



BREA CIVIC & CULTURAL CENTER | 1 Civic Center Circle | Brea, California 92821 | www.cityofbrea.net

City Council Agenda Special Meeting

Friday, April 7, 2023
10:30 a.m. - Workshop

Marty Simonoff, Mayor

Christine Marick, Mayor Pro Tem

Cecilia Hupp, Council Member

Blair Stewart, Council Member

Steven Vargas, Council Member

This agenda contains a brief general description of each item Council will consider. The City Clerk has on file copies of written documentation relating to each item of business on this Agenda available for public inspection. Contact the City Clerk's Office at (714) 990-7756 or view the Agenda and related materials on the City's website at www.cityofbrea.net. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 1 Civic Center Circle, Brea, CA during normal business hours. Such documents may also be available on the City's website subject to staff's ability to post documents before the meeting.

Procedures for Addressing the Council

The Council encourages interested people to address this legislative body by making a brief presentation on a public hearing item when the Mayor calls the item or address other items under Matters from the Audience. State Law prohibits the City Council from responding to or acting upon matters not listed on this agenda.

The Council encourages free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Council rules prohibit clapping, booing or shouts of approval or disagreement from the audience. Please silence all cell phones and other electronic equipment while the Council is in session. Thank you.

Written comments may be submitted in advance of the meeting by emailing cityclerksgroup@cityofbrea.net. Written comments received by 3 p.m. on the day of the meeting will be provided to the Council, will be made available to the public at the meeting, and will be included in the official record of the meeting.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 990-7757. Notification 48 hours prior to the meeting will enable City staff to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

Important Notice

The City of Brea shows both live broadcasts and replays of City Council Meetings on Brea Cable Channel 3 and over the Internet at www.cityofbrea.net. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

WORKSHOP
10:30 a.m. - Brea Community Center - Art Studio
695 Madison Way, Brea, California, 92821

CALL TO ORDER/ ROLL CALL - COUNCIL

1. **Matters from the audience**

DISCUSSION ITEM

2. **Council-Executive Staff Workshop**

ADJOURNMENT

City of Brea

COUNCIL COMMUNICATION

TO: Honorable Mayor and City Council Members
FROM: Bill Gallardo, City Manager
DATE: 04/07/2023
SUBJECT: Council-Executive Staff Workshop

RESPECTFULLY SUBMITTED:
William Gallardo, City Manager

Attachments

Workbook

CITY OF BREA

CITY COUNCIL & EXECUTIVE STAFF WORKSHOP

APRIL 7, 2023



City Council and Executive Staff Workshop

April 7, 2023

Brea Community Center – Art Studio

10:30 a.m.

Agenda

1. Welcome
2. Matters from the Audience
3. Staff Goals for Meeting
 Council Goals for Meeting
4. Setting Context and Background
 - a. Citywide Mission Statements and Operational Goals
 - b. Fiscal Year 2022-2023 Council Priorities & Projects Status Update
5. Going Forward
 - a. Fiscal Year 2023-2024 Council Priorities Discussion
 - b. Roundtable
6. Other City Council Follow-Up
 Appendices
 - A. City Council Roles and Norms
 - B. City Council Protocols and Procedures

CITY MISSION STATEMENTS

All work performed in the organization must somehow relate to a basic policy direction as developed by the City Council. The fundamental building block upon which we base our work programs are the Council Mission Statements. A Mission Statement is a broad-based, generic policy developed by the City Council usually covering a single issue area. Mission Statements are expressions of the Council's vision. Usually expressed as a definitive statement of purpose ("Brea will do..." "The City is committed to..."), Mission Statements are the guide for the development of operational goals by the various departments.

Maintain a Safe Environment for Breans

Public safety is a basic element of Brea's quality of life. The City will continue to use education and prevention approaches as well as enforcement and appropriate maintenance of facilities to enhance people's sense of security.

Ensure Brea Remains a Special Place

Brea's small town atmosphere, our sense of community and our physical assets make Brea a special place. The City resolves to protect Brea's hillside and canyon areas and foster family values, quality education, cultural understanding, a vibrant civic and cultural life, and an involved and caring citizenry.

Protect and Enhance Brea as a Balanced Community

A successful community sustains itself by ensuring a balance in physical, economic and human development. A balanced community provides residents and businesses with the infrastructure and services which fulfill the diverse expectations of the community. A balanced community will provide a variety of land uses, promote economic health, and create and retain jobs while diversifying the revenue base needed to support services and maintain a sound reserve fund. A balanced community will also ensure a diversity of affordable housing opportunities for all elements of Brea, from the young to the old.

Increase Breans' Sense of Civic Ownership

The City commits itself to two-way communication and interaction with the community to facilitate vision building, long-range planning, and organizational excellence. These elements are necessary for the long-term success of the community.

2022 – 2023 OPERATIONAL GOALS

Operational Goals specifically describe the desired end result of various City programs. Operational Goals support one or more Mission Statements and begin to convert City Council policy as expressed through Mission Statements to specific program activities. The below operational goals have been reviewed by the Executive Team and recommended for City Council review. City Council typically approves these goals biennially.

One of the ongoing goals of the City Council is somewhat intangible. It involves the notion of “Quality of Life” and attention to the “little things” that make a difference to individuals or specific neighborhoods. All City Departments work to provide programs and services that will make a difference in the Quality of Life of our residents and business community. Many of the operational goals identified below directly or indirectly address these general quality of life issues.



**Support Community Diversity
& Civic Involvement**



**Promote Environment
Sustainability & Recycling Efforts**



**Promote Long Term
Financial Stability**



**Provide Effective &
Efficient Public Services**



**Invest in City Infrastructure,
Facilities & Neighborhoods**



**Improve Employee Relations,
Retention & Attraction**



**Promote Economic Development
& Affordable Housing**



**Support Homeless Outreach
Efforts & Resource Assistance**



**Explore Collaborative
& Regional Partnerships**

2022-2023 CITY COUNCIL PRIORITIES AND PROJECTS

1. Support Advocacy for Pension and Workers Compensation Modernization
 - a. Continue to Manage and Pay Down Unfunded Pension Liability and Manage the Other Post-Employment Benefits (OPEB)
2. Continue Engagement and Planning Needs for Parks, Recreation, and Human Services and Cultural Arts
 - a. Implementation of Identified Needs
 - b. Prepare to Support the Changing Needs and Interest of a Significant Increase in our Senior Population
 - c. Continue Development of the Tracks at Brea Trail
 - i. Facilitate the Tracks' Western Extension Towards La Habra
 - ii. Explore Options for Further Trail Enhancements:
 1. Lighting
 2. Walkway Connections/Access
 3. Security Cameras
 4. Signage
 - d. Support the Efforts to Reduce Homelessness in Orange County
 - i. Mental Health
 - ii. Shelter
 - iii. Addiction/Substance Abuse
 - iv. Permanent & Supportive Housing
3. Renegotiate Refuse Franchise Agreement with Republic Industries
4. Complete Discussion with County Regarding State Permit for Olinda-Alpha Landfill
5. Explore and Consider Reclaimed Water – Public, Private, Collection, and Recharge
6. Assess Traffic Impacts of New Development and Efficiencies for the Existing Circulation System
7. Evaluate Long-Term Options for Emergency Medical Transport
8. Implement Methods to Improve Employee Relations, Retention, Attraction, and Investment

2022-2023 City Council Priorities and Projects Updates

1. Support Advocacy for Pension and Workers Compensation Modernization

This is an ongoing effort, as staff continues to look for ways to support advocacy for Pension Reform and reducing Workers' Compensation costs, where possible. Our Legislative Advocate, Townsend Public Affairs, also continues to seek avenues for reform in support of this Council priority. Our advocate is aware of potential Workers' Compensation legislation and will work to ensure that those initiatives support Council priorities.

a. Continue to Manage and Pay Down Unfunded Pension Liability and Manage the Other Post-Employment Benefits (OPEB)

The City continues to monitor and allocate funds related to unfunded pension liability and managing other post-employment benefits (OPEB). As of June 30, 2022, there is \$8,623,858 in the City's Section 115 PARS Trust Account. The City also has \$419,739 in the OPEB account, with \$269,234 having been allocated by the City Council at the City's Fiscal Year 2022-23 budget adoption.

2. Continue Engagement and Planning Needs for Parks, Recreation, and Human Services and Cultural Arts

a. Implementation of Identified Needs

The Parks, Recreation and Human Services Needs Assessment with LPA, Inc. was completed, and this document will continue to drive efforts for community engagement as new recreational sites get developed or as existing sites become modernized. City staff negotiated for additional ball fields and trail space, as mentioned in the Needs Assessment, for the Brea 265 project. The Needs Assessment was also used to consider various amenities for the Arovista Park Modernization Project.

City Council approved funding for a Cultural Arts Master Plan, as part of the Fiscal Year 2022-23 Budget Cycle. At their March 21, 2023 meeting, City Council approved a contract with Arts Orange County to begin implementing this strategic planning process. The next steps will be to partner with the consultant on the development of a Master Plan Steering Committee, in order to obtain input from key community partners. Staff will continue to update the City Council on progress.

b. Prepare to Support the Changing Needs and Interest of a Significant Increase in our Senior Population

The City of Brea, along with other Orange County community leaders, have continued as participants in the Orange County Strategic Plan for Aging (OCSPA) Initiative in developing a long-term strategic plan to prepare Orange County for the growing number of older adults and the future issues they will face. Due to changes in OCSPA leadership, progress has continued to be slow, but staff has already resumed meetings with the group to continue addressing this important issue.

Brea's senior active adult population participates in various workout programs at the Brea Community Center. Senior insurance-based classes are also offered at this location, which allow them to attend cost-free, while the City receives compensation from the insurance company.

Programs and services at the Senior Center have all resumed since the COVID-19 pandemic, though they are continuing with higher participation than pre-pandemic levels. The pandemic granted the Brea Senior Center higher exposure, due to it being one of the few nutrition hubs open, and many of those participants continue to seek the City's facility for needed nutrition and other basic services. Staff continues to look into capacity concerns as it relates to Resident vs. Non-Resident use and will continue evaluating over the next few months, given the recent surge in participation levels.

In 2022, Community Services staff led a discussion with organization leaders on how the future of senior services and changing demographics will impact all departments across the organization. These conversations will continue so the organization will be prepared to approach this shift from all points of view, instead of it being isolated to only those who participate in our senior programs.

c. Continue Development of the Tracks at Brea Trail

i. Facilitate the Tracks' Western Extension Towards La Habra

Brea staff continues working with the Orange County Transportation Authority (OCTA), Union Pacific Railroad (UP), and the City of La Habra to develop the Tracks at Brea Trail project. Brea has submitted various grant applications to OCTA, the County, and the State and Federal Programs for right-of-way purchase, design, and construction funds. Under the Bicycle Corridor Improvement Program, OCTA has awarded the City of Brea \$6,047,538 for right-of-way acquisition, design, and construction, with a City match of \$2,967,750. The Active Transportation Program awarded \$1,787,000 for right-of-way acquisition. In addition, the City was awarded from the Rivers Mountains Conservancy \$225,000 for community engagement, concept development, and permitting for the project. Lastly, the City was awarded \$2,000,000 as part of the federal earmark process for land acquisition totaling \$13,027,288, which includes the \$2,967,750 City required match. California Environmental Quality Act (CEQA) is complete.

City staff has received regular updates from OCTA regarding their meetings with UP. UP is selling only a 15-foot easement for the City of La Habra and Brea east of Berry Street, with a UP appraised value of over \$6M. UP submitted the draft sale agreement, which has been reviewed and commented on with the City Attorney's Office. The City of Brea and the City of La Habra are conducting a joint appraisal that should have results in early 2023.

The project's next steps are for staff to present the appraisal findings to City Council and begin the draft sale agreement negotiations to discuss shared maintenance roles with UP.

ii. Explore Options for Further Trail Enhancements:

1. Lighting

2. Walkway Connections/Access

The Brea Mall development project is looking into opportunities to add connectivity from Randolph Avenue to the Tracks. Construction has begun for the Berry Street Sidewalk (CIP 7324) Project that adds connections to the Tracks.

3. Security Cameras

4. Signage

d. Support the Efforts to Reduce Homelessness in Orange County

The Brea Police Department continues to engage with the homeless population in many ways. The Department has a dedicated full-time Homeless Liaison Officer (HLO), who is currently the primary contact for the homeless regarding the many facets of services and diversion. During FY 2020–2021, the Police Department created a new unit, the Community Outreach Bureau. This unit consolidates existing resources, including the Downtown Liaison Officer (DLO), the Homeless Liaison Officer (HLO), and the School Resource Officer (SRO), into one unit under the direct supervision of a Sergeant. Consolidating these three positions into one unit affords the Police Department greater flexibility and responsiveness to meet our community's needs. While each officer will maintain their primary responsibilities, they are cross-trained in each other's assignments. These officers work closely together as a team, assisting one another as needed instead of operating independently of one another.

From October to December 2022, the HLO has made 324 field contacts with homeless individuals. Bus passes were provided to 20 homeless, three homeless were assisted in obtaining their DMV identification (which is necessary for certain resource opportunities), one homeless was assisted in obtaining food/clothing, and six homeless were assisted with medical issues. In addition to the below statistics, the HLO works closely with Orange County Public Health to provide homeless persons with referrals and mobile/tele healthcare on a weekly basis.

- a. Mental Health:** The HLO and regional partners work closely with the Orange County Health Care Agency to provide referrals to a variety of appropriate mental health services.
- b. Shelter:** There are currently four shelters that the HLO now uses to house the homeless, including Bridges at Kraemer Place in the City of Anaheim, PATH in the City of Placentia, Independence Park in the City of Fullerton, and the Homeless Navigation Center in Buena Park. From October to December 2022, the City successfully placed three homeless persons into shelters.
- c. Addiction/Substance Abuse:** Two homeless individual accepted placement within an addiction program from October to December 2022.
- d. Permanent & Supportive Housing:** Bridges in Anaheim is set up to provide supportive care to the homeless and uses different resources to move their homeless residents into permanent housing. Staff works with Orange County Health Care Agency to get homeless individuals and families into permanent/supportive housing.

The Police Department is in the process of transitioning the primary response to all non-emergency, non-criminal, homeless-related calls for service to the Community Services Department via collaborative, regional, homeless outreach efforts funded

by the North Orange County Public Safety Collaborative. As a part of these collaborative efforts, Regional Outreach Workers will be employed by the cities of Brea, La Habra and Cypress-La Palma (shared). Brea City staff have successfully hired a Regional Outreach Worker position. The Regional Outreach Worker will work from both the Brea Resource Center and The Hope Center. The Hope Center held a soft opening in October 2022 and has initiated a trial operation period with the cities of Fullerton and Buena Park. We anticipate additional partnering agencies to join the effort mid-year 2023, at which point The Hope Center will become the base of operations for homeless services; calls for service will be routed to Regional Outreach Workers, who will be dispatched out from the Hope Center accordingly.

3. Renegotiate Refuse Franchise Agreement with Republic Industries

With the addition of several State and Assembly Bills concerning solid waste, the City of Brea must renegotiate these additional costs into their current franchise agreement with the City's waste hauler, Republic Industries, to comply.

In 2019, City Council renegotiated with Republic to implement new rates to comply with AB 1826 Organic Commercial Recycling. In early 2020, City Council renegotiated with Republic to implement a new residential fee for the additional cost of processing green waste in conformance with AB 1594.

From mid-2020 to early 2021, City Council commissioned HF&H Consultants to help the City to implement SB 1383 Organic Waste Reduction by reviewing the City's current compliance levels to negotiate with Republic for new residential and commercial rates. City staff provided City Council with SB 1383 updates during Study Session Meetings on June 15, 2021 and December 7, 2021.

In 2022, HF&H negotiated on the City's behalf with Republic on proposed residential and commercial rates for SB 1383 compliance. Staff presented Republic's proposed rates at

the November 15, 2022, Study Session Meeting. Later that year, City Council formed the Solid Waste Ad-Hoc Committee to implement SB 1383, proposed rates, and prepare the new restated agreement with Republic and City of Brea. The Ad-Hoc Committee has been conducting meetings with staff. The draft restated agreement has been submitted to the City Attorney's Office for review.

4. Complete Discussion with County Regarding State Permit for Olinda-Alpha Landfill

The City has been meeting with representatives from Orange County Waste & Recycling and the County Board of Supervisors to discuss an extension of the Olinda Alpha Landfill's operations. These discussions have resulted in the mutual decision to revise the current agreement between the parties. Each party has identified interests to include in the new agreement, a draft of which is currently being reviewed and negotiated. Discussions with the County will continue with the hopes of reaching consensus on an agreement.

5. Explore and Consider Reclaimed Water – Public, Private, Collection, and Recharge

City Council approved a Professional Services Agreement with Fuscoe Engineering, Inc. to prepare a comprehensive study to evaluate the possibility of capturing stormwater, storing it, and reusing it for another purpose, such as irrigation. In the Winter of 2023, staff will present the final report to City Council for the Harvest and Reuse Opportunities. The preliminary report has identified four potential locations where harvest & reuse is feasible.

6. Assess Traffic Impacts of New Development and Efficiencies for the Existing Circulation System

This item will review the current Traffic Impact Fees and Nexus Study to determine if an update is necessary to maximize traffic improvements to address current and future traffic circulation issues. Based on the COVID-19 environment, traffic patterns were previously reduced nationwide based on alternative work schedules, telecommuting, and non-essential businesses operating at maximum capacity. City staff determined that

traffic patterns have not normalized to pre-pandemic levels. As such, staff will revisit the initial assessment and re-evaluate the update to the Traffic Impact Fee and Nexus Study when traffic patterns have normalized. This update will start in Fiscal Year 2023-24.

7. Evaluate Long-Term Options for Emergency Medical Transport

The City of Brea Fire Department/Emergency Ambulance Services (EAS) partnership is working to expectations. The EAS ambulances are stationed at Fire Stations 2 and 3 and have integrated well with crews working at the Fire Stations. When not running calls, EAS staff are helping crews with station and apparatus cleaning and involving themselves in training relative to their EMT positions. The City will continue completing transport opportunities while evaluating the current performance with the EAS contract.

City staff will bring forward a discussion regarding emergency medical transport models at a future City Council Meeting during this current Fiscal Year.

8. Implement Methods to Improve Employee Relations, Retention, Attraction and Investment

City staff continues to review, evaluate and implement various methods to improve employee relations, retention, attraction, and investment, as outlined below:

- **Brea Forward**

In July 2022, Department Directors invited City staff to participate in an effort to address organizational needs and to prepare for a new, 21st Century workplace. To date, those interested in participating have met four times and begun forming sub-groups to get this effort moving in the right direction. The group named this initiative “Brea Forward” and has been focusing efforts towards:

- Employee Feedback. One of the sub-groups, the Outreach Team, has completed two surveys and other methods to get feedback from all full and

part-time staff to understand how employees are feeling and what realistic changes can be made throughout the organization. Areas of focus include:

- Pay and Other Benefits
- Career Growth and Development
- Leadership and Manager Effectiveness
- Flexibility and Work Schedules

- Negotiate successor labor agreements with all bargaining units

In December 2022, the City Council reached a 4.5-year agreement with the Brea Police Association. Labor negotiations with three non-safety labor groups that have contracts expiring on June 30, 2023 are scheduled to start in mid-April.

- Conduct a Class and Compensation Study in early 2023

On March 7, 2023 the City Council approved a Professional Service Agreement for consultant services to complete a classification and compensation study to assist them in developing compensation and benefits strategies in an effort to remain competitive in the local government market place. Classification and compensation studies review internal pay, equity between positions, and external competitiveness in the labor market. Essentially, these studies are conducted to re-examine the responsibilities, salary, and work performed by various positions within the City. The main purpose to develop or update job descriptions, classify the positions according to a uniform factor that is standardized, and survey the market of comparable communities to inform salary decisions by policy makers.

- Coordinate the Annual Employee Recognition Program

Brea's annual Employee Appreciation Awards Luncheon to honor and celebrate employees receiving Service Awards was held in September 2022. Staff is already working to prepare for this year's appreciation luncheon.

- Coordinate the Annual Employee Health Fair

The 2022 Annual Employee Health Fair was not held this year due to ongoing COVID-19 restrictions limiting key vendors from doing in-person meetings. Open enrollment was all handled online for the third year in a row, in conjunction with an in-person Health Fair workshop. The City partnered with its benefit broker, Keenan & Associates, to coordinate an open enrollment workshop, where employees were able to learn more about our benefit program through the Building Blocks Business platform. The benefit workshop for the open enrollment process was well-attended and well-received by employees. Staff's goal is to continue our very popular Health Fair in 2023.

- Facilitate and/or develop training sessions/workshops for employees covering various employment/labor topics

Thus far, the City has met its goal to provide ten training/workshop topics to staff in FY 2022-2023. Staff has worked with the City's training partners to offer sessions/workshops online via webinars to all employees and in-person too. Staff continues to work with our partners to offer in-person and online training to our employees and is working to reinstate the City's employee conference this upcoming year.

- Modernize the recruitment process by enhancing recruitment and on-boarding tools

The City Council approved the purchase of NeoGov Human Resources Information System, a premier government-focused software last year. Staff completed the implementation process of the recruitment module of the NeoGov software in December 2022 and is currently working to implement the full onboarding module. NeoGov has already greatly enhanced and streamlined the City's recruitment efforts and is providing a more user-friendly and mobile-friendly platform to all of our candidates.

- **Police Officer Foreign Language Incentive Program**

Data indicates that over 25% of Breans are Asian American. Through community outreach, the Police Department has experienced increased contacts with Korean and Mandarin-speaking residents, and there is a need to staff additional Korean and Mandarin-speaking police officers to mirror the community and enhance trust and credibility of the Department. As such, in November of 2021 the Police Department received City Council approval for a \$10,000 foreign language incentive bonus program, payable in three payments: \$2,500 at completion of probation, \$2,500 after 3 years of services, and \$5,000 at completion of five years of service. This bonus will serve a dual purpose, by also attracting applicants to Brea, in what is an extremely competitive recruiting environment. The goal is to hire a total of four officers under this incentive program over a two-year period.

- **Police Department Professional Development Program**

The Police Department recognizes a need for an ongoing, crafted professional development program to prepare for future assignments and ensure successful succession planning. In August 2022 the Department contracted with Chief Leadership for customized and interactive leadership development training workshops, that will be aimed at all work groups and will take place in the 22-23 Fiscal Year. The first four of eight workshops, which included the Police Management Team, the Patrol Division (in two sessions), and Sergeants, took place between November 2022 and February 2023. The Department continues to explore additional ways to provide professional development opportunities to staff. We are hopeful to expand the program by contracting with Simon Sinek – The Optimism Company, for group access to a leadership library and a leadership book club.

- **Police Department Holistic Wellness Program**

The Police Department recognizes the need for an ongoing holistic wellness

program to promote activities that support the physical and mental health of current and future employees. The Police Department received grant funding in the amount of \$41,422.88 in February 2023, through the California Board of State and Community Corrections Officer Wellness and Mental Health Grant Program. The Police Department is preparing to apply once again for up to \$200,000 in federal funding under the Department of Justice Law Enforcement Mental Health and Wellness Act (LEMHWA) Program, and also recently applied for funding of over \$80,000 through the Motorola Solutions Foundation. The Department remains steadfast in its endeavor to develop a holistic wellness program and established a new Health & Wellness Unit in November 2022. This unit is comprised of front-line sworn and non-sworn staff that will continue to explore resources and services that can be implemented to create a culture of wellness. In January 2023, the Department partnered with EveryTable to make healthy meals, snacks, and beverages available onsite 24/7, which was a need identified through the Wellness Unit. Additional areas of discussion within the Wellness Unit include:

- Refurbishment of the employee gym
- Onsite group fitness classes
- Health/wellness coach
- Support dog for employee stress reduction and victim advocacy
- Partnership with neighboring agencies for onsite wellness coach and health screenings

In addition, in October 2022 the Department executed a pilot contract with The Counseling Team International (TCTI), which offers 24/7 availability for critical incident debriefings. TCTI provides culturally-aware counseling, training, critical incident intervention, and support to emergency service personnel and their families. Furthermore, TCTI provides additional care and services following a critical incident debrief.

City of Brea

CITY COUNCIL

PROTOCOLS & PROCEDURES



November 2014

Last Revised: June 2022

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CITY COUNCIL PROTOCOLS & PROCEDURES

"Always do right. This will gratify some people and astonish the rest."

-Mark Twain

INTRODUCTION

The City Council Protocols & Procedures is designed to describe the manner in which Council Members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Brea. As elected representatives of the citizens of the City of Brea, it is essential that each Council Member's behavior be consistent with the level of responsibilities and duties of governance entrusted to them by the people of the City of Brea.

The constant and consistent theme throughout the City Council Protocols & Procedures is "respect." Council Members experience tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council Members to do the right thing in even the most difficult situations. Such respect is the cornerstone of civility.

The overall principles and guidelines contained in the City Council Protocols & Procedures also describe the manner in which the City Treasurer, City Clerk, Commissioners, Committee members and Board members are expected to treat one another, City staff, and all others they come into contact with in representing the City of Brea.

OVERVIEW OF ROLES AND RESPONSIBILITIES

MAYOR

The Mayor is the Council's team leader; therefore, the Mayor is elected by the Council based upon the Council's belief the Council Member elected has demonstrated the skills and trust necessary to effectively fulfill the responsibilities of the office defined below. As a result, the Mayor serves at the Council's pleasure, so it is not a rotational position.

The Mayor's authority and responsibilities are:

Authority:

- The same as any other individual Council member; no more.

Responsibilities:

- To work with the Mayor Pro Tem and City Manager to fully support the Council's approved policies, protocols, and priorities that are developed via a consensus-based process.
- To work with the Mayor Pro Tem and City Manager to manage the Council's Meeting Agendas to further the Council's policies and priorities in an effective and productive manner.

Note: If the Mayor and Mayor Pro Tem disagree about an issue, the item will be placed on the Council's Study Session Agenda for the full Council to determine how the item shall be discussed. The City Manager may request an item be added to the Council's Study Session if necessary to determine the full Council's direction for the item.

- To chair the Council's meetings in a professional manner, fostering positive team relationships, and facilitating constructive debate and discussion to achieve Council consensus.
- To represent the Council in a professional manner at public events that reflects positively upon the City
- Acts as the official head of the City for all ceremonial purposes
- Calls for special meetings
- Recognized as spokesperson for the City Council
- Selects substitute for City representation when Mayor cannot attend
- Makes Council Member assignment nominations to applicable standing committees and regional boards and committees. Appointment to such standing committees and regional boards and committees requires approval of the majority of Council. These standing committees and regional boards and committees are those that do not require appointment through external agencies or organizations (such as Orange County City Selection). Council Members who are originally appointed to ad hoc committee shall continue in their assignments. Ad hoc committee assignments are not subject to change unless an assigned Council Member resigns from the committee or is no longer serving on the Council. Ad hoc committees shall be created to support and further Council priorities. When an ad hoc committee is created, the Council will define the committee's goals and the committee shall provide periodic progress reports to Council. No ad hoc committee will be formed without Council approval.
- Makes judgment calls on which proclamations to give
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City of Brea
- Serves as official delegate of the City to the Leagues of California Cities, National League of cities and other events and conferences

MAYOR PRO TEM

- Serves at the pleasure of the City Council
- Serves in the Mayor's absence.
- Represents the City at ceremonial functions at the request of the Mayor

ALL COUNCIL MEMBERS

All members of the City Council, including those serving as Mayor and Mayor Pro Tern, have equal votes. No Council Member has more power than any other Council Member and all should be treated and treat each other with civility and respect.

All Council Members shall:

- Demonstrate honesty, integrity, and civility in every action and statement
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda. Make a reasonable effort to meet with staff before meetings to receive answers to questions regarding the agenda
- Represent the City at ceremonial functions at the request of the Mayor
- Place activities and events on the Council's weekly activities calendar that invite official participation of all Council Members
- Be respectful of other people's time. Stay focused and act efficiently during public meetings
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Brea City government
- Provide contact information to the City Manager's Executive Assistant in case an emergency or urgent situation arises while the Council Member is out of town
- Participate in scheduled activities to increase team effectiveness

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Mayor Pro Tern or another Council Member is designated as Chair of a specific meeting. The Chair of meetings:

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on the specific agenda item under consideration
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of Council votes to overrule the Chair.

POLICIES AND PROTOCOL RELATED TO CONDUCT

AGENDA ITEMS

The Mayor and Mayor Pro Tem, in consultation with the City Manager, shall determine agenda items for City Council Meetings. However, to ensure all Council Member views are represented, study session agendas contain a section titled "Council Member Reports/ Requests" and general session agendas contain a section titled "Council Requests". These portions of the meeting allow any Council Member to request an agenda item for a future meeting, and allow the City Council to have a short discussion on the request (but not on the substance of the item). Any request must include an explanation of the issue and the goal of the proposed Council discussion. If at least one other Council Member indicates support for the request at that time, then the item shall be placed on a future agenda. Upon support for the request, the Council will provide direction to staff on information that is desired to be presented when the item is placed on a future agenda. The Mayor and Mayor Pro Tem shall schedule the item no later than 45 days following the request, unless the Council Member who requested the item consents to it being placed on the agenda of a later meeting. Additionally, with the advice of the City Manager and City Attorney, the Mayor and Mayor Pro Tem will determine the type of meeting (regular or special) and the type of session (closed, study, or general) at which the item will be considered.

CEREMONIAL EVENTS

City staff will handle requests for a City representative at ceremonial events. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor Pro Tem will be asked to serve as a substitute; if the Mayor Pro Tem is unavailable, the request will go to another member of the Council. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to individual Council Members at their homes are presumed to be for unofficial, personal consideration, unless otherwise indicated, and the individual is expected to represent the City of Brea in a formal capacity.

ENDORSEMENT OF CANDIDATES

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meeting or other official City meetings.

LEGISLATIVE PROCESS

The City follows parliamentary procedure for the management of meetings using guidelines adopted by Resolution No. 2014-065 on October 7, 2014.

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

During a designated period of the agenda, the public may comment on any item of interest that is within the subject matter jurisdiction of the Council. As a general rule, a speaker will be limited to five minutes.

The City Manager will respond, as deemed appropriate, to comments related to items on the meeting's agenda. In compliance with the Brown Act, the City Council may not take action or discuss any item that does not appear on the Council meeting agenda.

PUBLIC INQUIRIES

City staff will prepare official letters in response to public inquires and concerns, as appropriate. These letters will carry the signature of the Mayor unless the Mayor requests that another Council Member or City staff sign them. If correspondence is addressed only to one Council Member that Council Member should generally check with staff on the best way to respond to the sender. In the event a Council Member, as an elected representative, feels compelled to express an opinion a matter, it shall be with the express understanding and stated as such, that it is their personal opinion and does not many way represent that of the City Council. Nor, under any circumstances, should a Council Member state or attempt to represent the opinion of the City Council or of another Council Member.

Council Members may receive public inquires via email and may choose to respond directly v i a email . All such correspondence is considered a public record and should be treated as such. As with official letter responses to public inquires, to a Council Member feels compelled to express an opinion on a matter, it shall be with the express understanding, and stated as such, that it is a personal opinion and does not m any way represent that of the City Council.

PUBLIC HEARING MEETING PROTOCOL

The applicant or appellant shall have the right to speak first after staff presentation regarding the item being appealed. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes with applicants and appellants, or their designed representatives, allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he/she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly and/or accommodate extenuating circumstances

Established protocol dictates that Council Members do not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. To maintain proper public decorum it is important that Council Members refrain from arguing or debating with the public during a public hearing and always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for a point of order. Only Council Members who voted on the prevailing side may make motions to reconsider. Council Members who desire to make the first motion on issues that they feel strongly about should discuss their intention with the Chair in advance of the Council meeting.

COUNCIL CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal respectfully acknowledge this potential diversity of opinion and viewpoint even as Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

- Use of formal titles

The Council should generally refer to one another formally during public meetings as Mayor, Mayor Pro Tem or Council Member followed by the individual's last name

- Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not, however, grant the right for Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening and otherwise disruptive can be tolerated. Disruptive behavior, at the direction of the Council, can result in expulsion from the proceedings.

- Honor the role of the Chair in maintaining order

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is a disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedures adopted on October 7, 2014. Differences of opinion of what constitutes appropriate versus inappropriate shall be resolved by consensus of the full Council at an appropriate time.

- Avoid personal comments that may offend other Council Members

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of the discussion.

- Demonstrate effective problem-solving approaches

Council Members have a public stage to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- Continue respectful behavior in private

The same level of respect and consideration in differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware that the insecurity of written notes, voicemail messages, and email technology allows words written or said without much forethought to be distributed wide and far. It could create unpleasant consequences and cause embarrassment. Written notes, voicemail messages and email should be treated as potentially “public” communication and part of the public record.

- Even private conversations can have a public presence

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Council Members must behave at all times in a manner reflective of the trust placed in them by the public.

COUNCIL CONDUCT WITH CITY STAFF

Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. The City of Brea is a general law city governed by the council/manager form of government. The City Council, with the assistance of its advisory commissions and boards, makes policies and fundamental governmental decisions; the City Manager is charged with implementing those policies and decisions and administering the day-to-day affairs of the City with the assistance of his/her staff. The City Council has direct authority over the City Manager and the City Attorney; all other employees of the City are under the direct authority of the City Manager. Following this hierarchy is important to the success of the basic structure and to maintaining positive and effective working relationships between the City Council and employees, and will prevent any confusion and/or inefficiency associated with potentially contradictory direction.

- Treat all staff as professionals

Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. Poor behavior toward staff is improper, disrespectful and, as such, inappropriate and unacceptable.

- Limit contact to specific City staff

Questions of City staff and/or requests for additional information or services should be directed only to the City Manager. If, in the opinion of the City Manager the request makes sense and requires little staff time and/or resources, the City Manager can direct the appropriate department to fulfill the request.

- Do not disrupt City staff from their Jobs

To maintain efficiency in daily activities, it is important that Council Members not disrupt City staff while they are in meetings, on the telephone, or engrossed in performing their job functions in order to have their individual needs met.

- Respect City staffs time

Given ongoing fiscal constraints and limited staff and Council time, individual Council Members

should minimize memos and maximize face-to-face interaction with other Council Members or staff.

In this respect, individual Council Members should schedule meeting with their counterparts, the City Manager, or department directors, depending on the issue to be discussed. As a matter of courtesy and mutual respect, Council Members and staff should keep their scheduled meetings or call in advance to cancel or reschedule.

- Requests for information

All Council Members will receive the same material and information to make legislative and other policy decisions and all requests for information should be made to the City Manager to ensure consistency.

If a Council Member requests research on an issue, staff shall provide such research if it does not require extensive time to research the issue. The City Manager shall determine if the research is "extensive" or not. If the issue is complex and requires extensive staff time, the request must be approved by the City Council.

If a Council Member needs to review a document maintained in the City's records system, upon request to the City Manager, staff will retrieve the requested document. The City Manager is legally responsible for the management and retention of City records, and only staff is authorized to retrieve information from the records system.

Because of the associated costs, individual Council Members shall not make direct contact to City or Agency consultants or outside legal counsel requesting information, research or service. Any request should be directed to the City Manager for compliance.

Confidential private financial statements are not provided to individual Council Members or the Council as a whole without the concurrence of the City Attorney.

- Never publicly criticize an individual employee

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

- Do not get involved in administrative functions

To prevent raising concerns of misdeeds, or questionable motives, Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selection of consultants, processing of development applications, or granting of City licenses and permits.

- Check with City staff on correspondence before taking action

To prevent conflicting statements or duplications, before sending correspondence, Council Members shall check with City staff to see if an official City response has already been sent or is in progress. Typically the Mayor, through consultation with staff, should respond to communications addressed to the entire Council. When it is unclear whether a correspondence is to an individual Council Member or the City Council as a whole, Council Members should consult with the Mayor or staff to determine the appropriate response.

- Council Members are discouraged from attending public meetings with City staff unless requested by staff

Council Members correctly feel their presence at public meetings demonstrates an interest in the issue, however, it can also leave the public with an impression of the Council Member's position on the issue that may or may not be correct. Even if the Council Member does not say anything, the Council Member's presence can impact the meeting by implying support, showing partiality, intimidating staff, and hampering staff's ability to do their job objectively. This should be avoided because when the item does come before the City Council, Council Members' deliberative process may have produced a different outcome, which may be viewed as the Council Member misleading the public.

Staff will always provide the public with this explanation of why the City Council is not present at the meeting.

- Requests for additional staff support

Requests for additional staff support, even in high priority or emergency situations, should be made to the City Manager or Assistant City Manager, or designated representative who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- Do not solicit political support from staff

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support lists, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be conducted away from the workplace.

COUNCIL CONDUCT WITH THE PUBLIC

IN PUBLIC MEETINGS

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

- Be welcoming to speakers and treat them with care and respect

Remember that most people who address the Council are not professional speakers and are not accustomed to speaking in public, and even those that are may be intimidated by the situation.

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

Public hearings provide the opportunity for the public to provide comment and feedback to the Council on issues that are of importance to them, and sometimes these comments can cause the meeting to go much longer than anticipated. However, each member of the public who wishes to speak should be given equal consideration and attention, and not rushed. But each speaker is expected to stay within the allocated time.

- Actively listen

Listening is a critically important skill. In the interest of courtesy and decorum, Council Members

should listen patiently to various opinions from all quarters. It can be disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, or gazing around the room gives the appearance of disinterest and may unintentionally offend the speaker. As public official it's important to be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- Ask for clarification, but it's important to avoid debate and argument with the public

Only the Chair – not individual Council Members – can interrupt a speaker during a presentation. However, a can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior/language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate for elected officials to belligerently challenge or belittle a speaker. Council Members personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- No personal attacks of any kind, are appropriate under any Circumstance

Council Members should be aware that their body language and tone of voice may appear to be intimidating or aggressive to some speakers.

- Follow adopted parliamentary procedure in conducting public meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair, subject to an appeal by the full Council.

IN UNOFFICIAL SETTINGS

- Make no promises on behalf of the Council

No individual Council Member has the authority to represent or make commitments on behalf of the City Council. Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a street tree, plant new flowers in the median, etc.).

- Make no personal comments about other Council Members

It is acceptable to publicly disagree about an Issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions. Doing so may undermine confidence in and respect for the City Council as a body.

Remember that Brea is a small town at heart. Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City. Honesty and respect for the dignity of each individual

should be reflected in the words and actions taken by Council Members. It is a serious and continuous responsibility.

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

- Be clear about representing the City or personal interests

If a Council Member appears before another governmental agency or organization to give a statement on an Issue, the Council Member must clearly state if his/her statement reflects personal opinion or is the official stance of the City and whether this is the majority or minority opinion of the Council. If the Council Member is representing the City, the Council Member must support and advocate the official City position on an Issue, not a personal viewpoint. If the Council Member is representing another organization whose position is different from the City, the Council Member should withdraw from voting on the Issue if it significantly impacts or is detrimental to the City's interests.

Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- Correspondence also should be equally clear about representation

City letterhead may be used when the Council Member is representing the City and the City's official position. A copy of the official correspondence should be given to the City Manager's Executive Assistant to be filed in the Council Office as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Council Members representing a personal point of view, or a dissenting point of view from an official Council position. However, should a Council Member use City letterhead to express a personal opinion, it must be clear to the reader that this is not the official City position.

COUNCIL CONDUCT WITH COMMISSIONS, COMMITTEES AND BOARDS

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

- If attending a commission, committee or board meeting, be careful to only express individual personal opinions

Council Members may attend any commission, committee, or board meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Council Member at a commission, committee or board meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- Limit contact with commission, committee, or board members to questions of clarification

It is inappropriate for a Council Member to contact a commission, committee, or board member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members

to contact commission, committee, or board members in order to clarify a position taken by the commission, committee, or board.

- Remember that commissions, committees, and boards serve the community, not individual Council Members

The City Council appoints individuals to serve on commissions, committees, and boards and it is the responsibility of these groups to follow policy established by the Council.

But commission, committee and board members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten members with removal if they disagree with them about an issue. Appointment and reappointment to a commission, committee, or board is governed by the Municipal Code and should be based on such criteria as expertise, ability to work with staff and the public, commitment to the community and to fulfilling official duties.

- Be respectful of diverse opinions

A primary role of commissions, committees, and boards is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on commissions, committees and boards, but must be fair and respectful of all citizens serving on commissions, committees and boards.

- Keep political support away from public forums

Commission, committee and board members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support commission, committee or board members who are running for office, but not in an official forum in their capacity as a Council Member.

COUNCIL CONDUCT WITH THE MEDIA

Council Members are frequently contacted by the media for background and quotes.

- The Mayor and the City Manager shall determine the official spokesperson for the City's position on high-profile Issues

If an individual Council Member is contacted by the media, the Council Member should refer the media to the Mayor or the City Manager and refrain from making statements that would give the appearance of representing the City's position.

- The City Manager or his/her designee shall be the City's spokesperson on routine media inquires
- Remember who you are

A Council Member must always be aware of his/her role as a policy maker in the organization, and the deference that is afforded you by the public because of your office. Consequently, it is very important to remember not to speculate or venture outside your area of expertise. The public will rely on what they are told by an elected official.

- The best advice for dealing with the media is to never go "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. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- Never say "no comment"

This statement can easily be misconstrued. If a Council Member does not have the information available, it is best to say so and let the media know when the information will be available and then make certain to follow through.

- Do not be afraid to say "I don't know"

If a Council Member does not know the answer to a question, it is best to just say so, then find out. It is helpful to ask the media for their deadline and then get back to them on time.

- Don't speculate; avoid hypothetical questions

A Council Member may choose to raise a case study hypothesis to illustrate a process, but should not be lured into speculating about what has not occurred.

- Be positive, not defensive

- Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

- Avoid "never" and "always"

Opinions may change as additional information is revealed. Absolutes can come home to haunt!

- Do not fill in the silences

Silences can be a tool used by the media to keep a Council Member talking in hopes of obtaining more information. The only thing that should be said to fill in a silence is the Council Member's own prepared key messages.

- Do not lose your composure

A Council Member may win the battle, but will always lose the war.

- Do not argue with the media

Arguing with the media is a no-win situation. A Council Member who is calm and in good temper will also look like a sensible adult. That is a good image to convey. Keep in mind that editing has final control and an argument may be the only thing shown on the evening news.

- Never lie

It is better not to express an opinion than to fabricate a response that may not be entirely factual, and would tend to mislead the press.

SANCTIONS

PUBLIC DISRUPTION

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

INAPPROPRIATE STAFF BEHAVIOR

City staff members who do not follow proper conduct in their dealings with Council Members, other City staff, or the public will be referred to the City Manager. These employees may be disciplined by the City Manager in accordance with City policies and procedures.

COUNCIL MEMBERS BEHAVIOR AND CONDUCT

City Council Members who are alleged to be in violation of State or Fair Political Practices laws or guidelines should be referred to the appropriate agencies.

City Council Members who intentionally and repeatedly do not follow proper conduct as outlined in the City Council Protocols & Procedures may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City or with intergovernmental agencies) or have official travel restricted. Serious infractions of the City's Code of Ethics or Protocols & Procedures could lead to other sanctions as deemed appropriate by Council.

It is the responsibility of the individual Council Member to initiate action if a Council Member's behavior may warrant sanction. The alleged violation(s) can be presented to the full Council in a public meeting. If violation of the Code of Ethics or Protocols & Procedures is outside of the behaviors observed by the Council, then subsequent investigation and potential sanctions should be reviewed and approved by the Council.

PRINCIPLES OF PROPER CONDUCT

PROPER CONDUCT IS...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

PROPER CONDUCT IS NOT

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

IT ALL COMES DOWN TO RESPECT

- Respect for one another as individuals
- Respect for the validity of different opinions
- Respect for the democratic process
- Respect for the community that we serve

CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me?
- Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for?
- Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

GLOSSARY OF TERMS

Attitude	The manner in which one shows one's dispositions, opinions, and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself
Civility	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior politeness connected with kindness
Courtesy	Suitable; proper; good taste in behavior
Decorum	A way of acting; a style, method, or form; the way in which things are done
Manners	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
Point of order	A challenge to a speaker to defend or apologize for comments that a fellow
Point of personal privilege	Council Member considers offensive
Propriety	Conforming to acceptable standards of behavior
Protocol	The courtesies that are established as proper and correct

APPENDICES

Appendix 1 - City Council Policies (page 22)

**Appendix 2 - Log of Revisions to City Council Protocols & Procedures
(page 26)**

APPENDIX 1

CITY COUNCIL POLICIES

1. Ceremonial Recognition Items

Page 23-25



CITY COUNCIL POLICY

CEREMONIAL RECOGNITION ITEMS

Adopted: June 21, 2022

I. PURPOSE

The purpose of this policy is to identify the authority, criteria, and procedure for the recognition of individuals, groups, organizations, businesses, special periods of observance, or special occasions through the issuance of proclamations, commendations, certificates of recognition, and other recognition items. All proclamations, commendations, and certificates of recognition are ceremonial documents.

II. POLICY

It is the policy of the City of Brea (City) that requests for proclamations, commendations, or certificates of recognition shall be prepared in accordance with the adopted guidelines of this policy. In accordance with the City Council Code of Conduct, the Mayor shall be the official head of the City for all ceremonial purposes, or the Mayor may select a designee.

A. PROCLAMATIONS

1. Proclamations may be issued to honor or highlight a special period of observance (e.g., days, weeks, months), civic celebration, or recognition of a community, regional, state, or national occasion, and in accordance with the criteria specified below:
 - a. The primary purpose of a proclamation is to give special recognition to issues, actions, and/or programs of significance to the citizens of Brea.
 - b. Proclamations are issued to honor special periods of observance (e.g., days, weeks, or months), civic celebrations, or community, regional, state, or national occasions to cover issues that have widespread community interest.
 - c. Examples of proclamations include: Women's History Month, Girl Scout Week, Arbor Day, etc.

B. COMMENDATIONS

1. Commendations are issued to honor individuals, groups, organizations, or businesses with a connection to the City for milestones or major achievements that have significant importance to the Brea community, such as:
 - a. Local sports teams or individual athletes for winning regional, state, and/or national titles;

- b. Local schools or students for winning competitions, exhibitions, or championships at the state, national, and/or international level, or educators for receiving recognition at the regional, state, national, and/or international levels;
- c. Brea businesses or organizations upon the commemoration of a milestone anniversary;
- d. Community groups or organizations, upon the commemoration of a milestone anniversary, whose work has benefited the City and/or Brea residents;
- e. Recognition of Brea residents on the occasion of their 100th birthday;
- f. Visitors from Brea's Sister Cities;
- g. Outgoing Mayors, Council Members, Commissioners, and Committee Members;
- h. Significant donors to the city;
- i. Individuals, community groups, or organizations whose volunteer efforts and/or philanthropic works have benefitted the Brea community and/or Brea residents;
- j. Boy Scouts of America - Eagle Scout Award Recipients;
- k. Girl Scouts of America - Silver or Gold Award Recipients; and
- l. Community Members who have conducted acts of heroism.

C. CERTIFICATES OF RECOGNITION

1. Certificates of recognition may be issued to individuals, groups, organizations, or businesses with a connection to the City for individual or group achievement, contributions to the Brea community, or commemorative events or occasions. Certificates of recognition shall be issued in accordance with the criteria specified below:
2. Certificates of recognition are used to acknowledge individual or group achievement, contributions to the community, or to recognize a commemorative event or occasion, such as:
 - a. Brea students for academic achievement at the local or regional level (e.g., school valedictorian, placement at regional competitions or exhibitions);
 - b. Local organizations or businesses for commemorative events or occasions in Brea (e.g., ribbon cutting ceremonies, grand opening ceremonies, etc.);
 - c. Individuals who have passed away that have made a significant contribution to the Brea Community. These are prepared when a City Council Meeting is adjourned in their memory;
 - d. Brea employees for conducting acts of heroism; or
 - e. Various community groups visiting the City of Brea.

D. NAMING FACILITIES

Naming facilities or components of facilities in recognition of the contributions of an individual, group or organization shall be the responsibility of the City.

E. PLAQUES

1. Outgoing Mayors and Commission Chairs receive a plaque upon the end of their term.

III. PROCEDURE

A. RECOGNITION REQUESTS

1. Proclamations and Commendations
 - a. Citizens may call or petition to have ceremonial documents prepared, or a Council Member may request one from the Mayor or the majority of the City Council.
 - b. Requests for recognition from members of the public are received and reviewed by the City Clerk's Office and City Manager's Office. The City Clerk's Office will work with the requester to gather information to produce the ceremonial documents. The City Manager's Office shall coordinate the distribution and/or presentation of each item of recognition.
 - c. If a request for recognition does not fit into the aforementioned ceremonial document categories pursuant to this policy, the Mayor and City Manager will determine the appropriate form of recognition it should receive.
2. Certificates of Recognition
 - a. Certificates of recognition can be requested by any member of the City Council.

B. PRESENTATION OF CEREMONIAL ITEMS

1. Proclamations, commendations, and certificates of recognition can be given in person and presented at a pre-arranged City Council Meeting or official City-sponsored event; mailed out; or presented in-person at non-City sponsored community events.

APPENDIX 2

LOG OF REVISIONS TO CITY COUNCIL PROTOCOLS & PROCEDURES

DATE	SECTION	ACTION
October 2, 2018	COUNCIL CONDUCT WITH COMMISSIONS, COMMITTEES AND BOARDS	<p><u>Removal</u> of language:</p> <p><i>Inappropriate behavior can lead to removal - Inappropriate behavior by a commission, committee, or board member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual may be subject to removal from the commission, committee or board.</i></p>
January 15, 2019	POLICIES AND PROTOCOL RELATED TO CONDUCT – AGENDA ITEMS	<p>Revisions amended the procedures for City Council to make agenda requests.</p> <p><u>Removal</u> of language:</p> <p><i>Individual Council Members should submit requests, preferably written, for agenda items to the Mayor for consideration. In the case of a dispute a Council Member may, at a public meeting, request the support of the majority of the Council to place an item on the agenda.</i></p> <p><u>Addition</u> of language:</p> <p><i>However, to ensure all Council Member views are represented, study session agendas contain a section titled “Council Member Reports/ Requests”. In addition to their reports, this portion of the meeting allows any Council Member to request an agenda item for a future meeting, and allows the City Council to have a short discussion on the request (but not on the substance of the item). Any request must include an explanation of the issue and the goal of the proposed Council discussion. If at least one other Council Member indicates support for the request at that time, then the item shall be placed on a future agenda. Upon support for the request, the Council will provide direction to staff on information that is desired to be presented when the item is placed on a future agenda. Additionally, with the advice of the City</i></p>

		<p><i>Manager and City Attorney, the Council will provide direction to staff on the type of meeting (regular or special) and the type of session (closed, study, or general) at which the item will be considered. The Mayor and Mayor Pro Tem shall schedule the item no later than 45 days following the request, unless the Council Member who requested the item consents to it being placed on the agenda of a later meeting.</i></p>
<p>April 2, 2019</p>	<p>POLICIES AND PROTOCOL RELATED TO CONDUCT – AGENDA ITEMS</p>	<p>Revisions clarified that the Mayor and Mayor Pro Tem, rather than the full Council, have the authority to provide direction to staff on the type of meeting and session at which Council-requested agenda items will be considered.</p> <p>Revisions also added an opportunity for City Council to make agenda requests during General Session.</p> <p><u>Removal</u> of language:</p> <p><i>Additionally, with the advice of the City Manager and City Attorney, the Council will provide direction to staff on the type of meeting (regular or special) and the type of session (closed, study or general) at which the item will be considered..</i></p> <p><u>Addition</u> of language:</p> <p><i>...and general session agendas contain a section titled “Council Requests.”</i></p> <p><i>Additionally, with the advice of the City Manager and City Attorney, the Mayor and Mayor Pro Tem will determine the type of meeting (regular or special) and the type of session (closed, study, or general) at which the item will be considered.</i></p>
<p>February 16, 2021</p>	<p>OVERVIEW OF ROLES AND RESPONSIBILITIES - MAYOR</p>	<p>Revisions clarified Mayor’s role in making internal and external committee assignments.</p> <p>Language revision:</p> <p><i>Makes Council Member assignments nominations to Council subcommittees applicable standing committees and regional boards and committees through consultation with other members. Appointment to such standing committees and regional boards and committees requires approval of the majority of Council. These standing committees and regional boards and committees are those that do not require appointment</i></p>

		<p><i>through external agencies or organizations (such as Orange County City Selection). Council Members who are originally appointed to ad hoc committee shall continue in their assignments. Ad hoc committee assignments are not subject to change unless an assigned Council Member resigns from the committee or is no longer serving on the Council. Ad hoc committees shall be created to support and further Council priorities. When an ad hoc committee is created, the Council will define the committee's goals and the committee shall provide periodic progress reports to Council. No ad hoc committee will be formed without Council approval.</i></p>
June 21, 2022	TITLE	<p>Changed the title of the document from “City Council Code of Conduct” to “City Council Protocols & Procedures”.</p>
June 21, 2022	OVERVIEW OF ROLES AND RESPONSIBILITIES – MAYOR and MAYOR PRO TEM	<p>Revisions clarified the roles and responsibilities of the Mayor and Mayor Pro Tem positions.</p> <p>Mayor <u>Addition</u> of language:</p> <p><i>The Mayor is the Council's team leader, therefore the Mayor is elected by the Council based upon the Council's belief the Council Member elected has demonstrated the skills and trust necessary to effectively fulfill the responsibilities of the office defined below. As a result, the Mayor serves at the Council's pleasure, so it is not a rotational position.</i></p> <p><i>The Mayor's authority and responsibilities are:</i></p> <p><i>Authority:</i></p> <ul style="list-style-type: none"> <i>• The same as any other individual Council member; no more.</i> <p><i>Responsibilities:</i></p> <ul style="list-style-type: none"> <i>• To work with the Mayor Pro Tem and City Manager to fully support the Council's approved policies, protocols, and priorities that are developed via a consensus-based process.</i> <i>• To work with the Mayor Pro Tem and City Manager to manage the Council's Meeting Agendas to further the Council's policies and priorities in an effective and productive manner.</i> <p><i>Note: If the Mayor and MPT disagree about an issue, the item will be placed on the Council's Study Session Agenda for the full Council to determine how the item shall be discussed. The City Manager may request an item be added to the Council's Study Session if necessary to</i></p>

		<p><i>determine the full Council's direction for the item.</i></p> <ul style="list-style-type: none"> <i>• To Chair the Council's meetings in a professional manner, fostering positive team relationships, and facilitating constructive debate and discussion to achieve Council consensus.</i> <i>• To represent the Council in a professional manner at public events that reflects positively upon the City.</i> <p><u>Removal of language:</u> Removed redundancies; no substantive changes.</p> <p>Mayor Pro Tem <u>Addition of language:</u></p> <ul style="list-style-type: none"> Serves in the Mayor's absence. <p><u>Removal of language:</u> Removed redundancies; no substantive changes.</p>
June 21, 2022	APPENDIX – CITY COUNCIL POLICIES	Added an additional Appendix (Appendix 1) regarding City Council Policies. A policy on Ceremonial Recognition Items was added under this category.

City Council Roles and Norms

The team discussed the roles of the Mayor, City Council and City Manager, norms established in the 2016 workshop.

Roles
Mayor's Roles
1. Largely ceremonial role; no more than one vote; no more authority than other Council Members
2. Facilitate effective meetings
3. Provide for even treatment of all City Council Members
4. City spokesperson; figurehead for events
5. Help each of us be heard, engaged
6. Control flow of discussion at meeting
Council's Roles
1. Serve as policy makers, not day-to-day managers
2. Represent City, community
3. Be prepared and up to speed
4. Respond to community
5. Regional representation
6. Make clear when we respond as an individual, that we are not representing the City
7. When receiving email, forward to City Manager or Assistant City Manager (sometimes it's better to talk to an individual sending an email, rather than forward it; check with Mayor or City Manager to see if Mayor or City Manager is already dealing with the issue)
8. Respect staff's time constraints
9. Treat staff with respect
10. Authority only over two people: the City Manager and City Attorney
City Manager's Roles
1. Accountability to Council
2. Run day-to-day operations
3. Hire/fires staff
4. Implement Council policy and strategic plan
5. Ensure accountability of the organization
6. Provide a City presence
7. Let Council know when City Manager will be out of the office and who is in charge
8. Approval authority, but also share with Council what has been approved
9. Present himself to the community in manner that reflects Council (vote/goals)

Norms

At the 2016 workshop, the Council, City Manager and Assistant City Manager identified several norms to enhance the Council's and staff's effectiveness in working together.

Norms
1. Show mutual respect
2. Trust each other
3. Assume good intent
4. Seek clarification
5. Focus on the issue, not the person
6. When debate is over and vote is taken, we move on
7. Focus on the "now"
<i>Communications with staff:</i> Acceptable to communicate for informational purpose to department heads, but not below, in addition to going to the City Manager for information. The Council may not direct staff time. The City Manager may adjust a request based on the amount of time that would be required to gather the information. Council Members are to copy the City Manager on all emails to staff.