



Guide to Town Council Processes and Procedures

Version 1 – December 2024





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“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

Margaret Mead



Chapter 1: Introduction

The Town of Mammoth Lakes Town Council establishes policies and priorities for the community and is responsible for the fiscal health of the Town.

Purpose

Town of Mammoth Lakes Staff prepared this guide to assist the Town Council by documenting current accepted practices. Through the approval of this guide, the effective administration of Town Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures can be clearly articulated to guide Councilmembers in their actions.

Overview of Town Documents

This Guide provides a summary of important aspects of Town Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the Town Council. Many other laws, policies, plans, and documents exist which bind the Town Council to certain courses of action and practices. Summaries of some notable documents that establish Town Council direction are provided below.

Municipal Code

The Municipal Code contains local laws and regulations. Various chapters describe rules and responsibilities related to the Town Council, including appointments to Town Boards and Commissions. The Municipal Code is available on the Town's website. Changes to the Municipal Code are made by the Town Council's adoption of ordinances.

General Plan

The General Plan is a land use document required by the California Government Code. It provides a comprehensive,

long-term guide to development within the Town. It can also govern land uses outside Town boundaries within the Town designated "sphere of influence," which is approved by the Local Agency Formation Commission (LAFCO). The General Plan establishes standards, guidelines and priorities that define the community now and for the future, a future where Mammoth Lakes is a premier, thriving, sustainable community. The community takes seriously our responsibility as stewards of the environment, protectors of residents' quality of life, and caretakers of visitors' quality of experience. The "Community Vision" from the General Plan embodies important values and principles that recognize the uniqueness of our natural surroundings and our character as a village in the trees.

Orientation of New Councilmembers

It is important that Councilmembers understand the full range of services and programs provided by the organization. As new members join the Town Council, the Town Manager coordinates with department heads to provide tours of Town facilities and meetings with key staff.

League of California Cities

The League of California Cities (Cal Cities) is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials and Town Staff, publication of various newsletters, and legislative advocacy efforts. Cal Cities offers a New Mayors and Council Members Academy held in January of each year. More information can be found on their website: www.calcities.org.



Photo: Samantha Lindberg / MLT

Chapter 2: Town Council Powers and Responsibilities

General Law Cities

The Town of Mammoth Lakes is a general law city operating under a Council/Manager form of government with the Town Council acting as the legislative body of the Town. As a general law city, the legal authority for the Town's acts originates from the laws of the State of California (as opposed to a charter city which is governed by a charter). The Town Council is comprised of five elected positions. Elections are staggered every two years with each Councilmember serving a four-year term. Each year, typically in December, the Town Council selects two of its members to serve one-year terms as Mayor and Mayor Pro Tem.

Town Council Generally

The Town has the full power and authority to make all laws, regulations, and policies related to municipal affairs, subject to State and federal law.

The Town Council acts as a single body. No member has extraordinary powers beyond those of other members. The Mayor, and Mayor Pro Tem in the Mayor's absence, have additional duties as the presiding officer at Council meetings. However, all members of the Town Council, including the Mayor and Mayor Pro Tem, have equal roles and votes in making Town policy.

Policy decisions and other actions require at least a majority vote of the Town Council. While individual Councilmembers may disagree with decisions of the majority, a decision of the majority binds the Town Council to a course of action. In turn, it is Staff's responsibility to ensure the policy of the Town Council is carried out. Actions of Staff to pursue policy direction established

by a majority of the Town Council do not reflect any bias against Councilmembers who hold a minority opinion on an issue.

Members of the Town Council often participate and provide leadership in local, regional, State, and federal programs and meetings. Councilmembers are strongly encouraged to report to the Town Council on matters discussed at these meetings.

Conflict of Interest

State laws are in place to prevent an action by a Councilmember that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. Any time a Councilmember believes a potential for conflict of interest exists, they are encouraged to consult with the Town Attorney for advice. Staff may also request an opinion from the Town Attorney 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 Section 1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Section 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 themselves from acting on or participating in the decision before the Town.

Government Code Section 1090 is similar to the Political Reform Act but applies only to Town contracts in which a public official has a financial interest. The financial interests covered by Section 1090 are different from those in the Political Reform Act. A Councilmember having an interest in a contract may preclude the Town from entering into a contract at all. In addition, penalties for violating Section 1090 are severe. If a Councilmember believes that they may have any financial interest in a contract that will be before the Town

Council, the Councilmember should immediately apprise and seek advice from the Town Attorney.

State law prohibits a Councilmember from simultaneously holding two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

1. Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
2. Based on the powers and jurisdiction of the offices, there is a possibility of a

significant clash of duties or loyalties between the offices.

3. Public policy considerations make it improper for one person to hold both offices.

This doctrine prevents an individual from serving simultaneously on the Town Council and as an elected or appointed official for the County of the special districts in Mammoth Lakes.

Identifying Potential Conflicts of Interest

Conflicts may exist when a Councilmember joins the Town Council due to their property or business ownership in Town. Town Staff typically notes the address of any property or business owned by a new Councilmember so that a map can be made outlining the distance from their property to determine if a Councilmember can vote on issues within that area. Councilmembers should read each staff report carefully in order to identify potential conflicts of interest. The final decision on whether to participate in the consideration of an item lies with each individual Councilmember. If a member is aware of any basis for a potential conflict or any would like to obtain an opinion from the Fair Political Practices Commission, they should contact the Town Attorney as soon as possible. Please be aware that violations of conflict of interest laws, in severe cases, could result in criminal and civil penalties. Accordingly, it is advisable to stay vigilant and consult with the Town Attorney as far in advance as possible of any action that may raise conflict of interest issues.

Role of Mayor and Mayor Pro Tem

The Mayor acts as the Presiding Officer at all Town Council meetings, and in the

absence of the Mayor the Mayor Pro Tem will act as the Presiding Officer. The Presiding Officer has all of the rights of a Councilmember and may move, second, debate, and vote. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as Presiding Officer. Specific duties of the Presiding Officer include:

1. Restating of the Question. The Presiding Officer may verbally restate each motion prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the vote carried or was defeated.
2. Maintaining Order and Decorum. The Presiding Officer shall be responsible for maintaining order and decorum at all meetings. The Presiding Officer shall also decide all questions of order subject, however, to an appeal of the Town Council.
3. Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, and other documents requiring the Presiding Officer's signature adopted in his or her presence, unless he or she is unavailable. If the Presiding Officer is unavailable, the alternate Presiding Officer may sign such documents.
4. Appointments of Committees. The Mayor may appoint such ad-hoc committees of Councilmembers, Town staff and private citizens, or a combination thereof, as the Mayor deems necessary and expedient to assist and advise the Town Council in its work.



Appointment of Town Manager and Town Attorney

The Town Council appoints two positions within the Town organization: the Town Manager and the Town Attorney. Both positions serve at the will of the Town Council. The Town Manager is an employee of the Town and has an employment agreement that specifies certain terms of employment. The Town Attorney is a contracted position governed by an agreement for service. Except for employees of the Town Council, the Town Manager is responsible for all personnel appointments within the Town.

Role During a Disaster

The Town Council has some special, extraordinary powers in the case of a disaster, including the ability to ease some meeting restrictions and expenditure controls in such extreme situations.

During an emergency, the Town Manager has the authority to declare a local emergency; such declaration must then be formally ratified by the Town Council. The Town Council also has the independent authority to declare a local emergency, with three affirmative votes, at a properly noticed Council meeting. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation can be necessary or helpful to activate eligible State and Federal disaster relief programs that provide financial relief to both local government and the public.

Appointments – Outside Agencies

Members of the Town Council represent the Town on various boards, committees, and commissions throughout the region, including but not limited to the Eastern Sierra Transit Authority (ESTA), Mammoth

“Two of the most basic components of a good life are success in one’s work and the joy that comes from serving one’s community. And ... the two are so closely intertwined that a person cannot usually have one without having the other.”

Robert N. Bellah

Lakes Tourism (MLT), Mammoth Lakes Recreation (MLR), Mammoth Lakes Housing (MLH)/Eastern Sierra Community Housing, the Local Transportation Commission (LTC), the Eastern Sierra Council of Governments (ESCOG), the Great Basin Unified Air Pollution Control District (GBUAPCD), and the Local Agency Formation Commission (LAFCO). Due to the number of appointments and the need for alternates, the appointments to the various agencies are spread among the members of the Town Council. Appointments are typically voted on by the Town Council in December for the following calendar year.

Appointments – Town Commissions

The Town has several commissions that serve as advisory bodies to the Town Council, and the Town Council is responsible for appointing members to these bodies. Applicants are appointed, re-appointed, and subject to removal by the affirmative

vote of at least three Councilmembers. Interested applicants seeking appointment or re-appointment to an advisory body must obtain and file the “Application for Public Service Appointment” with the Office of the Town Clerk. Applications are only accepted during the recruitment process for existing or imminent vacancies. Applicants should become familiar with the area of responsibility of the advisory body and attend at least one meeting thereof prior to interviewing with the Council. The Town Council, or a subcommittee thereof, typically interviews applicants for appointment or re-appointment during a study session, regular, or special meeting. At the same or subsequent meeting, the Town Council makes appointments by publicly ranking the persons favored for membership. Those applicants with the highest overall rankings are appointed by action of the Town Council. Applicants not appointed will be notified.



Photo: Patrick Griley / MLT

Chapter 3: Town Council Meetings

General Procedures

The Town Council meeting rules and procedures are set forth in Chapter 2.04 of the Municipal Code.

Presiding Officer

The Mayor is the Presiding Officer and acts as chair at Town Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tem serves as the Presiding Officer.

Seating Arrangement

The Mayor is seated in the middle of the dais. The Mayor Pro Tem is seated to the right of the Mayor on the dais. The Mayor establishes the seating arrangement for Town Council meetings. The seating is typically updated each year when the Mayor and Mayor Pro Tem are appointed.

Quorum

Three-fifths of the Councilmembers constitute a quorum for the transaction of business. Typically, a majority of the Councilmembers present is needed to approve an agenda item. Some items by law require a four-fifths vote; these items will be identified in the staff report and/or by the Town Attorney.

Meeting Schedule

Regular Meeting Schedule. The Town Council meeting schedule is established in Municipal Code Section 2.04.010. Regular meetings are held in the Town Council Chamber on the first and third Wednesdays of each month at 4:00 p.m.

Cancellations. Meetings may be canceled from time to time as recommended by staff and approved by the Town Council

depending upon agenda items, the availability of staff, and/or a quorum of Councilmembers.

Special Meetings. Special meetings may be called at any time by the Mayor, or by a majority of the entire Town Council, in accordance with Section 54956 and any other applicable sections of the Brown Act.

Meeting Notices

All meetings comply with the noticing requirements of the Brown Act. Regular meetings are required to be noticed (i.e., the agenda must be published) at least 72 hours in advance of the meeting. Special meetings have a noticing requirement of 24 hours in advance of the meeting.

Meeting Minutes

Action, summary minutes of each meeting are taken by the Town Clerk or Assistant Clerk. Action, summary minutes focus on the actions taken by the Town Council with brief descriptions given of comments from the public. Following the Town Council's approval of the minutes, they are posted on the Town's website.

Methods of Receiving Public Input

In-person. The public may comment in person on items appearing on the Town Council agenda at a Town Council meeting. Public comments are taken on every agenda item generally after any staff presentation and before Council deliberation. In addition, each regular agenda includes a "Public Comments" section, under which any member of the public may address the Town Council on items that do not appear on the agenda but are within the jurisdiction of the



Town Council. The limit for a member of the public's public comment is five minutes.

By Zoom. A member of the public watching the Council meeting live by Zoom may electronically raise their hand to give a public comment during the public comment periods. The clerk of the meeting will call upon and unmute the individual so that they may give their comments, and the same time limit of five minutes will apply. After the comments have been given, the clerk of the meeting will then remove permission for that member of the public to speak.

Email. After the agenda is published and up to the start of the Town Council

meeting, members of the public may email clerk@townofmammothlakes.ca.gov to give their public comments. The email will be forwarded to the Town Council and pertinent Town staff and will become a part of the public record and posted online.

Councilmembers may receive direct email messages from constituents or interested parties about agenda items. Any communication that is received by a majority of the Town Council must be made part of the public record without delay. Councilmembers are requested to forward such messages to the Town Clerk as soon as possible to be added to the record.

Attendance

Councilmembers are expected to attend all meetings of the Town Council in person. In accordance with Government Code Section 36513, if a Councilmember is absent without permission from all regular Town Council meetings for sixty (60) consecutive days from the last regular meeting they attend, their office becomes vacant and shall be filled as any other vacancy. Councilmembers shall notify the Mayor, Town Manager, and/or Town Clerk if they are going to be absent from a regular meeting, and the Presiding Officer shall note such excused absence for the record.

There are some instances where a Councilmember may attend a meeting from a remote location or by Zoom but criteria must be met to allow those instances. Councilmembers should check with the Town Attorney to determine if they meet the requirements for remote or electronic attendance.

Agendas

The purpose of the agenda is to inform members of the public of what will be discussed at the meeting so they can determine whether to monitor or participate in the meeting. Agendas must meet certain requirements, including a description of each item of business to be discussed or acted upon. Items cannot be added to the agenda after the noticing periods unless an "emergency" or "urgency" finding is made.

Placing Items on the Agenda

An agenda shall be prepared for each regular meeting in accordance with Section 54954 and any other applicable sections of the Brown Act. The agenda shall contain the specific items of business to be transacted and the order thereof. Items of business to be heard in public may be placed on the

agenda by the Town Manager, the Town Attorney, the Town Clerk, or a majority of the Town Council. At a meeting of the Town Council, a Councilmember may request consensus of a majority of the Town Council to place an item on a future agenda. Such requests shall be submitted to the Town Clerk on or before 5:00 p.m. on the Monday one week prior to the regular meeting.

Items of business to be heard in closed session may be submitted by any Councilmember, the Town Manager, or the Town Clerk to the Town Attorney for review for compliance with the provisions of the Brown Act, and the Town Clerk shall place such items that comply with those provisions on the closed session agenda. Only certain topics may be discussed at closed session. Notwithstanding the foregoing, however, items of business relating to personnel matters involving performance review or discipline, dismissal, or release of specific Town employees shall only be placed on the closed session agenda at the direction of the Town Manager or upon the request of three Councilmembers through the Town Clerk.

Emergency and Non-Agendized Agenda Items

In most cases, the Town Council is prohibited by State law from discussing matters that are not on the agenda. Discussion on non-agendized matters usually needs to be delayed until the matter can be properly noticed on an agenda.

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters, and other severe emergencies. Adding an

emergency item requires a majority vote. Emergency items are uncommon.

After the agenda is posted, a matter may arise that the Town Council would like to act on. Non-agendized items may be added to the agenda only if the Town Council makes findings that 1) the need to consider the item arose after the posting of the agenda, and 2) there is a need to take immediate action at this meeting of the Town Council. These findings must be approved by a four-fifths vote of the Town Council; if fewer than five members of the Town Council are present, the findings require a unanimous vote of those present.

Standard Documents Accompanying Agenda Items

The Town Council agenda packet typically follows a standard template of a staff report for each agenda item for approval. In addition to the staff report, items listed below and other materials, such as maps, pictures, letters, graphs, etc., may be included in an agenda item.

Staff Report. A staff report typically accompanies agenda items that require action by the Town Council. The staff report includes background information and analysis for the Town Council and the public to better understand the item and the action that is being recommended. Other components of the staff report include fiscal and staffing considerations.

Ordinance. Ordinances are legislation enacted by the Town. Adoption of an ordinance is required to change the Municipal Code and occasionally for some other purposes. Ordinances are typically presented to the Town Council to vote on a first and second reading at two consecutive Council meetings. Once adopted on second

reading, ordinances become effective after 30 days, unless otherwise stated in the ordinance.

Resolution. Resolutions are used to memorialize a decision or position of the Town Council. They are commonly used to approve policies and other documents such as grants, bonds, the purchase of property, fee schedules, and assessment districts, as well as approve and amend the budget.

Access to Agenda and Materials

The agenda and agenda packet are published online and anyone wishing to request notification of when an agenda is published may do so through the Town's Notify Me subscription system located on the Town's website under News & Alerts.

Councilmembers can access the agenda packet on their electronic devices using the Escribe app, on the Town's website, or by requesting a paper copy from the Town Clerk. Within the Escribe app, Councilmembers can make notes on specific items, highlight, underline, and otherwise annotate attachments, as well as view any additional attachments and public comments that are received after the agenda packet is initially published.

Order of Business

The typical order of the agenda is listed on the next page with a description of each section. As the Presiding Officer, with consensus of the Town Council, the Mayor may take items out of order.

Section	Description
Call to Order and Roll Call	After calling the meeting to order, the Mayor will ask the Town Clerk to call roll.
Pledge of Allegiance	The Mayor will lead, or will ask another Councilmember or individual to lead the Pledge of Allegiance.
Public Comments	The public comment section provides the public with an opportunity to address the Council on any matter not listed on the agenda that is within the jurisdiction of the Town Council. In accordance with the Brown Act, the Town Council cannot take action on matters brought up under public comment. The Town Council may refer a matter to staff, or a majority of the Council may request that an item be added to a future meeting agenda for discussion.
Additions to the Agenda	This section allows the opportunity to add emergency and non-agendized items to the agenda subject to the rules noted above under the Emergency and Non-Agendized Agenda Items, and/or to take items out of order on the agenda.
Reports from Commissions and/or Departments	This section is the time for the Town Staff or members of the Town's Commissions to give brief oral reports and updates.
Council Presentations	Recognition, awards, and proclamations are given under this item.
Public Presentations	The Council shall hear brief reports from community groups and public agencies.
Staff Presentation	Work Program items, department updates, and presentations are given under this item.
Consent Agenda	The consent agenda is a group of items that have been determined to be routine or otherwise not requiring special consideration or discussion. All consent items are considered for approval at the same time with one vote. A member of the Town Council, Town Staff, or a member of the public may request an item be removed from the consent agenda for individual consideration and discussion. Items removed from the consent agenda are discussed immediately following the vote on the remaining consent agenda items.
Public Hearings	Public hearings are held on matters specifically required by law and must follow a specific process different from policy matters. Fees, grants, budget adoption, and zoning amendments are some examples of matters that are subject to public hearings. The Mayor will open the public hearing and then: Ask for a statement and presentation from staff. Ask for a statement or presentation from the property owner or appellant (if applicable). Ask for questions from the Town Council. Call for public comment. Allow for the rebuttal to previous testimony by the property owner or appellant (if applicable). The Mayor will then close the public hearing and the Town Council will deliberate and take action.

Section	Description
Policy Matters	The Town Council shall consider and take action on new and old business and legislative matters that are not subject to a public hearing. Town Staff will typically make a presentation, which is followed by questions of the Town Council, public comment, and then Council deliberation and action.
Councilmember Reports	This is the time for members of the Town Council to give brief oral reports on items of interest to them, including meetings they have attended or items they wish to have addressed in the future.
Closed Session	Closed Session consists of items that are not discussed in front of the public. Typically closed session is only attended by members of the Town Council, the Town Manager, any necessary support staff, and the Town Attorney. Depending on the matter, outside legal counsel also may attend. The purpose of the closed session is to avoid revealing confidential information that may prejudice the legal or negotiating position of the Town or compromise the privacy interests of employees. Closed sessions may only be held as specifically authorized by law. Allowable circumstances for closed session include: • Conference with real property negotiators to discuss the purchase, sale, exchange, or lease of real property. • Conference with legal counsel regarding litigation, including pending, significant exposure to, or initiation of litigation. • Public employee appointment, performance evaluation, or discipline, dismissal, or release for the Town Manager or the Town Attorney. • Conference with labor negotiators. State law prohibits the disclosure of closed session confidential information unless the Town Council authorizes disclosure of that confidential information. Councilmembers, Town Staff, or anyone else present must not disclose to anyone, including affected/opposing parties, the press, and other Town Staff, the content or substance of any discussion which takes place in a closed session without Town Council authorization. Violation of State law regarding disclosing confidential information from closed session may result in disciplinary action against the disclosing party and, in severe cases, even criminal or civil penalties.
Adjournment	The meeting shall be adjourned by order of the Presiding Officer.

Rules of Procedure

The Town Council should refer to [Rosenberg's Rules of Order](#) (attached) for all questions regarding discussion rules, motions, voting procedures, and decorum during meetings. Courtesy and decorum during meetings shall be enforced by the Police Chief, or such member of the Police Department that may be designated.

Quasi-judicial Proceedings

A quasi-judicial hearing is a special type of public hearing. This type of hearing occurs when: (a) a hearing is held to apply a rule or standard to an individual person, project, or circumstance; (b) it involves the taking of evidence; (c) it results in the rendering of a written decision issued by the Town Council (including the adoption of findings); and (d) the written decision is based on the facts and arguments submitted at the hearing.

Typical quasi-judicial proceedings are those in which a property owner makes an application to the Town for a rezoning, a special use permit, or variance. There are specific rules and standards set forth in the ordinances regarding these matters that will be presented to the Town Council at the hearing by Town Staff. Town Councilmembers' quasi-judicial role is to apply these standards to the facts presented at the public hearing and to make a fair and equitable decision based on such facts.

Quasi-judicial hearings are subject to due process and other legal requirements. One example of such a requirement is that quasi-judicial decisions are supposed to be made based upon evidence "in the record," not privately obtained information. The Town Attorney will guide Councilmembers through this disclosure process, and

other due process considerations, as the need arises.

Open Meeting Laws (The Brown Act)

Operations and procedures of the Town and Town 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.

The Town conducts its business in compliance with the Ralph M. Brown Act, California Government Code Section 54950 et seq. The intent of the Brown Act is to ensure that deliberation and actions of local public agencies are conducted openly and at public meetings.

Applicability

The Brown Act applies to the Town Council and all Town commissions, boards, and Town Council-appointed "standing" subcommittees. There is a limited exception for Town Council subcommittees comprised of no more than two Councilmembers, with no outside parties, and with a limited duration and scope. These are known as exempt "ad-hoc" subcommittees.

Meetings

All Town Council meetings are required to be open and public. A meeting is a congregation of a majority of the members of the Town Council at the same time and place to hear, discuss, or deliberate an issue in the subject matter jurisdiction of the Town Council. Even if no action is taken, a gathering may constitute a meeting. This includes informal gatherings, with or without public attendance or Town sponsorship or meeting notice.

“Alone we can do so little; together we can do so much.”

Helen Keller

The following situations would not be considered a meeting if a majority of the Town Council attends as long as: 1) matters within the Town Council’s jurisdiction are not discussed among members of the Town Council, unless they are part of the program; and 2) the meetings are open to the public:

- Conference open to the public.
- Open and publicized meeting organized to address a topic of local community concern by a person or organization other than the Town.
- Open, noticed meeting of another meeting body of the Town or another local agency.
- Social or ceremonial event.
- Open, noticed meeting of a standing committee (members of the Town Council who are not members of the committee can attend but cannot participate).
- Memoranda from Town Staff to all Town Councilmembers (the memo will typically be considered a disclosable public record).

- Individual contacts or conversations among fewer than a majority of the members and a member of the public.

Although the above examples are generally not considered meetings, the Town Attorney should be consulted prior to a majority of the Town Council attending any such “non-meeting.” It is often advisable to notice the meeting (which requires all actions for a regular meeting, including an agenda and minutes) or limit the attendance to less than a majority of the members to avoid even the appearance of a violation.

What to avoid:

1. **Serial Meetings.** The Brown Act prohibits “serial meetings,” which are a series of communications, each involving less than a quorum, but which taken as a whole involves a majority of the Town Council. Serial meetings are prohibited because they allow government discussions and decisions without the input or knowledge of members of the public. **Examples:**
 - a. **Daisy Chain:** A chain of communications (via phone, email, in person, etc.) involving contact from Member A to member B, who then communicates with Member C would constitute a serial meeting in the case of a five-person meeting body.

b. **Hub-and-spoke:** When a person acts as the hub of a wheel (Member A) and communicated individually with the various spokes (Members B and C) regarding a matter under the jurisdiction of the Town Council, a serial meeting may have occurred. To create a "meeting," the communication does not need to be in person and can occur through a third party, such as Town Staff. For example, sending or forwarding email can be sufficient to create a serial meeting, as can a staff member polling the Town Councilmembers in a way that reveals the Councilmembers' positions to one another.

2. **Intermediary communications.**

Communications between employees or agents on behalf of a majority of the members of a board or commission is prohibited.

Example: A staff member emails or calls a majority of the Town Council to ask for approval to submit a grant application and tells members that the other members were in support.

3. **Email, text message, or other electronic communications with a majority of members.** A Councilmember can inadvertently violate the Brown Act by texting, "replying all" to an email, or otherwise communicating with two or more other members. Councilmembers are advised to use caution when communicating with each other and seek advice from the Town Attorney as necessary.

4. **Social Media.** Great care should be taken in the use of social media. For

example, direct responses to any communication on an internet-based social media platform regarding a matter that is within the legislative body's subject matter that is made, posted, or shared by any other member of the legislative body is now prohibited under State law. This includes comments or the use of "digital icons" (e.g., Facebook's like, love, haha, wow, sad, and angry reactions) to express a reaction to a communication from another Town Councilmember.

In addition, especially where quasi-judicial decisions are involved, any social media indication that a Councilmember has already made up their mind on a matter may be viewed as a violation of an applicant's due process rights.

Public Disruptions

An individual or group creating serious, ongoing disruption that makes the continued, orderly conduct of the meeting impossible may be asked or required to leave. The press may remain unless they participate in the disruption. The Town Attorney should be consulted before any action is taken.

Correspondence

All writings distributed for discussion or consideration at a public meeting are public records available for review by the public.

Other Provisions

The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a Town Council summary and overview, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the Town Attorney and/or the Town Clerk for more information.



Chapter 4: Town Council Communications

Overview

Communication with the public is a fundamental role of the Town Council. Assessing community opinions and needs and communicating with staff to provide policy direction and gain an understanding of the implications of various policy alternatives is important. The Town Council acts as a body (acting based on the will of the majority of Councilmembers as opposed to individual members), therefore it is important that general guidelines be understood when speaking as a member of the Town Council. Equally important, when members are expressing personal views and not those of the Town Council, the public should be so advised.

Councilmember Correspondence

All correspondence in your capacity as a Councilmember is a public record and must be disclosed upon request and is subject to the Town's Records Retention Policy and Schedules.

Speaking for the Town

When Councilmembers are requested to speak to groups or are asked the Town Council's position on an issue, the response should reflect the position of the Town Council as a whole. Of course, a Councilmember may clarify their vote on a matter by stating, for example, "While I voted against "X," the Town Council voted in support of it." When representing the Town at meetings or other venues, it is important that those in attendance gain an understanding of the Town Council's position rather than that of an individual Councilmember.

State Legislation and Propositions

The Town has been a member of the League of California Cities (Cal Cities) for many years. In addition, the Town has contracted with Emanuels Jones and Associates to provide State legislative advocacy and implementation of the Town Council adopted Legislative Platform. Cal Cities and Emanuels Jones and Associates actively track legislation at the State level. Either through the advisories received from these two organizations or as a result of the Town staff following key legislative bills of importance to the Town, the Council is at times requested to take a position or an action on pending State legislation. Proposed legislation will be analyzed with the adopted Legislative Platform in mind and forwarded to the Town Manager for final consideration. Important legislation or issues not addressed in the Town's existing Legislative Platform may be referred to the full Town Council for consideration.

The [Legislative Platform](#) is attached.

Proclamations

Ceremonial proclamations are often requested in recognition of an event or individual. Proclamations are not statements of policy but a form of special recognition. As part of their ceremonial responsibilities, the Mayor is charged with presentation of the proclamation at the Town Council meeting after which it has been approved by the Town Council.



Chapter 5: Interactions with Town Staff

Overview

Town Staff are responsible for implementing Town Council policies and priorities on a daily basis; therefore, it is critical that the relationship between Town Council and Town Staff be well understood so that policies and programs may be implemented successfully. To maintain trust between the Town Council and Town Staff, it is important that roles and responsibilities are clearly recognized.

Town Council-Town Manager Form of Government

The Town of Mammoth Lakes is subject to a Town Council-Town Manager form of government. The Town Council appoints a Town Manager to implement policy, enforce laws in coordination with the Town Attorney, direct the daily operations of Town government, and prepare and monitor the Town's budget. The Town Council should work through the Town Manager in dealing with Town Staff unless simply requesting information from department heads. The Town Manager is responsible to the Town Council as a body rather than to individual Councilmembers.

Town Council-Town Manager Relationship

The Town Manager is the executive officer of the Town and has an employment agreement with the Town Council. Regular communication between the Town Council and the Town Manager is important in maintaining effective interpersonal relations. All dealings with the Town Manager, whether in public or private, should be consistent with the authority of the Town Manager in administrative and personnel matters. Members of the

Town Council should avoid situations that can result in Town Staff being directed, intentionally or unintentionally, by one or more Councilmember. The Town Council evaluates the Town Manager's performance on an annual basis to ensure that both the Town Council and Town Manager are in agreement about organizational performance, goals, and priorities.

The Town Manager respects that the final responsibility for establishing the policy direction of the Town is held by the Town Council. The Town Manager keeps the Town Council informed and that occurs in various ways. In addition to the formal Town Council meetings, there are recurring briefing meetings with individual Councilmembers, written memoranda, and email. Communication must be undertaken in such a way that all Councilmembers are treated similarly and kept equally informed. It is encouraged that the Town Council provide ongoing feedback, information, and perceptions to the Town Manager.

Town Council-Town Attorney Relationship

The Town Attorney is the legal adviser for the Town Council, Town Manager, Town Clerk, and Town Staff. The general legal responsibilities of the Town Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the Town's interests, as determined by the Town Council, in litigation, administrative hearings, negotiations, and similar proceedings; 3) prepare ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which



they are prepared; and 4) keep the Town Council and Staff apprised of court rulings and legislation affecting the legal interests of the Town. It is important to note that the Town Attorney does not represent individual Councilmembers, but the Town organization as a whole.

Town Council-Town Clerk Relationship

The Town Clerk's duties and responsibilities are mandated by Municipal Code, Council policy, and Federal and State statutes. The general responsibilities of the Town Clerk are to:

- Ensure the timely notice of Town Council agendas.

- Record and maintain all legislative proceedings of the Town Council.
- Maintain and preserve official Town records.
- Serve as the Town's Elections Official.
- Support board and commission members and staff liaisons.
- Ensure public access to Town government through the support of public participation in public meetings, opportunities for service in an elected or appointed position, and access to Town records.

Roles and Information Flow

Objectives: It is the intent of Staff to ensure Councilmembers have easy access to information from the Town and to ensure that such information is communicated completely, with truth and without bias. Individual Councilmembers may not intervene in Staff decision-making, the development of Staff recommendations, scheduling of work, or executing department priorities. This is necessary to protect Staff from undue influence and pressure from individual Councilmembers, to allow Staff to execute the priorities given by management and the Town Council as a whole without fear of reprisal, and to ensure that Town Council is directing policy and not individual work programs.

Town Council Roles: The full Town Council retains the power to accept, reject, amend, influence, or otherwise guide and direct service levels, departmental priorities, and the performance of Town business. Councilmembers who wish to influence the decisions and priorities of Staff must act through their participation in public Town Council meeting deliberations and actions. Should a Councilmember become dissatisfied about a department or any Town Staff, they should inform the Town Manager.

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

There are limited instances when information cannot be provided. Draft

documents under review are not available for release until complete and after review by the Town Manager and the Town Attorney. In addition, there are legal restrictions on the Town's ability to release certain personnel information even to members of the Town Council. Certain aspects of Police Department affairs also are not available to members of the Town Council.

Meeting Preparation: Councilmembers have a responsibility in this information flow as well. It is critical that they make use of the staff reports and support documents provided. Councilmembers should come to meetings well prepared – having read staff reports and attachments and requesting any available information from Staff in advance.

Councilmembers with questions on an agenda item should contact the Town Manager before the meeting in order to allow Staff members time to research a response for the meeting. Any legal issues or concerns Councilmembers may have in advance of Council meetings, ideally also should be brought to the Town Attorney's attention prior to the meeting as some legal issues are complex and may need research, and others may not be suitable for discussion in public.

Staff Roles: The Town Council recognizes the primary functions of Staff as serving the community, executing Town Council policy and actions, and in keeping the Town Council informed. Town Staff shall make recommendations to the Town Council. Staff is obligated to take guidance and direction only from the Town Council as a whole or from the appropriate management supervisors through the Town Manager.



Photo: Josh Wray / MLT

Staff are directed to report to the Town Manager any attempts by individual Councilmembers to unduly direct or otherwise pressure them into making, changing, or otherwise influencing decisions or work program.

Town Staff will make every effort to respond in a timely and professional manner to all requests made by individual Councilmembers for information or assistance. The Town Manager may determine that the magnitude of the request for information, either in terms of workload or policy, would be more appropriately assigned to Staff through the direction of the full Town Council.

Information Distribution

In cases where a Staff response to an individual Councilmember request involves written materials that may be of interest to other Councilmembers, the Town Manager, Town Clerk, or Town Attorney will provide copies of the material to all other Councilmembers. In making this judgment, the Town Manager, Town Clerk, or Town Attorney will consider whether the information is significant, new, otherwise not available to the Town Council, or of interest to the Town Council.

Magnitude of Information Requests

Any information, service-related request, or revised policy position perceived as necessary by individual Councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Councilmember to the Town Council at a Town Council meeting, so that the full Town Council can decide whether and when to agendaize the request for further consideration. The Town Manager will seek necessary clarification as to whether the Town Council desired staff

research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Restrictions on Political Involvement by Town Staff

Local governments are non-partisan entities. Professional Staff, as reflected in the Council/ Manager form of government, formulate recommendations in compliance with Town Council policy and for the good of the community and are not influenced by political factors. For this reason, it is very important to understand the restrictions of Staff in any level of political involvement. It is important to balance the Constitutional rights of employees as individuals with limitations on political activity in the workplace as established by California law.

No participation in campaigns or other activities may take place while on the job. No Town resource may be used by Staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a Town uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate and may result in discipline. A Councilmember asking Staff to sign petitions or similar items can similarly create an awkward or compromising situation and should be avoided.

Email and Mail

Members of the Town Council are provided with a Town email address and are advised to use the Town email address to conduct Town business. Councilmembers will receive mail and other material from the public, private interests, and Staff and the Town Clerk will distribute that mail to the members of the Town Council.



Photo: Dakota Snider / MLT



Photo: Dakota Snider / MLT

Chapter 6: Financial Matters

Town Council Compensation and Benefits

Beginning at the start of their term of office, members of the Town Council shall receive \$1,029 per month. Councilmembers are eligible for participation in a Cafeteria Benefit Plan that includes medical, dental, vision, and life insurance plans available to Town employees. Councilmembers shall receive travel reimbursements for authorized travel and other expenses when on official duty outside of the Town.

Annual Adopted Budget

The Town's annual budget is a policy document, financial plan, operations guide, and communication device all in one. The annual Town budget provides a description of Town services and the resources used to provide those services. The document contains a broad overview of the budget as well as descriptions of programs and services. The Town operates on a July 1 through June 30 fiscal year. The annual budget is adopted by the Town Council by resolution, and amendments

to the adopted budget are also made by resolution. The Town's annual budget is available on the Town's website under the Finance Department.

The General Fund budget, which funds the day-to-day operations of most Town services, is required to be balanced, with budgeted expenditures equal to or less than budgeted revenues, plus other available sources. This means that annual budgeted revenues determine the resources available to be spent on General Fund operations for a given year.

The other funds portion of the budget is made up of different Town funding sources, major categories include Solid Waste, Gas Tax Fund, Airport Fund, Capital Projects Fund, Measure R & U Funds, Development Impact Fees Fund, Assessment District Funds, Vehicle Replacement Fund, and Debt Service. Due to various legal restrictions, these funds are limited in their uses and generally cannot be applied to fund day-to-day operations.

“The greatness of a community is most accurately measured by the compassionate actions of its members.”

Coretta Scott King



Photo: Josh Wray / MLT

Annual Budget Process

The Town's annual budget is created in conjunction with Town Council, Town Staff, and Town residents. The budget process begins each year with the development of the preliminary base budget in March/April and is completed with a public hearing and the Town Council adoption of the budget in June. The budget development process provides Town departments the opportunity to recommend budget adjustments based on department requests and/or one-time funding requests. Requests are reviewed and may be included in the Town Manager Proposed Budget.

At any meeting after the adoption of the budget, the Town Council may amend the budget by a majority vote. Throughout the year, the Finance Director provides the Town Council with quarterly financial status reports comparing expenditure and revenue projections to budgeted amounts, highlighting variances and recommending corrective actions as necessary.

The Town's annual budget includes limited funding for members to undertake official Town business. Examples of authorized expenses include travel for attendance at conferences or educational seminars. Personal expenses, expenses associated with political activity, or donations are not allowed. It is important to note that any expense must be related to Town authorized business. California law prohibits Town Councilmembers, other elected officials, appointed officials, employees, and contractors from using Town resources for personal or political purposes.

Town Attorney Advice

The Town Attorney has an affirmative duty to protect the Town and Town Council from conflicts of interest wherever

possible. It is critical to note that while the Town 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 authority that can provide binding interpretations on such matters is the Fair Political Practices Commission (FPPC). Individual Councilmembers or the full Town 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 Town Attorney does not represent individual Councilmembers, but the Town organization as a whole.

Liability

The Town is a municipality offering a variety of services and may occasionally find itself subject to legal action through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a town since the accident occurred on a town roadway. The Town 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 Town belongs to an insurance pool, the California Joint Powers Insurance Authority (CJPIA), with other government agencies to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual Councilmembers may result in that Councilmember being personally liable for damages that would not be covered by the Town's insurance. Examples may include discrimination, harassment, or fraud.



Chapter 7: Advisory Bodies

Background

Advisory bodies are important in that they enable residents to participate in the Town's government processes. Their activities help shape and influence public policy because they lend a more diverse viewpoint for the Town Council to consider.

The Town has three advisory bodies appointed by the Town Council: the Planning and Economic Development Commission, the Parks and Recreation Commission, and the Building Advisory Committee/Board of Appeals. The purpose and duties of each advisory body can be found in the Town's Municipal Code. The terms of office are for four years, and most members are required to be Town residents.

Appointment Process

Each person seeking appointment or re-appointment to an advisory body must obtain and file the "Application for Public Service Appointment" with the Town Clerk. Applications are only accepted during the recruitment process for

existing or imminent vacancies. Applicants should become familiar with the area of responsibility of the advisory body and attend at least one meeting thereof prior to interviewing with the Town Council. The Town Council typically interviews applicants during a regular or special meeting and makes appointments at that same meeting. The Town Council makes appointments by publicly ranking the persons favored for membership and those applicants with the highest overall rankings are appointed by action of the Town Council. Applicants not appointed will be so advised.

Administration

The Town Manager designates a staff liaison to each advisory body to assist them in carrying out the duties assigned by the Town Council. Advisory body members do not have the authority to direct Town employees or the conduct of any department. While staff may work closely with commissions and committees, staff members remain responsible to their

"A community is like a ship; everyone ought to be prepared to take the helm."

Henrik Ibsen



immediate supervisors and ultimately the Town Manager. The members of the advisory bodies are responsible for carrying out the duties assigned to them by the Town Council.

Staff support includes preparation and posting of the agenda and taking action, summary minutes for each meeting.

The Town Clerk's office manages the application process, facilitates appointments and re-appointments, notifies members of required training and filing, and provides support for staff liaisons.

Advisory Body Meetings

Agendas for each advisory body meeting are required to be posted in accordance with the Brown Act, like Town Council

meetings. Agendas and minutes for upcoming and recent meetings are published on the Town's website. Advisory bodies use similar rules and procedures that the Town Council uses when holding their meetings.

Relationships with the Town Council

The Town Council is the elected legislative body of the Town and is responsible for making all policy decisions. The Town Council relies on the input of advisory bodies to increase the variety of viewpoints represented on Town issues; however, it is the Town Council's role to consider the broader context and weigh the tradeoffs involved in a particular policy decision. Consequently, the Town Council may accept, reject, or modify recommendations made by Town advisory bodies.

Chapter 8: Town Records

General

The California Public Records Act (PRA) was passed by the legislature in 1968 and was modeled after the Federal Freedom of Information Act. The PRA details what government information is and is not available to the public. The law defines a “record” as: “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by a state or local agency regardless of physical form or characteristics.” Records include paper documents, email messages, text messages, and other physical and electronic information relating to Town business. In general, all records are open and available to any requester, except certain records that are specifically exempted. Exempted records include, but are not limited to, personnel and medical files, certain records related to litigation until the case concludes, and certain information related to a police investigation.

The vast majority of the Town’s documents and records are disclosable to the public.

Public Records Requests

Any individual can request access to Town records. The Town Clerk’s office processes requests for all Town departments, except the Police Department, which handles its own requests. Under State law, the Town has 10 days to respond to a request and provide the records in a timely manner. When processing requests for records, the Town Clerk will work with necessary departments to gather the requested records.

The Town Clerk and Town Attorney review the records to determine which records are responsive to the specific request and may redact certain information. Personal information, such as an address, email address, phone number, or information related to a juvenile, is redacted before the records are released.

“Teamwork is the ability to work together toward a common vision. The ability to direct individual accomplishments toward organizational objectives. It is the fuel that allows common people to attain uncommon results.”

Andrew Carnegie



Photo: Dakota Snider / MLT

Use of Personal Accounts and Devices

In 2017, the California Supreme Court, in a case known as *City of San Jose v. Superior Court of Santa Clara County (Smith)*, held that “when a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act.” Town records on personal accounts and devices may include, but are not limited to, communications related to Town business via text message, personal email accounts, and social media accounts. Town Councilmembers are issued an official Town email and should use that email, instead of their personal email, when communicating Town business. If Town business is conducted on a personal account, all records should be emailed to the Town email account so that they can be kept in accordance with the Town’s records retention practices.

Locating Common Records Online

Frequently requested records are available on the Town website at www.townofmammothlakes.ca.gov including Town Council and advisory body agenda packets, minutes, and recordings of the meetings.

Records Retention

Federal and State law dictates the minimum length of time the Town must retain records; however, in some cases, the Town may decide to keep certain records longer than required because they provide historical or other value. This requirement applies to all Town records, including those created or kept by the Town Council. The Town Council has adopted a records retention schedule, which describes the minimum period of time the Town must retain its records, accounting for legal requirements and the Town’s preference. Retention periods range from two years to indefinite or permanent, depending on the type of record.

Attachment 1: Legislative Platform

RESOLUTION NO. 23-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, APPROVING AND ADOPTING THE TOWN OF MAMMOTH LAKES LEGISLATIVE PLATFORM

WHEREAS, Legislative activities are ongoing in the State and Federal Legislature; and

WHEREAS, many proposed legislative measures have the potential to impact the Town and its operations, both positively and negatively; and

WHEREAS, the Town Council has previously taken action on legislative items of note by utilizing the Legislative Platform adopted on March 17, 2021; and

WHEREAS, the Town Council desires to continue to take a strategic and streamlined approach toward legislative action; and

WHEREAS, the Town Council has reviewed the recommended Town of Mammoth Lakes Legislative Platform and is of the belief that such legislative priorities are in the best interest of the Town and its residents; and

WHEREAS, the Town Council is of the further belief that the Town Manager or his designee shall be authorized to act on behalf of the Town consistent with the broad policy direction set forth in this Legislative Platform.

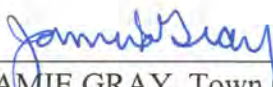
NOW, THEREFORE BE IT RESOLVED by the Mammoth Lakes Town Council that the Town of Mammoth Lakes Legislative Platform, attached hereto as Exhibit A is hereby adopted and approved as the Town of Mammoth Lakes Legislative Platform.

APPROVED AND ADOPTED THIS 5th DAY OF APRIL 2023.



JOHN WENTWORTH, Mayor

ATTEST:



JAMIE GRAY, Town Clerk



Mammoth Lakes Town Council

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 965-3600

www.townofmammothlakes.ca.gov

TOWN OF MAMMOTH LAKES LEGISLATIVE PLATFORM

PURPOSE

The purpose of this Legislative Platform is to outline the position of the Town of Mammoth Lakes on priority issues and matters that impact the Town's ability to operate effectively, while allowing the consideration of additional legislative and budgetary issues that arise during the legislative session. The priorities throughout the platform are intended to assist the Mayor, Councilmembers, and staff to proactively and appropriately address legislation to support Town interests and preserve local legislative authority if and when necessary.

The Town of Mammoth Lakes Legislative Platform confirms the Town Council's position on current issues with the potential to directly or indirectly impact the Town, thereby establishing guidelines to actively pursue pending legislation through monitoring and communications activities. Below are the Guiding Principles and Policy Statements that will allow Town staff to address legislative and regulatory issues in a timely manner, without precluding the consideration of additional legislative issues that may arise during the legislative session.

The Legislative Platform is developed and maintained using the goals and objectives adopted by the Town Council, a review of legislative priorities from the League of California Cities, current and previous input from Town Council and staff, and research of current law and pending legislation.

For proposed legislation consistent with the Town's Legislative Platform, Town staff shall be authorized to prepare position letters for the Mayor's signature. Likewise, Town staff shall be authorized to prepare letters for the Mayor's signature for proposed legislation that contradict the Policy Statements laid out in this Legislative Platform (i.e. if a proposal is made that that would be in contrast to a Policy Statement that the Town supports, the Town would oppose such a measure). Items not addressed in the Town's Legislative Platform will require further Council direction, and staff will prepare an agenda item for Town Council consideration. If a situation arises where a legislative matter of concern may be consistent with one part of Platform but conflicts with a different part, the matter would be brought before Council for consideration.

Town departments are encouraged to monitor and be knowledgeable of any legislative issues related to their discipline. However, any requests for the Town to take positions on a legislative matter must be directed to the Town Manager's Office for review and approval.

PROCESS

The process for responding to legislative proposals is streamlined as follows:

1. Once a determination is made that a legislative proposal may impact the Town or policy area of concern to the Town, a letter outlining the Town's position (supporting, opposing and/or requesting an amendment on the issue) may be drafted for the Mayor's signature.

2. If the Mayor is unavailable, the Town Manager will sign the position letter.
3. If a legislative issue is not addressed in the Legislative Platform but could potentially impact the Town, staff will place the matter on a Town Council agenda for consideration.
4. The position letter will be sent to the bill's author, the Town's legislative representatives, the League of California Cities, and other stakeholders as deemed appropriate. The letter will be sent by the requested method (mail, electronic, fax, etc.).
5. A copy of the final letter will be distributed to the Town Council.

GUIDING PRINCIPLES

Preserve Local Control – Preserve and protect the Town's powers, duties and prerogatives to enact local legislation and policy direction concerning local affairs and oppose legislation that preempts local authority. Local agencies should preserve authority and accountability for revenues raised and services provided.

Promote Fiscal Stability – Support measures that promote fiscal stability, predictability, financial independence, and preserve the Town's revenue base and maximum local control over local government budgeting. Oppose measures that shift local funds to the County, State or Federal Governments and/or make cities more dependent on the County, State or Federal Governments for financial stability, such as unfunded mandates or mandated costs with no guarantee of local reimbursement or offsetting benefits.

Protect the Environment – Support measures that protect and enhance the amazing natural resources that make the Eastern Sierra so special. Support measures that acknowledge and take action to slow the effects of climate change and promote sustainable recreation

Support Outdoor Recreation – Support measures that support the outdoor recreation industry, on which Mammoth Lakes' economy is reliant.

Enhance Local Government Efficiency – Support measures that give local government the tools, policies, funding, and authority to address local issues in response to community needs and/or unique circumstances.

Expand Availability and Affordability of Community Housing – Support legislation that would increase available funding for a variety of housing types and income levels.

Communications, Broadband, and Technology

SUPPORT:

1. Legislative initiatives and funding which ensure a stable and modern telecommunications and broadband infrastructure in the region. Support policies, legislation, and funding to deliver secure technology which leverages the use of data to create efficiencies, promote economic development, enhance public safety, and improve transportation, distance learning and telemedicine.
2. Legislation and regulations that ensure emergency communication capabilities and interoperability for information technology and public safety departments and agencies.
3. Legislation that promotes and provides capacity for increased ability to manage technology, assistance in adhering to regulatory compliance requirements and reducing the risk of cyber-attacks.
4. Legislation, regulations, and funding which further stabilizes the communications and power grid in order to deliver effective services.

OPPOSE:

5. Legislation or regulatory policy that would negatively impact security practices and privacy considerations, further erode the ability of Local governments to regulate or maintain local control over telecommunications infrastructure (including the siting of cellular communications towers or transmission sites), or otherwise diminish service delivery to customers via technology.
6. Legislation that would require public agencies to share information in public settings that could be used by groups or individuals with malicious intent to compromise the systems, services or private information of public employees or citizens.
7. Legislation that would restrict procurement practices or impact vendor interaction that limits effective purchase and integration of technology.

Disaster Preparation, Mitigation, and Response

SUPPORT:

1. Legislation that streamlines the process to allow local, regional, State, and Federal agencies to prepare for and mitigate the potential for natural or man-made disasters impacts on local governments and property owners.
2. Legislation that provides funding and/or other resources for forest thinning efforts including the use of mixed-material biomass facilities and the integration of improved recreational facilities to provide added value in resource protection.
3. Forest management practices that have been recognized as being effective at reducing the impacts of wildfires on local communities and improvement of environmental planning processes that allows simplified implementation.
4. Legislation that addresses the impact of significant snowfall that limits the provision of local public services.
5. Legislation that would allow heavy snowfall and accumulation to be treated in the same manner as heavy rains, floodwaters, and associated impacts for the purpose of access to State and FEMA resources and reimbursement.

OPPOSE:

6. Efforts by Federal and State government to increase fees for and reduce and/or eliminate fire protection services on public lands.

Economic Development

SUPPORT:

1. Legislation that supports the Town's efforts to retain existing businesses and attract new businesses.
2. Legislation that provides tangible and productive tools and incentives to support job creation and retention.
3. Efforts to provide funding mechanisms for economic development tools including infrastructure investment and the development of workforce housing.
4. Policies and programs that encourage working with other cities, counties, and government agencies to jointly leverage resources and assets to create and strengthen economic clusters within the region.
5. Promotion of tourism as the primary economic engine for the State and rural areas such as Mammoth Lakes and the Eastern Sierra.
6. The film industry in our area as well as state efforts to promote film-making in rural areas.
7. Policies and programs that enhance and specifically acknowledge and help to overcome the unique challenges facing rural businesses and entrepreneurs.

OPPOSE:

8. Proposals or policies that negatively impact and burden small businesses and/or inhibit local government.

Education

SUPPORT:

1. Measures that support, encourage, and/or fund Career Technical and Science, Technology, Engineering, and Math (STEM) educational opportunities.
2. Continued funding for home to school transportation.
3. Enhanced funding for the Community College system.
4. Long-distance learning opportunities such as online learning in our schools and community colleges.

Employee and Labor Relations

SUPPORT:

1. Legislation that streamlines the Workers' Compensation system and makes it easier for employers, employees, and health care providers to navigate.
2. Reform measures that provide sustainable and secure public pensions and other post-retirement benefits to ensure responsive and affordable public services.

OPPOSE:

3. Measures that impose mandated employee benefits upon local government that are more properly decided at the local level.
4. Efforts to legislate changes in how the California Public Employee Pension System invests its assets if the proposed changes will result in a loss of funds.
5. Legislation that limits local control over how services are to be provided to community, through employees, contracts, or other means to provide efficient, effective, and responsive public services.

Environment and Resources

SUPPORT:

1. Legislation that allows for continued and increased motorized and non-motorized recreation on public lands and the provision of funding necessary to manage these uses.
2. Legislation that streamlines the CEQA/NEPA process.
3. Federal legislation that fully funds federal resource agency planning, programming, and law enforcement capabilities to enable management of natural resources.
4. Efforts that allow local governments to develop practical, local solutions to reduce and manage locally generated greenhouse gas emissions.
5. State legislation and regulatory initiatives that enhance local government's ability to set local policies relating to environmental "sustainability," including, but not limited to building standards, land use planning, solid waste, and multi-modal transportation.
6. Investments in and efforts to support the infrastructure needed in rural areas to reduce carbon emissions, including strengthening federal, state, and local capacity for carbon analysis and accounting, and emissions reduction strategies to support climate resilient planning and decision making.
7. Legislation and funding that would help the Town meet the goals of the Resilient Mammoth Lakes project.
8. Efforts and funding for climate resiliency and adaptation efforts at the agency and regional level.
9. Resources and funding for local evaluation and mitigation of hazards and risks associated with climate change (e.g., fire, extreme weather events).

OPPOSE:

10. Statewide or federal greenhouse gas emission estimating, monitoring, and reporting mandates affecting Town utilities, unless there is a clear need that provides demonstrated benefits to the environment.
11. Legislation that eliminates or diminishes the requirement for Federal and State land use agencies to coordinate with local government on decisions affecting its plans and policies.
12. Legislation that could negatively impact outdoor recreation.

Fiscal Responsibility

SUPPORT:

1. Federal legislation that will fully fund Payment in Lieu of Taxes (PILT) Secure Rural Schools (SRS) and Community Self-Determination Act.
2. Legislation that requires that a secure and dedicated funding stream be identified prior to the adoption of any legislation placing additional mandates on local government, and to provide full cost reimbursement for mandated programs.
3. Legislation to stabilize local government financing, to increase funding options for local government, and to allocate new State-wide revenues to local agencies in an equitable manner.

OPPOSE:

4. Any amendment to the redistribution of sales and use taxes that will negatively affect the Town and its ability to provide services, and thereby cause a negative fiscal impact.
5. Legislation that would make local agencies more dependent on the State for financial stability and policy direction.
6. Legislation that would impose State mandated costs for which there is no guarantee of local reimbursement or offsetting benefits, including actions that require local government to impose higher fees and charges to local residents to meet State mandates.
7. Efforts by the State and Federal governments to reduce funding of programs or other traditional State and Federal funding streams to local government.

Government Administration

SUPPORT:

1. Pension reform measures designed to control or decrease employer liability or increase transparency in reporting without imposing undue hardships or administrative burdens on local government.
2. Enhanced local government action and authority, rather than the imposition of state, federal, or regional mandates upon local governments.
3. Legislation that facilitates the ability of local government to share resources to increase efficiencies and decrease costs in providing services.
4. Legislation that provides small to mid-sized cities to have at-large elections instead of divisive districts.
5. Legislation that realigns governmental services in such a manner as to improve the delivery of services and make government more accountable to the people of California (greater local control).
6. Legislation that recognizes the inherent disadvantage rural communities have as it applies to using a population-based criteria (per capita) for allocating State and Federal funds and minimizes and/or eliminates the reliance on this funding criteria.
7. Legislation that reduces State and Federal regulations that impede or increase the cost of the delivery of services by local governments.

OPPOSE:

8. Efforts that erode the Town's authority to control its own affairs (loss of local control).

Housing

SUPPORT:

1. Legislation that supports increased financing, subsidy options, and tax incentives to support development of new, affordable housing units in rural communities.
2. Legislation and programs that assist in providing affordable housing for extremely-low and very-low income households within mixed-income residential developments and supportive services necessary for households to sustain their housing.
3. Full and expanded Federal funding for Housing and Economic Development programs, such as the Community Development Block Grant (CDBG), the HOME Investment Partnership Program, Section 8 voucher program, United States Department of Agriculture (USDA) Rural Development (RD) Programs, and the creation of a minimum four percent Low-Income Housing Tax Credit floor.
4. Housing measures that promote the development and enhancement of safe and attainable housing for all economic segments of the population.
5. Legislation that would increase available funding for affordable housing without the loss of local control, increased state wide taxes, or otherwise limiting local government resources.
6. Legislation that will enhance local government ability to regulate the loss of available long-term housing units to the short-term rental industry.

OPPOSE:

7. Legislation that would take away local control over enforcing local zoning requirements for housing projects, including items such as automatic density bonuses and decreased parking requirements.

Planning and Land Use

SUPPORT:

1. Native American tribal governments, affected landowners, and members of the public to actively participate in the renewable energy and utility corridor planning processes.
2. Legislation that streamlines State requirements regarding General Plans and their updates.
3. Legislation that maintains the Town's ability to protect and enhance its land use authority to determine the highest and best use of its natural resources.
4. Legislation that protects and/or reinstates the payment of geothermal royalties to local jurisdictions.
5. Legislation that strengthens local governments' regulatory authority and control over the siting of marijuana industries.

OPPOSE:

6. Legislation that reduces the ability of a local agency to establish its own local parking standards in all areas of a community.
7. Legislation that erodes the ability of cities to condition and deny projects that could negatively impact the community.
8. Legislation that minimizes and/or eliminates local control over land use decisions.

Recreation and Community Services

SUPPORT:

1. Legislation and new measures that will increase the Town's grant competitiveness for creating, expanding existing, or renovating existing parks, trails, or recreation infrastructure and amenities.
2. Legislation to broaden liability protection and enhance recreational opportunities for community programming and special events.
3. Full funding of State parks, recreation, bike trails, and open space; including, but not limited to, the Land and Water Conservation Fund.
4. Legislation that will help maintain and enhance the Town's performance arts venues, and funding for arts development.
5. Legislation that acknowledges and supports the economic value of recreation to local and/or urban communities.

OPPOSE:

6. Any reductions and/or eliminations of potential funding for the creation, expansion of, or renovation of existing parks, trails, or recreation infrastructure and amenities.
7. Any reductions and/or eliminations of arts and library programming or funding.

Solid Waste

SUPPORT:

1. Efforts to enact a comprehensive statewide Extended Producer Responsibility (EPR) law that allocates end-of-life disposal costs with the producer of the product.
2. Recycling market development by the State and Federal government for recyclables, green waste, food waste, sewage sludge and other organics.
3. Efforts to streamline the permitting, construction, and funding of facilities that allow the Town to transform usable waste into energy/beneficial byproducts; and efforts to provide State and Federal funding for any potential Town projects for waste-to- energy and other value added product production.
4. Legislation to overhaul CalRecycle and expand the use of transformation technologies, new market incentives and encourage local agencies to implement systems to reduce the amount of solid waste produced, landfilled and greenhouse gas generated.
5. Legislation that will enhance State and Federal funding, permitting and support the use of new technology to help comply with Solid Waste mandates for recycling and organics recovery/processing.
6. Measures that maintain and enhance local authority and economic flexibility to regulate solid waste and recyclables and to fully fund facilities, alternatives and technologies to meet State mandates.

OPPOSE:

7. Measures that invalidate AB 939 (California Integrated Waste Management Act of 1989) indemnification and prevent cities from negotiating indemnification clauses with waste haulers as well as support measures that would mandate State agencies to comply with AB 939 in the same manner as required of cities and counties.
8. Efforts to increase recycling diversion rates if determined not to be cost-effective relative to the benefits that could be achieved.
9. Mandated material disposal bans or restrictions in circumstances where there is an insufficient capacity in a Town without the private recycling market to handle these materials in a cost effective and beneficial way besides landfilling.
10. Efforts to increase Statewide tipping fees where there is no clear benefit to ratepayers.

Transportation and Infrastructure

SUPPORT:

1. Legislation that would protect and/or increase funding from current revenue sources for local transportation projects including road resurfacing projects, local transit projects, adding bicycle lanes, sidewalks and trails where appropriate, programs that facilitate development-oriented transit and transit-oriented development, and enhancing pedestrian safety.
2. Protection of dedicated transportation-related tax revenues that enhance the ability of local agencies to finance local transportation programs and facilities.
3. Measures to finance local and regional transportation programs and improvements, including alternative modes of transportation and transportation demand management systems.
4. Continuous appropriations of new monies directly to cities for the preservation, maintenance, rehabilitation, and development of local street and road systems.
5. Transportation funding legislation that reaffirms and continues State responsibility for highway financing.
6. State and Federal legislation efforts that benefit Mammoth Yosemite airport.
7. Legislation that recognizes the inherent disadvantage rural counties and communities have as it applies to using a population based criteria (per capita) for allocating State and Federal transportation funds and minimizes and/or eliminates the reliance on this funding criteria.

OPPOSE:

8. Legislation that links funding for transportation to other State goals, such as housing.

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 23-22 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 5th day of April 2023, by the following vote:

AYES: Councilmembers Bubser, Rea, Rice, Mayor Pro Tem Sauser, and Mayor Wentworth

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk





Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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