
<td>Community and Economic Development</td>
<td></td>
</tr>
<tr>
<td>Park, Recreation and Open Space (bi-monthly on 1st Monday)</td>
<td>12/6/1944 Ordinance 2106</td>
<td>5 members</td>
<td>Public Works</td>
<td></td>
</tr>
<tr>
<td>Planning (2nd &amp; 4th Thursdays each month)</td>
<td>10/1/1930 Ordinances 56 &amp; 2106</td>
<td>7 members</td>
<td>Community and Economic Development</td>
<td></td>
</tr>
<tr>
<td>Transportation (bi-monthly on 3rd Thursday)</td>
<td>6/10/1974 Ordinances 1218 &amp; 2106</td>
<td>5 members</td>
<td>Public Works</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4 year term</td>
<td></td>
</tr>
</tbody>
</table>

In order to maximize citizen participation on City commissions, it is City Council policy and practice to limit the number of terms served consecutively on a commission to two. However, the City Council may appoint a commissioner to one or more additional consecutive terms if the commissioner submits an application, and the City Council determines it would be in the best interests of the City to reappoint the commissioner who has, or will have at the end of the current term, met the term limit.

Terms are intended to commence on the first Tuesday in March when the Oath of Office is taken. In the event of an unscheduled vacancy the term will commence upon the oath of office and seating at the first meeting. However, for the purpose of calculating term limits as set forth above, an appointment to fill a vacancy with less than fifty percent (50%) of the term remaining will not be counted.

Selection Process
Commissioners are appointed by a majority vote of the City Council and serve staggered terms. Commission recruitment occurs biennially in January through the City Clerk’s office. The
process begins with the City Council interviewing current commissioners who are up for reappointment for a second term. After reappointments are complete, the City Clerk recruits for open seats utilizing multiple types of advertising, the media and networking opportunities to present qualified candidates to the City Council for consideration.

The interview and selection of candidates is an open process. The City Council reviews the applications and votes to select the most qualified applicants to interview. The full City Council conducts interviews in February. Following the interviews, the City Council ballots and appoints the applicant(s) receiving the highest number of votes.

**Attendance, Unscheduled Vacancy & Resignation**

If an unscheduled vacancy occurs on a commission, the City Council may consider first the most current list of eligible candidates previously selected by the City Council from the list maintained by the City Clerk. If desired, the City Council may open an application period for new applications to consider in addition to those on the list. The application process will be conducted in the same way as that for a scheduled vacancy.

The City Council receives an attendance report for all commissioners at its second meeting of the year. The attendance reports will appear on the Consent Calendar for City Council review. However, any Councilmember may pull the item for discussion and direction by the City Council. Commissioners who did not attend at least 75% of his or her commission meetings, may be removed from the commission. Commission members who are unable to continue their service, for whatever reason, should submit a formal letter of resignation to the City Council. A commission member may be removed from office at any time by majority vote of the City Council.

**11.2. Council Appointed Representatives**

The City Council appoints a Walnut Creek representative to serve on the following bodies: Contra Costa County Library Commission; Contra Costa Advisory Council on Aging; Contra Costa Mosquito and Vector Control Board, County Connection Citizens Advisory Committee and the Iron Horse Corridor Management Program Advisory Committee. Commission members must be registered voters living within the City of Walnut Creek boundaries. The appointment of these representatives is handled in conjunction with the biennial commission recruitment process. The appointed Walnut Creek representatives should provide annual updates to the City Council at a minimum.

**11.3. Other Citizen Committees**

In addition to City Commissions, the City Council may also establish special advisory bodies to study and review specific programs and address a community need. The advisory bodies are much more limited in scope than City Commissions.
CHAPTER 12
CITY COUNCIL COMMITTEES

12.1. Committees Generally
The City Council from time to time, may form committees in order to address issues of interest. They may be either a standing committee (for example the Finance Committee) or an ad hoc committee with limited duration which is disbanded after completion of a specific study or report (for example Broadway Plaza Development Agreement Committee). The City Council accepted Guidelines outlining procedures pertaining to City Council Committees at the October 25, 2013 special meeting (Appendix I).

City Council Committee appointments are made annually each December for the following year. The Mayor recommends the appointments, which are then confirmed by a majority vote of the City Council. (Note: the senior member of a committee serves as the Chair).

It shall be the prerogative of the Mayor, taking into consideration relative length of City Council service, individual Councilmember preference and equivalency, to assign individual Councilmembers to these various Committees.

The City Council shall review status of all Committees at least annually prior to the appointments in December in order to determine their effectiveness. The City Clerk maintains a list of such appointments.

Councilmembers are encouraged to participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the Council on matters discussed at committees and other regional and state board/agency/group activities in which they have been involved. Appendix J is a Master List of Regional Board Opportunities Available to Councilmembers.

12.2. Standing Committees
The City Council may organize among its members such standing committees of two members as it may determine useful, each of which shall act as a fact finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by City Council and making recommendations thereon to the City Council as a whole.

Each Councilmember shall be assigned by the Mayor to various standing committees. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other Councilmembers. Any direction provided by a standing committee shall require two affirmative votes by the standing committee members.

Currently, four Standing Committees exist: Public Education; Finance; Housing and Community Development; and Public Safety (Appendix K contains the Resolutions establishing the committees).

12.3. Ad Hoc Committees
From time to time Ad Hoc committees may be formed by the Mayor to address special concerns which may be of short duration. An Ad Hoc committee is composed solely of less
than a quorum of the City Council and is exempted from the Brown Act. The exemption covers advisory committees that are ad-hoc in nature (serving a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed). These committees are not required to schedule regular meetings or post meeting dates and agendas.

12.4. City Council Representation on Other Agencies
Councilmembers may be assigned to represent the City on county, area, district or state boards, committees or commissions, and other public agencies or quasi-public agencies. The Mayor recommends the appointments, which are then confirmed by a majority vote of the City Council. The City Clerk shall maintain a list of all such appointments.

An appointed representative or representatives shall be the duly authorized representatives and spokespersons for the City Council on or before such bodies; no other Councilmember shall speak as the City Council's representative or on behalf of the City Council before such bodies. A Councilmember may appear before such body as a private citizen.
CHAPTER 13
MISCELLANEOUS REQUIREMENTS

13.1 Ethics Training
State Assembly Bill 1234 (AB 1234) requires Councilmembers to take Ethics Training because of the compensation received for service or the reimbursement received for expenses. Councilmembers are required to take training no later than one year from the first day of service. A refresher training is required every two years thereafter (City Clerk will send reminder notices).

A free online ethics training course is available at: http://localethics.fppc.ca.gov.

Upon completion of the online course, Public Service Ethics Education Online Proof of Participation Certificate is issued, which must be signed and the original Certificate filed with the City Clerk.

13.2 Sexual Harassment Training
State Assembly Bill 1661 requires all local agency legislative body members and any elected local agency officials who receive any kind of compensation, salary, or stipend in the performance of their duties to receive sexual harassment prevention and education training.

As such, Councilmembers must participate in a minimum of two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter.

Contents of the training required for elected officials must include: (1) information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to the victims of such harassment in the employment context; and (2) practical examples aimed at instructing the official in the prevention of sexual harassment, discrimination and retaliation.

Upon completion of a training course provided by the City or other providers consistent with the requirements above, a proof of participation/certificate of completion should be filed with the City Clerk to be maintained as a part of the City’s records.

13.3 City-wide Policies Applicable to City Councilmembers

Political Reform Act & Statement of Economic Interest
Government Code Section 87200 requires that all Councilmembers fully disclose personal assets and income as described in the California Fair Political Practices Commission (FPPC) Form 700, Statement of Economic Interest. (See Section 8.4)

More information can be found at http://www.fppc.ca.gov or by contacting the City Attorney’s office.

Mandated Reporter Law
All City Councilmembers are subject to mandated reporter laws. The California Child Abuse and Neglect Reporting ACT (CANRA) can be found in California Penal Code Sections 11164-11174.3. Mandated reporters should become familiar with the detailed requirements as they are
set forth in CANRA. Under the law, mandated reporters must report abuse when the victim is a child (a person under the age of 18) and the perpetrator is any person (including a child). Abuse includes physical abuse, sexual abuse, willful cruelty or unjustified punishment, unlawful corporal punishment, and neglect. If a Councilmember is aware of abuse of this kind, they are responsible for reporting it to the Walnut Creek Police Department.
Institute for Local Governance (ILG)
The Institute for Local Government promotes good government at the local level with practical, impartial and easy-to-use resources for California communities. ILG resources are available through an extensive website, webinars, conference sessions, publications and more. The ILG has an Internet website at www.ca.ilg.org.

League of California Cities
The League of California Cities is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The League has an Internet web site at www.cacities.org. The City of Walnut Creek participates in League activities through the East Bay Division.

Other Reference Material Available
- The Brown Act - Open Meetings for Local Legislative Bodies
- A Guide to the Political Reform Act
- Elected Officials Handbooks
- City of Walnut Creek Municipal Code
CHAPTER 15
APPENDIX

A. Resolution No. 18-26 appointing Standby Officers for the City Council and City Manager.

B. Compensation and Benefits Summary for elected Officials.

C. Travel and Reimbursement Policy.

D. State and Federal Legislative Agenda.

E. Agreed Upon Norms for City Council – City Staff Interactions.

F. Memo from City Attorney dated May 2018 on Political Activities of City Officials and Employees.

G. Technology Use and Email Retention Policy.

H. Discrimination and Harassment Policy.

I. City Council Committee Guidelines.

J. Master List of Regional Board Opportunities Available to Councilmembers.

K. Resolutions establishing Standing Committees.
APPENDIX A
CITY OF WALNUT CREEK
RESOLUTION NO. 19-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
RESCINDING RESOLUTION NO. 18-26 AND APPOINTING STANDBY
OFFICERS FOR THE CITY COUNCIL AND CITY MANAGER IN THE EVENT
OF ENEMY ATTACK, OR IN THE EVENT OF A STATE OF EMERGENCY, OR
A LOCAL EMERGENCY

WHEREAS, Sec. 8635 et seq. of the Government Code of the State of California, entitled
"Preservation of Local Government" provides the procedure whereby cities may provide for the
continuance of the legislative department of the City in the event of enemy attack, or in the event of a
state of emergency or a local emergency, by appointing three standby officers for each member of the
City Council and City Manager; and

WHEREAS, the City has carefully investigated the qualifications of the hereinafter named
officers.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WALNUT CREEK AS FOLLOWS:

Section 1. The following are hereby appointed standby officers for the City Council of the City:

Cindy Silva

1. Kathy Hicks
2. Allan Moore
3. Ken Strongman

Justin Wedel

1. Hardy Miller
2. Ed Wohlers
3. Brendan Moran

Matt Francois

1. Rhett Bratt
2. Jason Cooke
3. Cindy Darling

Kevin Wilk

1. Brian Krcelic
2. Bob Brittain
3. Sue Hamil
Loella Haskew

1. Gary Skrel
2. Sue Rainey
3. Gail Murray

Section 2. In the event that the City Manager cannot fulfill his/her duties or elects to delegate his/her position as Director of Emergency Services, the following appointments shall be made in the order of 1, 2 and 3 for the Director of Emergency Services:

1. Assistant City Manager
2. Chief of Police
3. Public Works Director

Section 3. Each of the designated standby officers for the City Council shall take the oath of office as required for the office of Council Member and shall serve in his/her post as standby officer at the pleasure of the City Council and may be removed and replaced at any time with or without cause. Standby officers shall receive no compensation for the performance of their duties as standby officers.

Section 4. Each standby officer shall have the following duties:

1. To inform himself or herself of the duties of the office for which he or she is standby officer. He or she shall receive from the City of Walnut Creek a copy of 8635 et seq. of the Government Code of the State of California entitled A Preservation of Local Government.

2. To keep informed of the business and affairs of the City of Walnut Creek to the extent necessary to enable him or her to fill his or her post competently. For this purpose the City of Walnut Creek, may arrange information meetings and require attendance.

3. To immediately report himself or herself ready for duty in the event of enemy attack or in the event of a state of emergency or a local emergency at the place and in the method previously designated by the City of Walnut Creek.

4. To fill the post for which he or she has been appointed when because of enemy attack or in the event of a state of emergency or a local emergency it has become vacant. Standby officer’s number 2 and 3 shall substitute in succession for standby officer number 1 in the same way that said standby officer number 1 is substituted in place of the regular officer. He or she shall serve until the recovery of the regular officer from his or her injuries.

Section 5. Resolution No. 18-26 is hereby rescinded.

Section 6. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 16th day of April, 2019 by the following called vote:
City of Walnut Creek

Resolution No. 19-27

AYES: Councilmembers: Francois, Wedel, Wilk, Haskew, Mayor Silva

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Cindy Silva
Mayor of the City of Walnut Creek

Attest:

Suzie Martinez, MMC
City Clerk of the City of Walnut Creek
APPENDIX B
## Compensation and Benefits for Councilmembers

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Salary</strong></td>
<td>Effective 12/1/2002 $650 per month&lt;br&gt;(Ordinance No. 1995)</td>
</tr>
<tr>
<td><strong>CalPERS Retirement</strong></td>
<td>Eligible for optional membership in CalPERS. Local Miscellaneous: Three benefit formulas (2% at 55, 2% @ 60, and 2% @ 62; applicable formula determined in accordance with CalPERS regulations).&lt;br&gt;City pays the employer rate. Councilmember pays the full employee share of the CalPERS employee contribution as determined by CalPERS and the CalPERS Survivor Benefit of $2.00 per month.</td>
</tr>
<tr>
<td><strong>APPLE 401(a) Plan</strong>&lt;br&gt;(alternative plan to Social Security)</td>
<td>If decline optional CalPERS membership, required to participate in APPLE 401(a) plan, unless qualified retired annuitant.&lt;br&gt;Councilmember contribution: 5%&lt;br&gt;City contribution: 2.5%</td>
</tr>
<tr>
<td><strong>Medical Insurance</strong></td>
<td>City contributes a medical insurance benefit towards single-party coverage in one of the City's medical plans (currently the City's medical plans include Kaiser Permanente and Blue Shield HDHP and HMO plans).&lt;br&gt;If enroll in coverage under either the City's Kaiser or Blue Shield HDHP medical plan, may be eligible to set up a Health Savings Account (HSA). City contribution to the HSA, if any, based on the benefit for an employee in the General Management Unit enrolled in single-party HDHP medical coverage. The Councilmember is responsible for applicable HSA account fees. Effective 1/1/2015: Employee cost-sharing is 15% of applicable single-party premium. May &quot;buy-up&quot; to two-party or family coverage at own expense. In-lieu of medical benefit: Redirect $350 per month to 457 Deferred Compensation Plan.</td>
</tr>
<tr>
<td><strong>Automobile Allowance</strong></td>
<td>Effective 7/1/02&lt;br&gt;$100 per month</td>
</tr>
<tr>
<td><strong>Technology Allowance</strong></td>
<td>Effective 7/11/1995&lt;br&gt;$55 per month</td>
</tr>
<tr>
<td><strong>EAP (Employee Assistance Program)</strong></td>
<td>Up to 3 sessions for each incident included per fiscal year for employee and/or dependents. No cost to Councilmember.</td>
</tr>
<tr>
<td><strong>Optional Benefits</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Dental and Vision Insurance</strong></td>
<td>Eligible to participate in dental and vision plans, at own expense.</td>
</tr>
<tr>
<td><strong>457 Deferred Compensation Plan</strong></td>
<td>Voluntary employee contributions via payroll deduction on a pre-tax basis. No City contribution.</td>
</tr>
</tbody>
</table>

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1. Each Councilmember is also subject to any statutory requirements, such as Medicare taxes (1.45% of compensation paid by employee and equivalent of 1.45% paid by City).
2. Individual Councilmembers may and have elected reduced compensation and/or benefits.
APPENDIX C
CITY OF WALNUT CREEK
RESOLUTION 05-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
ADOPTING A TRAVEL AND REIMBURSEMENT POLICY
FOR THE CITY OF WALNUT CREEK

The City Council of the City of Walnut Creek resolves as follows:

1. City of Walnut Creek Administrative Policy 72-1, as amended from time to time by the City Manager, is reaffirmed as the travel and reimbursement policy for all City officials and employees, including but not limited to Councilmembers, Commissioners and members of Task Forces and Committees.

2. Councilmembers, Commissioners and members of Task Forces and Committees may be reimbursed for travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings and events organized by the League of California Cities, U.S. Conference of Mayors, National League of Cities, and the Contra Costa Mayors' Conference.

3. Councilmembers, Commissioners and members of Task Forces and Committees may be reimbursed for travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings with representatives of local, regional, state and the national government on adopted city policy positions, attending educational seminars designed to improve officials' skill and information levels, and participating in regional, state and national organizations whose activities affect the City's interests.

4. Councilmembers, Commissioners and members of Task Forces and Committees may be reimbursed for travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings to implement a City-approved strategy for attracting or retaining businesses to the city, which will typically involve at least one staff member.

5. Councilmembers shall continue to receive a $100 monthly automobile allowance for actual and necessary expenses resulting from use of their private vehicles for attending City events and other Council business.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 20th day of December 2005, by the following called vote:

AYES: Councilmembers: Rainey, Regalia, Abrams, Skrel, Mayor Hicks

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Kathy Hicks
Mayor of the City of Walnut Creek
Attest:

Patrice M. Olds
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY that the foregoing Resolution No. 05-42 was duly and regularly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 20th day of December 2005.

Patrice M. Olds
City Clerk of the City of Walnut Creek
CITY OF WALNUT CREEK

ADMINISTRATIVE POLICY NO. 72-1

Revised: October, 1989
October, 1996

TRAVEL AND REIMBURSEMENT

PURPOSE

To establish a policy for the reimbursement of official travel at City expense.

DEFINITION

The term "employee" for purposes of this policy shall mean City officials (City Councilmembers, Commissioners, Members of Task Forces and Committees) and employees.

POLICY

A. Employees are eligible to be reimbursed for reasonable expenses incurred while on City business. Reimbursement of travel expenses is not strictly required and in certain instances it may not be appropriate for an employee to be reimbursed for all travel expenses.

The Finance Division shall not reimburse any travel expenditures unless adequate funds are available in the designated program travel account.

B. Advance approval for travel is required when costs exceed $500 or overnight lodging is planned. A "Travel Authorization" form must be completed, approved by the Department Director, and forwarded to the Budget Control Section of the Finance Division at least ten (10) days prior to trip departure.

REIMBURSABLE EXPENSES

It is very important that employees keep track of their reimbursable expenses and safeguard all receipts needed to support their claims for reimbursement. Ignoring this requirement could result in the denial of an employee's claim.
TRAVEL AND REIMBURSEMENT

The following are considered reimbursable expenses:

A. Registration Fees

The City will reimburse employees in full for such registration fees as may be required for attendance at authorized conferences, meetings, seminars and training.

B. Transportation

Reimbursement shall be limited to the most economical method and the most usually traveled route. An important consideration should include time away from the job. The least expensive mode of transportation will be the maximum reimbursement.

1. Automobile
   
   a. City vehicles should be used when appropriate.
   
   b. Private vehicles will be reimbursed at the rates prescribed by the Internal Revenue Service for personal income tax returns, but shall in no event exceed the cost of coach air travel.

2. Air Travel

   a. Shall be coach class utilizing excursion fares where possible.

C. Lodging and Incidental Expenses

1. Hotel and motel rooms will be reimbursed on the basis of actual expenditures if the travel destination is outside the seven county area including Contra Costa, Alameda, San Francisco, Santa Clara, San Mateo, Marin and Solano.

Reimbursement within the seven county area is subject to City Manager approval.
TRAVEL AND REIMBURSEMENT

2. Reasonable incidental expenses, such as tips, cab fare, parking fees, luggage handling when required in connection with official City business, will be reimbursed on the basis of actual expenditure.

3. Telephone calls required in connection with official City business and one personal call per day (maximum ten-minute duration).

D. Meals

1. "Per Diem" allowance of $35 daily for all meals and tips. The per diem option requires no receipts and allows for:

   Breakfast @ $ 6.00
   Lunch       @ 9.00
   Dinner      @ 20.00

2. An employee has the option of collecting receipts for all meals taken and submitting these for reimbursement in lieu of the per diem allowance.

PROCEDURE

A. Travel requiring prior authorization (total cost exceeds $500 or overnight lodging is planned)

1. Prior to Travel

   a. It is the employee's responsibility to complete the Travel Authorization form when required by this policy. An estimate of total travel costs, and any advance payments required, should be prepared and approved by the Department Director. Department Director travel must be approved by the City Manager.

   Advance payments may include registration fees, hotel deposit/payment, travel fees and cash. All advances should be requested with a special payment demand prepared to the appropriate vendor.
TRAVEL AND REIMBURSEMENT

b. The approved form should be forwarded to the Budget Control Section of the Finance Division at least ten (10) days prior to the date cash advances or payments to vendors are required.

c. The Finance Division will review the form for completeness, verify that funds are available to pay for the trip, and sign the Special Payment Demands.

d. If approved by the Finance Division, the form will then be given to the Accounts Payable Section for payment.

2. When the trip is complete

a. A final accounting of actual trip expenses should be completed by the employee within five working days of the conclusion of the trip.

b. If a claim for additional funds due the employee is requested, all receipts and/or explanations should be attached to the form and forwarded to the Department Director. If the claim is approved, the Department Director will forward the form and attachments to the Budget Control Section of the Finance Division for audit and final disposition.

c. If a refund of advanced funds or "no claim" results from the final accounting the employee should forward the form and attachments to the Budget Control Section of the Finance Division for audit and final disposition.

B. Travel Not Requiring Prior Approval

1. Periodic reimbursement of travel expenses for individuals may be submitted on a Periodic Expense Report (AM 74-1b), SPD or petty cash (if applicable). Use of this method anticipates the employee will have reimbursable meetings and/or trips that do not meet the requirements for prior approval.

2. All reimbursement documents should indicate the date and purpose of each expenditure, show proper coding for the expenditure, and be signed by the individual and the Department Director.
# TRAVEL AUTHORIZATION

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Department</th>
<th>Employee Signature</th>
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<table>
<thead>
<tr>
<th>Date &amp; Time of Departure</th>
<th>Destination</th>
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<table>
<thead>
<tr>
<th>Date &amp; Time of Return</th>
<th>Purpose</th>
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<table>
<thead>
<tr>
<th>POST PLAN NO.</th>
<th>M.I.P. FUNDS USED</th>
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<tbody>
<tr>
<td>(If applicable)</td>
<td>Yes/No</td>
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<table>
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<tr>
<th>Description</th>
<th>Vendor</th>
<th>Est. Amount</th>
<th>ADVANCE</th>
<th>CHARGE</th>
<th>AFTER TRAVEL</th>
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<tbody>
<tr>
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<tr>
<td>Transportation</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
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<tr>
<td>Meals</td>
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<tr>
<td>Surface Travel</td>
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<tr>
<td>Other</td>
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<table>
<thead>
<tr>
<th>TOTAL ADVANCE</th>
<th>TOTAL Actual Cost</th>
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## Meals Worksheet

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Price/Item</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td></td>
<td>@ $6.00</td>
<td></td>
</tr>
<tr>
<td>Lunch</td>
<td></td>
<td>@ $9.00</td>
<td></td>
</tr>
<tr>
<td>Dinner</td>
<td></td>
<td>@ $20.00</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REFUND</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLAIM</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Claim Only: Signature required Employee

Dept. Director

Is expense properly supported?
Yes [ ] No [ ]

Accounting Div.
Ad.Serv. Dir.

## APPROVAL

<table>
<thead>
<tr>
<th>Approval</th>
<th>Finance:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FUNDS AVAILABLE YES / NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dept. Director</th>
<th>Admin. Serv. Dir.</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

Distribution: White: A/P, Yellow: A/P, Pink: Requestor
MEMORANDUM

To: Mayor Cindy Silva and Members of the Walnut Creek City Council
CC: Dan Buckshi, City Manager
From: Christopher Townsend, President
Niccolo De Luca, Senior Director
Alex Gibbs, Senior Associate
Date: February 5, 2019
Subject: Proposed 2019 State Legislative Agenda

Townsend Public Affairs, Inc. (TPA) has prepared this report for the City of Walnut Creek outlining areas of state legislative interest for 2019. The report outlines the City’s legislative principles and policy topics of interest to the City for the upcoming legislative year.

The strategic agenda includes advocating for legislation, regulations, and funding that is consistent with the City’s adopted goals. If the Council is supportive of the proposals listed below, TPA will continue to research what can be accomplished through legislation, regulations, or direct advocacy with State agencies and other organizations to help address Walnut Creek’s needs.

League of California Cities
The City will advocate for positions taken by the League of California Cities on various topics unless those positions are in direct conflict with the 2019 State Legislative Agenda.

Legislative Principles

Ensure Walnut Creek Can Appropriately Serve the Needs of Residents

An ongoing top priority for the City is to retain local authority over its municipal affairs. The City values its ability and authority to respond to the unique needs and conditions in community, provide excellent public services, and protect and enhance the quality of life for Walnut Creek residents and businesses.

In particular, the City will focus its efforts on legislation that limits or restricts the ability to address public employee relations and employer costs, housing development and local land use, the implementation of cannabis at the local level, the implementation and expansion of community choice aggregation, and on preserving existing funding options for local government.
Ensure City’s Competitiveness Through Strategic Economic Development

Walnut Creek embraces efforts to support legislation or obtain funding for economic development and environmental initiatives, including planning and implementation of regional transportation and traffic congestion relief projects; supporting the sharing economy—particularly the direct economic benefits to Walnut Creek and our region; the City’s ability to regulate the shared economy; and the implementation of economic development funding opportunities that would support businesses especially to attract clean tech, communication technology, artificial intelligence and biomedical research businesses.

Promote Livability, Sustainable Development and Environmental Protection

Walnut Creek supports legislation and policies that emphasize sustainable development, improve environmental standards and the regulatory process, provide incentives and financial support for preservation of natural resources, promote sustainable energy policies, support open space and land conservation, support the arts, cultural facilities, libraries and services for seniors and youth of all ages.

Particular Areas of Focus

- The City receives grants from both the National Endowment for Arts (NEA) and the California Arts Council (CAC) that supplement General Fund support for City arts programs. The City supports sustained funding for the NEA at the Federal level and the CAC at the State level.

- California is a leader in enacting policies to combat climate change. Many of these policies are implemented at the local level through Climate Action Plans (CAPs). Many cities, including Walnut Creek, have Climate Action Plans that expire in 2020. The City supports legislation that provides a funding source to update and expand CAPs.

- California has experienced extreme droughts and wildfires as the impacts of climate change are beginning to show locally. Many jurisdictions complement their CAPs, which are focused on preventing climate change, with Adaptation Plans that focus on how they will adapt to and prepare for the local impacts of climate change. The City supports legislation that provides a funding source to create and update Adaptation Plans.

- The City supports the California Public Utilities Commission decisions and State legislation that increase the funding for energy-saving programs, such as East Bay Energy Watch, and funding for programs that reduce greenhouse gas emissions. The City joined Marin Clean Energy (MCE) to offer residents and businesses additional, cleaner, and greener electric energy choices. As a member of MCE, the City opposes restrictive legislation targeting community choice energy programs.

- The abundance of migratory geese and the waste they bring to parks and ball fields on a daily basis is challenging for recreational programming and park maintenance. It also poses a public health concern to park patrons of all ages. The City supports a change in environmental regulations so that public health can be prioritized to
allow for more substantial mitigation efforts.

o The City supports funding for vegetation management programs to enhance, protect, and preserve open space and natural resources as well as mitigate the risk of wildfires and other related natural disasters such as erosion and mudslides.

o The City supports the re-evaluation of the State’s solid waste diversion rates to accommodate changes in the recycling market.

Support Investment in Infrastructure Rehabilitation
The City supports legislation and policies that promote the investment in maintenance and rehabilitation of aging infrastructure, and supports building system capacity to expand smart growth principles.

Among its priorities, the City supports State and Federal efforts to provide funding to rehabilitate routes of regional significance and major arterials; to create new Cap and Trade funding; and to protect any local funding created through comprehensive transportation funding programs.

**Particular Areas of Focus**

o The Heather Farm Community Center, Clarke Swim Center, Civic Park Community Center, and the Shadelands Art Center are in dire need of an upgrade or complete reconstruction. These facilities serve both Walnut Creek residents and regional visitors. The City is actively pursuing grant funding to make these projects more financially feasible.

o The Federal Clean Water Act, administered by the State Regional Water Quality Control Board, requires 0% trash in the storm drain. This requirement is unachievable and requires extensive City resources. The City supports amending legislation (SB 231) to provide funding for the programs necessary to meet the mandates of the Clean Water Act. It also supports amending the requirement to a more attainable goal.

o The City allocates approximately 30% of its road funds to provide curb cuts to satisfy ADA requirements. The definition of a capital project requiring upgrades to current infrastructure was recently expanded to include “cape seals.” The City supports legislation that would provide ongoing revenue to agencies to construct ADA improvements or that would re-define a capital road construction project to include an overlay or reconstruction.

Support Efforts to Keep Walnut Creek Safe
Walnut Creek supports federal and state legislation and policies to access resources that provide high-quality police, fire, emergency management and emergency medical services.

Among its priorities for public safety, the City is focused on issues such as keeping students safe in schools; protecting youth, seniors, and at-risk populations; eliminating human trafficking and sexual offenders; implementing the effective use of body cameras and related memory
storage, and records retention; implementing the law related to recreational cannabis; dealing with the effects of “realignment”; coping with the effects of the opioid epidemic and its effect on residents; responding to wildfires and other natural disasters; and identifying federal and state funding opportunities.

**Particular Areas of Focus**

- The City supports additional funding for homeless services and mental health outreach teams, as well as for programs targeting at-risk youth.

- Recent changes in the criminal justice system have had unintended consequences of increasing theft and violent crimes. The City of Walnut Creek has experienced increases in both of these categories. The City supports the following:
  - Reversing prior proposition language that lowered penalties for some property crimes
  - Adding the ability to collect DNA samples for crimes that were previously felonies
  - Readjusting portions of the early-release program under Proposition 57 and AB 109
  - Ensuring local law enforcement receives adequate funding under prison realignment (AB 109).

- Over the past decade, California Peace Officer Standards and Training (POST) has not been properly funded leading to fewer reimbursements for training of police officers and dispatchers. With increasing levels of mandated training (e.g. Data Collection on Citizen Contacts, Crisis Intervention Training, Principled Policing Training), the need to provide ongoing training is vital. Proper funding leads to more options for training. The City supports adequate State funding for the POST Commission and continued State reimbursement of training funds for local law enforcement.

- In anticipation of the burgeoning cannabis industry, unintended consequences affecting public safety should be expected. The City supports a strong focus on local control and oversight over inspections, banking, transportation, security, and delivery services and reasonable regulations on personal use and cultivation.

- The City supports actively working with state cannabis licensing entities to streamline enforcement relationships between the state and local jurisdictions. This includes creating a better system to share information, additional funding for local law enforcement, and strengthening enforcement capabilities within the Bureau of Cannabis Control.

- States that have legalized cannabis have experienced an increase in drugged driving collisions. California does not have an agreed-upon standard for testing or establishing a level of intoxication for that test. The City supports funding and legislation related to combating Drugged Driving (DUID).
Support Local Government Programs and Financing Tools for Affordable Housing and Homelessness Services

The City encourages State legislation and policies that partner with cities and counties for providing local workforce housing close to transit.

Among these priorities, the City is focused on financial tools for managing the impacts of homelessness and financing tools to fund affordable housing.

**Particular Areas of Focus**

- The City supports State funding to increase homeless shelter capacity and permanent supportive housing for the homeless.
- The City supports expanding funding options for local governments to address regional homelessness and affordable housing needs at local and regional levels.

Monitor Pension Finance Reform

Rising pension costs will have a direct effect on the City’s ability to provide and maintain services delivered to the public. The City is interested in solutions and flexibility at the local level to address the rising costs of pensions and will monitor legislation and litigation that could impact the pension system of California.

Advocacy Trips

The City Council recognizes the importance of building relationships with elected officials, staff, and agency personnel at the state and local levels. City staff and council members will plan to travel to Sacramento, meet in District, and participate in League of California Cities legislative advocacy efforts to advocate on legislation or policy that could potentially impact the City or its residents.

TPA will, whenever possible, provide support and talking points for council members, as well as lead any follow-up discussions with legislators and staff.
WALNUT CREEK CITY COUNCIL

Agreed Upon Norms for City Council-City Staff Interactions*

Governance of a city relies on the cooperative efforts of elected officials, who set policy and priorities, and city staff, who analyze problems and issues, make recommendations, and implement and administer the Council’s policies. Here are general guidelines to help facilitate effective communications between the City Council and city staff.

1. The City Council sets the direction and policy—the what. City staff are responsible for administrative functions and city operations—the how.

2. Questions and requests for information are to go to the City Manager, Department Director, or a Director’s designee, e.g., a person listed on a staff report. When in doubt, go to the City Manager first.

3. Rely upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.

4. Council is to be thoughtful about how questions are asked of staff so that the questions don’t come across as directives. The City Manager is charged with directing staff.

5. Copy Directors and the City Manager on any emails to their staff. Staff will copy their Director and City Manager when responding.

6. All council members should have the same information with which to make Council decisions. When sending a request for information to a Director, separate your inquiry from explaining your opinion so that your inquiry can be forwarded to other Council members.

7. In order to provide the Council with timely information, please strive to submit questions on the Council agenda items ahead of the meeting. Give staff ample prior notice of big questions related to staff reports. No surprises at Council meetings.

8. Respect the will of the full City Council.

9. The City Manager and staff are supporters and advocates for adopted Council policy.

10. Depend upon the staff to make independent and objective recommendations.

11. Seeking political support from staff is not appropriate.


13. Council respects staff’s weekends. A phone call after 5 pm on Friday means it is urgent, please respond. An email sent over the weekend can wait until Monday.

14. Directors will support their staff when staff responds respectfully to a request by a Council member when it is not appropriate for the staff to act on the request. Staff will use a phrase such as:“I’ll forward that request to my Director”.

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*developed and approved by the City Council at their April 18, 2011 retreat.
MEMORANDUM

TO: SUZIE MARTINEZ, CITY CLERK

FROM: STEVE MATTAS, CITY ATTORNEY

SUBJECT: POLITICAL ACTIVITIES OF CITY OFFICIALS AND EMPLOYEES

As the November election approaches, the City Attorney’s Office would like to take the opportunity to remind City officials and employees of the laws regarding their use of City resources and positions for political activities. This memorandum reminds all City officials and employees of the primary legal prohibition against using City resources to participate in election campaigns, along with the equally important principle that, with certain limited exceptions, City officials and employees are free to engage in political activities while off duty.

Because each individual case must be determined on its own particular facts, the following general outline is intended to be a guideline only. Please contact the City Attorney’s Office with any questions related to this memorandum or your ability to participate in particular political activities.

OVERVIEW

All City officials and employees are covered by the prohibitions of state law contained in California Government Code sections 3201 through 3209. The political activities of City employees are also regulated by section 1706 of the Walnut Creek Personnel Rules and Regulations, which state in part that “employees may not engage in political activities during working hours.” In general, and subject to restrictions outlined below, City officials and employees have a right to voluntarily participate, or to refrain from participating in political activities as individuals on their own time. However, City officials and employees are generally prohibited from engaging in political activities during working hours.

PERMITTED ACTIVITIES

Although City officials and employees may not engage in political activities during working hours, City officials and employees may do the following on their own time:

1. Express their opinions on political subjects and candidates.
2. Become a candidate for nomination or election in any partisan or non-partisan campaign – national, state, or local.

3. Engage in partisan or non-partisan political activities as an individual or as a member of a group.

4. Make campaign contributions to a candidate or local ballot measure with personal funds.

5. Join political organizations and vote on any questions presented.

6. Organize and manage political clubs, serve as an official, delegate or alternate, or as a member of any committee.

7. Participate actively in political campaigns.

8. Attend political meetings, rallies, etc., and organize, prepare, and conduct such gatherings.

9. Initiate, sign, and circulate partisan or non-partisan nominating petitions, and distribute campaign literature, badges, etc.

10. Wear campaign badges or buttons, display bumper stickers, pictures or posters on an automobile or in the window of the home.

11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidate in a political advertisement.

12. Manage the campaign of a political candidate.

13. Use public funds to lobby the state legislature to aid or prevent passage of state legislation that will affect the City, as directed by the City Council.

**PROHIBITED ACTIVITIES**

City officials and employees may **not** do the following:

1. Participate in political activities of any kind while in uniform.

2. Knowingly solicit or receive political funds or contributions from other City officials or employees, or from persons on the employment list of the City, except:

   a. A City official or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the official or employee.
b. A City official or employee may communicate through the mail, or by other means, to a significant segment of the public that may include City officials or employees, to make requests for political funds or contributions.

c. A City official or employee may solicit political funds or contributions from a bona fide public employee's organization provided that the funds, when collected by the employee's organization, were not earmarked for a clearly identifiable local officeholder or candidate.

3. Use, promise, threaten, or attempt to use his or her City position or official authority to influence the political actions of other City officials or employees or those seeking City employment.

4. Distribute campaign literature through the City email system.

5. Send or receive campaign-related emails on City computers.

6. Place campaign literature on the City's webpage or on other City facilities.

7. Use City copy machines, telephones, fax machines, computers, stationery, or any other City resources for campaign purposes.

8. Use public funds to attend a political fundraiser.

9. Direct City staff to walk precincts, draft campaign ads, or carry out other campaign-related tasks.

10. Directly or indirectly solicit campaign contributions from other City officials or employees, unless the solicitation is part of a general effort that incidentally includes City officials and employees.
1. POLICY STATEMENT AND PURPOSE
   To establish the appropriate and professional use of the City’s information technology, including computers, telephones, pagers, facsimile (FAX), Internet, Intranet, and related technology, and to establish electronic mail retention requirements for mail messages sent to or by any by any Council Member, Commissioner, staff member, volunteer, or agent from any City email address.

2. SCOPE
   This policy shall apply to any Council Member, Commissioner, staff member, volunteer, or agent using any City email address.

3. POLICY

A. ACCEPTABLE USE

1. General. The City’s information technology systems (computers, networks, phones, FAX, etc.) are for use by employees in the course of City business only. The City’s information technology systems may not be used for personal business at any time, except as otherwise provided below or as otherwise approved by an employee’s Department Director. Use for personal purposes, beyond incidental and minimal use, can expose an employee to liability for civil penalties and criminal prosecution under Government Code section 8314. In the event that an employee’s supervisor determines that an employee’s use of the City’s information technology systems is inappropriate, the supervisor may place restrictions on such use or take other appropriate action.

2. Computer Software and Data. Employees are not allowed to install software on file servers or personal computers (PCs) without approval and assistance from the Information Technology Division.

3. Email and Voicemail. Generally, email and voicemail shall be used solely for official business. However, employees may occasionally use email for incidental and
minimal personal uses, provided such use does not interfere with job performance, does not consume significant time, does not distract other employees, does not potentially cause discredit to the City, and is done in a professional and courteous manner. Subscriptions to email lists are permitted only when the list is related to City business. For example, a subscription to a law firm's legal updates regarding an issue that is within the City's subject matter jurisdiction, such as land use, employment, or law enforcement, is permitted. Emails containing information pertaining to investments and trading opportunities are permitted, but only for those who have a need for this information in conjunction with the course of their City business such as members of the Administrative Services Department's Finance Division and the City Treasurer. In contrast, emails that are received containing the "joke for the day" are not permitted.

4. Mass Emails. Employees may not use the City's email system for mass mailing of announcements unless it is specifically related to City business. For example, an announcement of items for sale, requests for donations, lost pets, etc., are not permitted. Bargaining units may not use the City's email system for bargaining unit communications unless expressly permitted by the City's Human Resources' Manager.

5. City Staff Bulletin Board. The City may provide a bulletin board on the City's Intranet web site (http://cww.ci.walnut-creek.ca.us) for posting messages that are of a personal nature. Such bulletin board, if and when provided, shall not be accessible from the Internet. The content of bulletin board postings may be personal but shall be of a courteous and professional nature. For example, messages announcing items for sale, birthdays, pets needing homes, non profit events or donations are permitted.

6. Internet Access. Access to the City's Internet is subject to Department Director approval. Generally, use of the Internet is for official business and only in conjunction with the course of the employee's job-related activities. However, employees may occasionally use the Internet for incidental and minimal personal uses, provided such use does not interfere with job performance, does not consume significant amounts of time, does not distract other employees, does not potentially cause discredit to the City, does not unduly impact others' use of the Internet for business purposes, and is done in a professional and courteous manner. All sites visited by employees are automatically tracked by the City's servers, which is an ordinary function of such servers. While the Information Technology Division does not routinely monitor individual employee tracking records, these records are subject to access by City management, representatives of the Information Technology Division and, potentially, by the employee's supervisor, co-workers, and the general public.

7. Network Newsgroups and "listservs." may be utilized only for official business. Users are not permitted to subscribe or post to newsgroups or listservs unless it is directly related to their course of work.

8. Telephones, Copy Machines and FAX Machines. Generally, telephones, copy machines and FAX machines shall be used solely for official business. However, employees may occasionally use city telephones, copy machines and FAX machines for
incidental and minimal personal uses, provided such use does not interfere with job performance, does not consume significant amounts of time, does not incur a cost to the City (e.g. long distance or toll calls), does not distract other employees, does not potentially cause discredit to the City and is done in a professional and courteous manner.

9. Virtual Private Network (VPN) Access. Users may be permitted to access City network and computer systems remotely using a VPN connection. Approval by the Department Director and Chief Information Officer is required prior to initiating a VPN account. VPN users are responsible for ensuring that any non-City device used to establish a VPN connection is properly secured, running all necessary operating system and software patches, and antivirus software. Only salaried (overtime exempt) employees may be given VPN access unless accompanied by an agreement to work from home versus on site.

10. Mobile Device Access. Users may be permitted to access City email or other systems via City or personally-owned mobile device with a VPN, Internet, Activesync or other connection. Approval by the employee’s supervisor and the Chief Information Officer are required. Employees using mobile devices should set a passcode to reduce the risk of unauthorized access to their device. If the device offers a “find” capability, for example, “Find my iPhone,” it should also be enabled. In the event a mobile device with access to City systems is lost or stolen, the user must notify the Information Technology Division as soon as practicable. The device will be remotely “wiped.” Users should be aware remote wipe could result in loss of any data, photos, music, etc, stored on the device, including any personal data and photos. Users accessing City systems with a personal mobile device should back up their mobile device frequently to protect their personal data and settings. Users of both City and personally-owned mobile devices should use care to safeguard both the device and passcode.

11. Malware and Virus Prevention. All employees must strive to keep the City’s computer systems safe from viruses and other malware. Employees should never open email attachments from unknown senders and avoid clicking links embedded in messages unless they are certain the destination site is safe to use. Employees may not modify or tamper with antivirus or other security settings established by the Information Technology Division. If an employee knows or suspects his or her computer has become infected by a virus, or is uncertain if an attachment is safe to open, s/he should contact the Information Technology Division help desk for assistance.

12. Professional & Courteous. Employees shall communicate in a professional and courteous manner via email, chat, and voice mail with one another and with members of the public. The City Administrative Policy regarding Sexual Harassment and Discrimination also applies to electronic communications. Users should not use electronic mail and voice mail as a file cabinet for messages received or sent. The City’s electronic message archiving system retains copies of each message (including voicemail and chat messages). Users may also keep a convenience copy by using the “Save as” or Copy and Paste functions and saving to an appropriate network folder.
B. ACCESS TO DATA—NO EXPECTATION OF PRIVACY

Federal law allows the City, as an employer, to access data files, voice mail, and electronic mail and other electronic messages that are stored and maintained on City-owned computers and technology. Such data is not private and is subject to access by supervisors, co-workers, parties to lawsuits, those who subpoena such information, and often the public generally. However, nothing herein is intended to waive the exemption of those particular records excluded from the California Public Records Act as set forth in sections 6250-6276.48 of the Government Code.

1. General. All data generated, used, and stored on the City’s personal computers ("PCs"), servers, and electronic mail systems is considered business-related and, as such, is subject to access by City management, representatives of the Information Technology Division and, potentially, by the employee’s supervisor, co-workers and the public, in general. All references to "computer data" in this policy are intended to include electronic mail, chat, and voice mail unless otherwise indicated. Because most of the computers utilized by the various City departments are "networked" and have access to the Internet, it may be possible for co-workers and, in some circumstances, unauthorized persons or programs, to access information stored on an employee’s computer. Employees working with business-related confidential information, including personal identifying data such as social security numbers and credit card information, must take steps, as indicated below, to safeguard that data from inadvertent or malicious discovery, access, alteration, or deletion.

2. Subpoena. All computer data, including that sent or received on City email, chat, and voice mail systems, is subject to subpoena and, therefore, may be discoverable in litigation by parties who sue the City or its employees. Upon receipt of a subpoena for computer data, an employee should immediately contact the City Attorney’s Office.

3. Public Records. Much of the data stored on the City’s computers also qualifies as a "public record" under the Public Records Act and is, accordingly, subject to disclosure and copying by members of the public who make a public records request. Disclosure may be required regardless of who sends or receives a communication or document. In the event that the City receives a request for disclosure of City records, the person responsible for the requested records must use his or her best efforts to preserve the records covered by the request. Requests for disclosure of any City records must be submitted to the City Clerk. In addition, employees should consult with the City Attorney’s Office once a public records request has been received. Should an employee have questions regarding the nature of the document(s) he or she is creating and maintaining with regard to the issue of whether it is disclosable pursuant to a public records request, the employee should consult with the City Attorney’s Office prior to commencing that work.
4. **Director/Supervisor Access.** Departmental Directors shall have access to data stored on all departmental computers. In exercising managerial authority to access data stored on employees' PCs, departmental managers may utilize the resources of the Information Technology Division and should consult with the Human Resources Manager, the Administrative Services Director and/or the City Attorney's Office.

5. **User Name and Passwords.** All employees will be issued a network username and password to be used when accessing the City's networked computer systems. The username and password determine which computer systems and network drives an employee can access, as determined by the employee's supervisor with assistance from the Information Technology Division. The username and password act as a unique identifier and may not be shared with others, including but not limited to coworkers. Passwords must be safeguarded and generally will be changed every 90 days. If the employee knows or suspects their password has been compromised, s/he should notify the Information Technology Division help desk immediately for assistance in changing the password and safeguarding the City's computer systems.

For business information generated, utilized, and maintained that an individual employee wishes or is required to protect from co-workers, the employee should utilize additional Password features available on the system such as, for example, adding an additional password to a document. Despite the authorization to utilize a password, employees are advised that data stored on their City-owned personal computers is still subject to access and discovery as described above.

6. **Confidential Data.** Additional restrictions may apply to the use and storage of confidential data. For example, users with access to credit card information shall follow specialized security procedures established by their department director in consultation with the Information Technology and Risk Management Divisions. Police employees shall follow specialized directives applying to their use of communication and computer systems, etc. Users should not store confidential credit card data in Word, Excel, or other unencrypted files. The Information Technology Division is available to assist in determining appropriate storage methods.

7. **Removal of Data.** City data needs to remain on City computers and must not be indiscriminately moved from City work sites or mistakenly transported on laptops or removable media, e.g., floppies, CDs, DVDs, memory (USB) keys, personal digital assistants (PDA), email, and remote virtual private network (VPN) or other Internet-based access such as "Cloud" storage. Every employee must strive to safeguard the integrity and confidentiality of the City's data. If an employee needs to transport or share confidential data with devices that are not "on" the City network, the employee should password protect or otherwise secure the data, for example by using encryption security. The Information Technology Division help desk is available to assist in determining an appropriate data security method. Employees may not move or transport credit card data without permission from their Department Director.
8. **Voice Mail.** Voice mail stored on the City's voice mail system is also deemed business-related and, as such, is subject to access by City management and representatives of Information Technology Division. Employees are reminded of the importance of communicating in a professional and courteous manner with one another and with members of the public. The *City Administrative Policy regarding Sexual Harassment and Discrimination* also applies to communications via voice mail. Departmental managers shall have access to voicemail messages stored on the system. In exercising managerial authority to access this data, departmental managers may utilize the resources of the Information Technology Division and should consult with the Human Resources Manager, the Administrative Services Director and/or the City Attorney's Office.

**C. BROWN ACT IMPLICATIONS FOR COMPUTER AND VOICE MAIL USE**

Pursuant to the California open meetings law known as the Ralph M. Brown Act, as set forth in sections 54950-54963 of the Government Code, meetings of the City's legislative bodies, such as the City Council, City commissions, and standing subcommittees of a City legislative body, are required to be open and public. The Brown Act broadly defines the term "meeting" as "any congregaion of a majority of the members of a legislative body at the same time and location, including teleconference location . . . , to hear, discuss, deliberate, or take action on any item that is within the jurisdiction of the legislative body." The Brown Act thus prohibits any kind of communication by a majority of the members of any City legislative body, whether the communication is direct or through others, and whether the communication is face-to-face or via technology such as telephone, voice mail, or email, that involves any hearing, discussion, deliberation, or action on an item of the City's business.

While this section of the policy is technically applicable only to members of the City's legislative bodies, employees who perform work for the Council, Commissions, and subcommittees and who communicate with those bodies are strongly advised to carefully consider the type of information that is provided and how it is communicated. While the Brown Act allows City staff to provide information to and answer questions of the Council, Commissions, and subcommittees outside of a noticed and open meeting, the law expressly prohibits any series of communications outside such a meeting "to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body." Employees should consult with the City Attorney's Office regarding questions or issues regarding the Brown Act.

**D. ELECTRONIC STORAGE AND RETENTION**

1. **Background.** Under California law, the management and retention of public records are governed by Government Code section 34090 *et seq.* State law provides that records shall be retained for a minimum of two years and cannot be destroyed unless first approved by Council by resolution and the written consent of the City Attorney.
2. **Public Records Act.** A separate statutory scheme, known as the Public Records Act (the "Act") (Cal. Gov't Code §§ 6250-6276.48), governs the disclosure of public records. Under the Act, unless expressly exempted, all public records of an agency are subject to disclosure upon a request by any member of the public. At all times, the City shall comply with the Act and make available for copying and inspection all records in its care, custody, and control that are subject to disclosure under the Act.

3. **Records Retention Policy.** The City of Walnut Creek recognizes that access to information concerning the conduct of City business is a fundamental and necessary right of citizens. The City has various policies and requirements that protect and preserve the integrity of City records, in any format, all of which are consistent with State law. Administrative Policy No. 80-3, the City's Records Retention Program, establishes procedures for the retention and/or destruction of City records and makes each City department responsible for establishing and updating a records retention schedule for all records created and retained by employees within the department. The Records Retention Schedule specifies the retention period for City of Walnut Creek records to ensure that legal, regulatory, fiscal, historical, and administrative record retention requirements are met, that records that are essential to the City are protected; and that proper procedures are followed in the retention and/or destruction of City records.

4. **Backup Systems.** The City's Information Technology Division maintains a regular system of backups on all file servers and mission critical systems. Backups generally are not performed on individual PCs, but the PCs desktop files may be stored on a network drive to facilitate backup of the “My Documents” folder. Backups of network folders are performed on a scheduled basis including a weekly complete backup and daily backups of new or changed data. The weekly full backups are also copied for offsite storage. Backups are overwitten on a cyclical basis. Any data files that are created and deleted the same day are lost. For most systems, data is held on backup six weeks after it has been deleted by an employee. On specific systems an additional backup or backups may be retained for the purpose of archiving the City's critical data.

Data that is stored on the local hard drives (e.g. the C, D, or E drive) of each PC is at risk of loss or deletion since the local hard drive and USB drives are not backed up. Users should not store important data on these drives. The drive letters F through Z typically identify file server or network drives. Backups of the City's email and voicemail systems are for the purpose of system recovery only. Generally, the City stores email only to the degree that storage allows the City to restore the essential system in the event of a failure.

5. **California Environmental Quality Act.** Notwithstanding paragraph 4 above, email messages sent from or received by any City of Walnut Creek email address referring or relating to any project subject to the California Environmental Quality Act (Cal. Pub. Res. Code § 21000 et seq.) shall be retained as discussed herein. Effective December 18, 2012, starting upon the date upon which an application for a project
subject to CEQA is submitted to the City, all project emails sent from and/or received by any City email address shall be saved for a minimum of two years, or throughout the processing of the CEQA project, whichever duration may be longer. Such retention will continue for a minimum of seven months from the date the CEQA project is finally (a) approved, (b) denied, or (c) deemed exempt from CEQA review, whichever date is later. The City may, however, for reasons of administrative efficiency or otherwise, choose to retain email sent to or by any City email address for longer than the minimum time established immediately above even where such email addresses a subject or subjects other than CEQA.

Users are encouraged to save all critical email messages in hard copy for safekeeping. If email is received that is of an archival nature, a hard copy should be printed and saved.

E. VIOLATIONS OF THIS POLICY

Violation of this policy may result in disciplinary action up to and including termination.

4. POLICY HISTORY AND CITATIONS

This Policy was originally adopted on January 17, 1996 and subsequently revised on the following dates: February 22, 2000 and February 1, 2006.

5. APPROVAL

This policy was issued/amended on December 18, 2012, and approved by:

[Signature]
Ken Nordhoff
City Manager
APPENDIX H
PURPOSE

The purpose of this policy is to: ensure all employees enjoy working conditions which are free from harassment, discrimination and retaliation; describe prohibited behavior; define the responsibilities of all City employees; establish a procedure by which individuals who feel they have been harassed can bring their complaint to an appropriate authority without fear of retaliation; establish a procedure by which complaints of harassment and discrimination are promptly, thoroughly and fairly investigated; and, ensure that individuals who are found to have violated this policy will be subjected to disciplinary action that is commensurate with the severity of the offense.

Harassment, discrimination and retaliatory conduct of any kind is unacceptable conduct and will not be tolerated under any circumstances. It undermines the integrity of the employment relationship, interferes with work productivity and creates a climate of insecurity and distrust. Thus this policy establishes standards of acceptable workplace conduct for City employees in order to maintain a workplace free from discrimination, harassment, intimidation and retaliation.

POLICY STATEMENT

All City employees have a right by state and federal law to a work environment free from harassment and discrimination. Behavior that subjects an employee or other individuals in the workplace to harassment or discrimination based on race, religion, color, national origin, ancestry, disability, marital status, medical condition or history, pregnancy, gender, sexual orientation or age constitutes illegal behavior for which individual employees may be held personally liable. Such conduct will not be tolerated and will result in immediate corrective action, including disciplinary action.

PROHIBITED ACTIONS

Prohibited actions are listed below in three categories: 1) sexual harassment; 2) other forms of discriminatory or harassing conduct; and 3) retaliatory conduct. Sexual harassment is presented as a separate category of discriminatory conduct for emphasis.

1. Sexual Harassment: Includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or non-verbal conduct which is of a sexual nature or gender-based and
that is conditioned upon an employment benefit; or unreasonably interferes with an individual’s work performance; or creates an offensive work environment.

Examples of prohibited conduct include, but are not limited to: threats or demands to submit to sexual requests to maintain employment or to avoid some employment or benefit loss such as discharge, demotion or undesired reassignment; offers of job benefits in return for sexual favors; sexual favoritism in job assignments or working conditions; or continued requests for social or sexual contact after being told such requests are unwelcome.

Examples of conduct which could create an offensive work environment include, but are not limited to: use of expletives, or offensive or derogatory comments or jokes; unwelcome notes, e-mail, voicemail messages and greeting cards which are sexual in nature; staring or leering; discussing sexual exploits or asking questions about a person's sexual practices or preferences; posters, notices, cartoons, computer software, magazines, drawings; and other disparate behavior which is sexual in nature or gender-based.

If the sexual conduct is consensual, it may not constitute sexual harassment; however, consensual conduct may otherwise be inappropriate in the workplace and may be subject to sanction and discipline.

2. Discriminatory/Harassing Conduct: Examples of discriminatory/harassing conduct include, but are not limited to: verbal and non-verbal conduct such as use of expletives, or offensive or derogatory comments or jokes; unwelcome notes, e-mail, voicemail messages and greeting cards; derogatory or inflammatory gestures, staring or leering; posters, notices, cartoons, computer software, magazines, drawings or other disparate behavior in any form made on the basis of race, religion, color, national origin, ancestry, disability, marital status, medical condition, pregnancy, gender, sexual orientation or age.

   A. Intimidating/Violent Conduct. This category includes physical acts such as unwelcome physical contact, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on any basis as listed above. Prohibited conduct also includes threatening conduct as described in Administrative Policy 96-2, Workplace Security, including but not limited to: intimidation and direct and indirect threats of violence or bodily harm, acts of violence or aggression when directed at an individual employee or supervisor/manager or their relatives, friends or property; or the City organization or the public at large.

3. Retaliation: All employees are assured that they may report harassing behavior, report any workplace wrongdoing or misconduct, or participate in any investigation without fear of retaliation by the City, a supervisor or another employee. Retaliatory behavior includes, but is not limited to, any adverse employment action that materially affects the term and conditions of employment and that occurs as a result of an employee's complaint or report of workplace misconduct. Retaliatory behavior conducted by an employee against another employee will be cause for disciplinary action.
RESPONSIBILITIES

Supervisors and Managers
Supervisors and managers have ongoing responsibility to ensure that the work environment is free of harassment, discrimination, intimidation and retaliation by promptly confronting and investigating incidents of suspected misconduct, taking immediate and appropriate action to resolve them and ensuring that the complaining employee does not experience any retaliation. Supervisors shall become familiar with this policy in order to fulfill their responsibilities.

Supervisors and managers have a responsibility to respond to the possible misconduct promptly upon notice or knowledge of such events regardless of whether a formal complaint has been received. Notice or knowledge includes allegations made by the complainant, statements made by witnesses or other third parties, or direct observation. Supervisors and managers must inform the Human Resources Manager as soon as such a situation has come to his/her attention.

Individual Employees
Each employee is also responsible to ensure that their work environment is free of harassment, discrimination, intimidation and retaliation by adhering to the spirit and intent of this policy. Any employee who is aware of a workplace incidence of misconduct, as set forth in this policy, is responsible for informing a supervisor in whom he or she has confidence, their Department Director, the Human Resources Manager, the Administrative Services Director or the City Manager as soon as feasible. Employees who are unsure of whether to report workplace incidents, or how to go about doing so, or are reluctant to do so for whatever reason, are encouraged to contact the City Manager, Administrative Services Director, or the Human Resources Manager to discuss this policy and how it may apply to their situation.

Alternatively, or in addition to contacting City staff, employees may contact the City's third party reporting service, ActionLine, to discuss their concerns. The ActionLine reporting service may be contacted anonymously, if desired.

CONFIDENTIALITY

To the extent possible, the complainant will be accorded confidentiality. However, complainants must understand that their identities may be revealed to accused persons during the course of an investigation or when discipline results from such complaints. Investigation records will be held in the strictest confidence, to the extent permissible by law. The privacy rights of all parties involved in an investigation will be protected to the greatest extent possible.

DISCIPLINE

Depending on the circumstances of each case and the seriousness of the offense, disciplinary action up to and including termination of the offending employee will be taken if it is found that prohibited conduct did occur. Disciplinary action will be taken consistent with City Personnel Rules, labor agreements with City employee groups, and current law. False complaints and false reports of misconduct are prohibited; any employee making a report, which is known to be without merit shall be subject to disciplinary action. Non-regular
employees, and others, such as volunteers, temporary employees, contractors, and vendors who engage in prohibited conduct are also subject to corrective action.

**COMPLAINT PROCEDURE**

The City has two procedures in place for employees making complaints set forth as follows:

1. **Informal Procedure**

   A. Prompt, appropriate action will likely stop incidents of harassment; therefore, an employee should, at least initially, tell the offending individual that his or her behavior is unacceptable and that the behavior must stop. An alternative to talking directly with the offending person is to address specific concerns through written communication. The primary purpose of an informal complaint is to resolve harassment concerns and prevent more serious occurrences of harassment at the earliest date possible.

   B. Problems that are appropriate for resolution by this informal procedure include isolated incidents that are not severe and those that do not appear to necessitate a disciplinary process. Examples of circumstances in which the informal procedure may be utilized include:

   - Posters or cartoons of an offensive nature;
   - A joke made by a co-worker that an employee finds offensive;
   - An offensive isolated remark or comment based on gender, race, age or other status;
   - An incident targeted at gender, race, age, health condition, or other status that creates embarrassment, discomfort or distraction.

   C. If the notification to the offending individual is not effective in bringing the offending behavior to an end, or if the employee is reluctant to approach the offending individual, the employee should inform his or her Department Director or the Human Resources Manager; OR the employee may contact the ActionLine reporting service as an alternative to internal reporting procedures. The ActionLine program provides employees with an alternative to the internal reporting procedures described in this policy. The ActionLine may be contacted for confidential discussion of the employee’s concerns; the ActionLine reporting service may be contacted anonymously, if desired. If the offensive conduct continues following informal complaint efforts, a formal complaint procedure may be pursued.

   D. Employees who are unsure of whether workplace conduct violates this policy, or who are reluctant to make a complaint or concern known for whatever reason, are encouraged to contact the City Manager, Administrative Services Director, the Human Resources Manager, or the ActionLine to discuss this policy and how it may apply to their situation.

2. **Formal Procedure**

   If harassment activities continue after an employee has utilized the informal complaint procedure or if the employee chooses not to pursue the informal procedure, the City's formal complaint procedure may be used. Note: Paragraphs E-K are intended as guidelines only.
Manager or Department Director shall have the discretion to determine the appropriate manner of investigation depending upon the circumstances of the complaint.

The formal procedure is as follows:

A. An employee who wishes to file a formal complaint is encouraged to follow the chain of command in the department or division; however, if this is not possible or is inappropriate, the employee may file the complaint directly with the Division Manager, Department Director, Human Resources Manager, Administrative Services Director or the City Manager. **All complaints should be filed as soon as possible and within 30 days of the incident to allow for an prompt investigation and response to the complaint. Delay in reporting the harassment may hamper the thoroughness of the investigation.**

B. A formal complaint shall be a signed, written account of incident(s) involving harassment, discrimination and/or retaliatory conduct, including the names of the other persons, if any, who were present at the time. The formal complaint may be written either by the complaining employee or the person to whom the complaint is reported. If the complainant does not personally write the report, he or she shall review it for accuracy and sign it.

C. The individual receiving the complaint, whether he or she be a supervisor, manager, Department Director, Human Resources Manager, Administrative Services Director or the City Manager, may discuss the issue with the complaining employee who will be asked what remedies he or she believes would resolve the complaint.

D. The individual in receipt of the formal complaint shall immediately forward the report to the City Manager in a sealed envelope marked "Confidential." The City Manager shall forward a confidential copy of the complaint to the employee's supervisor and Department Director, unless it has been determined that an investigation of the complaint would be compromised by doing so.

E. All formal complaints of harassment, discrimination and retaliation shall be investigated. The nature and extent of the investigation including but not limited to the scheduling and the assignment of individuals to conduct the investigation shall be determined by the Department Director and the City Manager. The City Manager or his or her designee may conduct or participate in all phases of the investigation.

F. The City Manager or Department Director will inform the complainant of the general nature of the investigation and the approximate date of completion. The time necessary to investigate a complaint of harassment is generally 30 to 60 days, but may be more or less depending upon the duration or nature of the alleged harassment, the number of potential witnesses, the extent of the alleged harassment and other factors.

G. The individual investigating the complaint shall meet with the person accused of engaging in harassing behavior and inform him or her of the basis for the complaint, provided doing so will not compromise the investigation; in this event he or she will be given the opportunity to respond in writing if he or she wishes, and to identify witnesses.
H. Investigations will be timely and as extensive as determined to be necessary in the judgment of the investigator, based upon the nature of the allegations. All persons identified as potential witnesses and those individuals who may have information relevant to the issues of the complaint will be contacted and interviewed during the course of the investigation.

I. When the investigation is complete, the investigator shall forward a copy of the report to the City Manager for further action.

J. The City Manager or designee will notify the employee filing the complaint of the results of the investigation and whether disciplinary action is warranted and will be taken. There may be instances in which the City Manager or designee may not be able to provide the employee with the results of the investigation in a timely manner due to legal considerations or the need for further investigation. Should this be the case, the employee shall be notified of this situation. It is the City's policy not to release the investigatory report to either the subject of the investigation or the employee making the complaint.

K. Supervisory and management personnel shall conduct follow-up inquiries with the employee who filed the complaint, to ensure that the workplace is free of harassment, discrimination or retaliation. These inquiries shall be documented in writing and filed with Human Resources.

L. All employees also have a right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH).
A. Purpose
The City Council from time to time may form standing subcommittees in order to address issues of interest. These subcommittees are formed to study, investigate and make recommendations to the full Council regarding specific topics. Subcommittees should accomplish work different from that carried out at City Council meetings. They should also serve as a sounding board and afford an opportunity to provide feedback to staff on new ideas. In order for the subcommittees to serve effectively, it is necessary to establish certain guidelines for the conduct of City business by subcommittees.

B. Appointment
Council subcommittee appointments are made annually each December for the following year. The Mayor recommends the appointments, which are then confirmed by a majority vote of the Council as stated in Section 12.4 of the City Council Handbook. The City Clerk maintains a list of such appointments.

The City Council shall review status of all standing subcommittees on an at least annual basis prior to the appointments in December in order to determine their effectiveness.

C. Requesting the Creation of a Standing Subcommittee
A Councilmember who wishes to suggest creating a standing subcommittee should request that the request be listed on the next agenda under the “Councilmember and Staff Announcements, Reports on Activities or Requests” portion of a City Council meeting. With the consent of City Council, the City Manager will direct staff to place the discussion of the creation of a new standing subcommittee on the agenda of a future meeting.

Once the request has been listed on an agenda, the Councilmember proposing the standing subcommittee should develop a charter for the subcommittee. The charter should include: purpose and objectives; composition and term; designated staff, and a meeting schedule. The Councilmember should involve input from the appropriate City staff in the development of a subcommittee charter. All standing subcommittees shall be formed by resolution.

D. Conflict of Interest
Should a Councilmember appointee to a subcommittee discover a conflict of interest with their appointment to the subcommittee, that discovery will be communicated to the Mayor immediately.
E. **Communications**

In order to keep all councilmembers well informed, Councilmember appointees are to provide verbal updates or progress reports to the full Council, as needed, at City Council meetings under the “Councilmember and Staff Announcements, Reports on Activities or Requests” portion of a City Council meeting.

F. **Subcommittee Materials**

Meeting agendas will be compiled by staff with input from each subcommittee member. Subcommittee materials will be provided to each subcommittee member. These materials will be distributed to each subcommittee member at the same time.

G. **Subcommittee Recommendations**

Generally, subcommittee members should reach agreement on findings and recommendations to present to the City Council, which should be presented to the Council in writing. When the subcommittee members do not agree, each member may submit his/her findings and recommendations separately to the City Council.

H. **Staffing**

The City Manager will assign staff to a subcommittee pursuant to the charter.
Date Created and Official Action:
Adopted October 25, 2013 via Resolution No. 13-34.

Purpose/Objectives:
The subcommittee serves in an advisory capacity to the City Council in matters pertaining to finance. Matters may include, but are not limited to, the following:

- Annual Audit Reports
- Investment Portfolio and Policy
- Long Term Financial Forecasts
- Two Year Budget
- Other finance related matters as determined by the City Council

After completing its review, the subcommittee provides its recommendations to the City Council on finance matters. The subcommittee is not an independent decision-making body.

Composition and Term:
The subcommittee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same subcommittee.

Designated Staff:
The Finance Manager and the Administrative Services Director shall serve as designated staff to the Finance subcommittee. The City Manager may serve as requested by the subcommittee.

The City Treasurer is encouraged to attend and participate.

Meeting Schedule:
The subcommittee meets on an as-needed basis.
Master List of Regional Board Opportunities Available to Councilmembers
(Appointments Made by External Bodies)

**Association of Bay Area Governments**
[http://www.abag.ca.gov/about_abag/abag_members.html](http://www.abag.ca.gov/about_abag/abag_members.html)
- Bay conservation and Development Commission
- Metropolitan Transportation Commission
- Bay Area Council Economic Institute
- San Francisco Estuary Partnership
- Regional Seaport Advisory Committee
- San Francisco Bay Restoration Authority

**Contra Costa Mayors’ Conference**
- Association of Bay Area Governments
- Contra Costa Transportation Authority
- Hazardous Materials Commission
- East Bay Regional Parks District Advisory Committee
- East Bay Regional Communication Systems Board
- East Bay Economic Dev. Alliance Exec. Committee
- Elections Citizen Advisory Committee
- County-Wide Bicycle Committee
- ABAG Hazardous Materials Committee
- Contra Costa Central Identification Bureau
- Conference Executive Committee

**League of California Cities**
[http://www.cacities.org/Policy-Advocacy/Policy-Development](http://www.cacities.org/Policy-Advocacy/Policy-Development)
- Administrative Services Policy Committee
- Community Services Policy Committee
- Employee Relations Policy Committee
- Environmental Quality Policy Committee
- Housing, Community & Economic Development Committee
- Public Safety Policies Committee
- Revenue and Taxation Policy Committee
- Transportation, Communication and Public Works Policy Committee

Compiled November 2013 SM

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CITY OF WALNUT CREEK
RESOLUTION NO. 15-47


WHEREAS, the City Council approved the formation of the Finance Standing Committee on October 25, 2013; and

WHEREAS, at the City Council meeting of January 21, 2014 a “Definitions” document was developed and approved detailing existing tasks related to the annual audit, as well as new tasks related to the two-year budget. The modifications while approved by the City Council were never formally approved by resolution. This resolution formally incorporates the “Definitions” document as an attachment to the Finance Committee charter; and

WHEREAS, the City Council also now desires to change the reference of “subcommittee” to “committee” and to revise the charter for the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AS FOLLOWS:

1. The above recitals are true and correct.

2. The City Council approves the revised charter for the Finance Committee attached hereto as Exhibit A.

3. The City Council authorizes the City Clerk to insert the revised charter for the Finance Committee in to the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None

[Signature]
Mayor of the City of Walnut Creek
Walnut Creek City Council

Resolution 15-47

Attest:

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-47 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek
City of Walnut Creek City Council
Finance Committee

Date Created and Official Action:
Adopted October 25, 2013 via Resolution No. 13-34; Amended November 3, 2015 via Resolution No. 15-47

Purpose/Objectives:
The committee serves in an advisory capacity to the City Council in matters pertaining to finance. Matters may include, but are not limited to, the following*:

- Annual Audit Reports
- Investment Portfolio and Policy
- Long Term Financial Forecasts
- Two Year Budget
- Other finance related matters as determined by the City Council

After completing its review, the committee provides its recommendations to the City Council on finance matters. The committee is not an independent decision-making body.

*The Attachment includes definitions for Annual Audit Reports and Two Year Budget.

Composition and Term:
The committee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same committee.

Designated Staff:
The Finance Manager and the Administrative Services Director shall serve as designated staff to the Finance committee. The City Manager may serve as requested by the committee.

The City Treasurer is encouraged to attend and participate.

Meeting Schedule:
The committee meets on an as-needed basis.
City of Walnut Creek
City Council Finance Committee
Definitions

ANNUAL AUDIT REPORTS:
1. Annual Audit and Management Letter
   Review the Annual Audit and Management Letter from the Independent Auditors hired by the City. Make recommendations to the City Council on the acceptance of these reports to the full City Council.

TWO YEAR BUDGET
1. Operating Budget – All Funds
   Review the proposed Budget Calendar and Process, initial projections of operating revenues, expenses and program impacts from the City Manager, Administrative Services Director and Finance Manager.

   Provide recommendations and advice:
   a) To the City Manager, Administrative Services Director, and Finance Manager on the presentation of the materials to the City Council and the Public; and
   b) To the City Council on the approach and status of the Two Year Operating Budget development and preparation process.

   Tasks the committee will undertake include:
   c) Review and recommend all expenditure assumptions built into two year expenditures (compensation, non-personnel costs, staffing levels, etc.).
   d) Review and recommend the cost allocation plan, cost recovery levels across service categories (e.g. development fees) and fee rate recommendations.
   e) Review and recommend all tax revenue projections (outside of fees).
   f) Review and recommend strategies for insuring a balanced budget. This includes closing budget gaps (when a deficit is projected) and reviewing potential service level increases (when budget surpluses arise and one time revenues are available).

2. Capital Projects Budget
   Validate the proposed Capital Projects Budget Calendar and Process, Revenues and Expenses developed by the Public Services Director, City Engineer, Chief Information Officer, City Manager, Administrative Services Director and Finance Manager.

   Provide recommendations and advice:
   a) To the Public Services Director, City Engineer, Chief Information Officer, City Manager, Administrative Services Director and Finance Manager on the presentation of the materials to the City Council and the Public; and
   b) To the City Council on the approach and status of the Two Year Capital Projects Budget development and preparation process.
City of Walnut Creek  
City Council Finance Committee  
Definitions - Continued

Tasks the committee will undertake include:
  c) Review and recommend proposed capital projects that are consistent with the City’s Capital Investment Policy approved by the City Council.
  d) Review and recommend allocation of available resources (grants, development fees, etc.) to asset management and discretionary projects in the proposed two year capital budget.

3. Reserves and One-Time Funds
Review the Reserve Levels and Use of One-Time Funds in accordance with established policies. Provide recommendations on the use of one-time revenues and reserves provided by the City Manager, Administrative Services Director and Finance Manager.

Provide recommendations and advice:
  a) To the City Manager, Administrative Services Director and Finance Manager on the presentation of the material to the City Council and the Public, and
  b) To the City Council on the use of available one-time revenues and/or reserves as part of the budget process for their consideration and action, including modifications to the policies, if needed.

Tasks the committee will undertake include:
  c) Review and Recommend City Reserve Levels;
  d) Review and Recommend use of General Fund surpluses from prior audit years.
  e) Review and Recommend use of one-time revenues in developing two year capital and operating budgets.
CITY OF WALNUT CREEK
RESOLUTION NO. 15-48


WHEREAS, the City Council approved the formation of the “Affordable Housing and Community Partnership” Committee on October 25, 2013; and

WHEREAS, the City Council approved changing the name of the “Affordable Housing and Community Partnership” Committee to the “Housing and Community Development” Committee and revised the charter for the Committee on December 16, 2014; and

WHEREAS, the City Council approves clarifying the language regarding the review of preliminary General Plan Amendments of the committee versus General Plan Amendments review considerations by the City Council as a whole; and changing all references to “subcommittee” to “committee.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AS FOLLOWS:

1. The above recitals are true and correct.

2. The City Council approves the revised charter for the Housing and Community Development Committee attached hereto as Exhibit A.

3. The City Council authorizes the City Clerk to insert the charter for the Housing and Community Development Committee into the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None

[Signature]
Mayor of the City of Walnut Creek
Walnut Creek City Council

Attest:

[Signature]

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-48 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.

[Signature]

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek
City of Walnut Creek City Council
Housing and Community Development Committee

Date Created and Official Action:
Adopted October 25, 2013; Amended December 16, 2014 via Resolution No. 14-75;

Purpose/Objectives:
The Committee serves in an advisory capacity to the City Council in matters pertaining to
housing policies, residential and commercial development, and the City’s Community
Development Block Grant and Community Service Grant funding programs. Matters
may include, but are not limited to, the following:

- Housing Policies affecting the Housing Element, Inclusionary Ordinance,
  Commercial Linkage Fees, Density Bonuses and Affordable Housing.
- Requests for funding under the City’s Community Development Block Grant
  (CDBG) and Community Service Grant (CSG) programs.
- Upon request by an applicant, early review of a proposed commercial or
  residential development project that would involve a General Plan Amendment.*
- Review of a proposed zoning amendment initiated by staff.
- Other housing and community development matters as determined by the City
  Council.

* Note: General Plan Amendment review considerations are to come before the full
Council but preliminary reviews of General Plan Amendments may be brought to the
Committee. After completing its review, the Committee provides its recommendations to
the City Council.

The Committee is not an independent decision-making body.

Composition and Term:
The subcommittee consists of two City Councilmembers, serving one-year terms.
Councilmembers are nominated by the Mayor and confirmed by a majority vote of the
Council. Councilmembers may be re-appointed to the same Committee.

Designated Staff:
The Community and Economic Development Director and Housing Manager serve as
designated staff to the Housing and Community Development Committee. The City
Manager may serve as requested by the Committee.

Meeting Schedule:
The Committee meets once a month as well as on an as-needed basis.
CITY OF WALNUT CREEK
RESOLUTION NO. 15-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
UPDATING THE CHARTER OF THE PUBLIC EDUCATION STANDING COMMITTEE AND
UPDATING THE CITY COUNCIL HANDBOOK

WHEREAS, the City Council approved the formation of the Public Education Standing Committee on October 25, 2013; and

WHEREAS, the City Council now desires to change the reference of “subcommittee” to “committee” and to revise the charter for the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AS FOLLOWS:

1. The above recitals are true and correct.

2. The City Council approves the revised charter for the Public Education Committee attached hereto as Exhibit A.

3. The City Council authorizes the City Clerk to insert the revised charter for the Public Education Committee into the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek
I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-49 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek
City of Walnut Creek City Council
Public Education Committee

Date Created and Official Action:

Purpose/Objectives:
The committee serves in an advisory capacity to the City Council in matters pertaining to public education. Matters may include, but are not limited to, the following:

- School district relations
- Support for school services (such as school crossing guards and crisis counselors)
- Joint use of facilities
- Other education-related matters as determined by the City Council

After completing its review, the committee provides its recommendations to the City Council on education matters. The committee is not an independent decision-making body.

Composition and Term:
The committee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same committee.

Designated Staff:
The Arts, Recreation and Community Services Director, Police Chief and Public Works Director shall serve as designated staff to the Public Education committee. The City Manager may serve as requested by the committee.

Meeting Schedule:
The committee meets on an as-needed basis.
CITY OF WALNUT CREEK
RESOLUTION NO. 15-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
UPDATING THE CHARTER OF THE PUBLIC SAFETY STANDING COMMITTEE AND
UPDATING THE CITY COUNCIL HANDBOOK

WHEREAS, the City Council approved the formation of the Public Safety Standing Committee
on October 25, 2013; and

WHEREAS, the City Council now desires to change the reference of “subcommittee” to
“committee” and to revise the charter for the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WALNUT CREEK AS FOLLOWS:

1. The above recitals are true and correct.

2. The City Council approves the revised charter for the Public Safety Committee attached hereto
   as Exhibit A.

3. The City Council authorizes the City Clerk to insert the revised charter for the Public Safety
   Committee into the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting
thereof held on the 3rd day of November, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None

[Signature]
Mayor Pro Tem
for Bob Simmons
Mayor of the City of Walnut Creek

Attest:

[Suzie Martinez, CMC]
City Clerk of the City of Walnut Creek
I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-50 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek
City of Walnut Creek City Council
Public Safety Committee

Date Created and Official Action:

Purpose/Objectives:
The committee serves in an advisory capacity to the City Council in matters pertaining to public safety, traffic, police, fire and other areas where the principal concern is that of public safety. Matters may include, but are not limited to, the following:

- Fire/Life Safety Issues
- Crime Incidents/Trends
- Technology related to Public Safety
- Traffic Safety
- Safety Hazards
- School-related Public Safety Issues
- Emergency Preparedness
- Other Public Safety related matters as determined by the City Council

After completing its review of a public safety matter, the committee provides its recommendations to the City Council. The committee is not an independent decision-making body.

Composition and Term:
The committee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same committee.

Designated Staff:
The Chief of Police, Emergency Preparedness Manager, Chief Information Officer; and the City Traffic Engineer shall serve as designated staff to the Public Safety committee. The City Manager may serve as requested by the committee.

Meeting Schedule:
The committee meets on an as-needed basis.