



Commissioner Handbook

**CITY OF WEST COVINA
COMMISSIONER HANDBOOK**

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INTRODUCTION

The City of West Covina encourages and promotes participation by citizens in the decision making process through a variety of activities. Most notable is the appointment of citizens to a number of standing commissions to advise the City Council on specific issues and problems. In certain situations, commissions are empowered to make decisions, subject to appeal to the Council.

The primary purpose of this handbook is to provide a guide for commissioners to conduct meetings in accord with City laws and policies; to inform commission members of the responsibilities and duties of the commission in which they have been asked to serve; to clarify relationships between commissioners and the City Council, City Manager, City staff and general public; and to provide general information that might be useful in conducting public meetings.

The City of West Covina is fortunate to have many concerned citizens give their time by serving on City commissions. These formal citizen bodies have helped define and formulate the City's goals and objectives that have guided its growth and development since its incorporation in 1923.

The level of citizen involvement in local government is growing, and with it the challenge and opportunities that will require the careful attention of our commissions, City staff and the City Council to work together towards common goals.

This handbook is divided into five sections:

- **Section I** contains general information applicable to all commissions.
- **Section II** describes relationships of commissions with the City Council, other commissions, City Manager, City staff and the general public.
- **Section III** includes information helpful to conduct effective public meetings.
- **Section IV** contains expectations of professional conduct for commissioners.
- **Section V** contains specific provisions applicable to each individual commission.

The detailed information on the establishment of the advisory commissions, their roles, and the rules governing the commissions can be found in the City of West Covina Municipal Code §2-66 through §2-78.

SECTION I

1. SCOPE OF AUTHORITY

There are three commissions serving the City: Community and Senior Services, Human Resources and Planning. These commissions:

- Advise the City Council and the City Manager on matters within their area of responsibility and interest as prescribed by the City Council and their ordinances.
- Help focus attention on specific issues and problems within their scope of responsibilities and recommend actions and alternatives for their resolution.
- Act as channels of communication and information between city government and the general public and special interest groups.
- Reconcile contradictory viewpoints and provide direction toward achieving citywide goals and objectives.
- Encourage broad citizen participation in the definition and formulation of City goals and actions for achieving these goals.
- Balance community needs with municipal responsibilities and resources.

2. APPOINTMENTS, VACANCIES, REMOVAL & TERMS

(a) *Appointments.* Each City Councilmember has the power to appoint one (1) commissioner each to the Human Resources Commission and the Planning Commission, and two (2) commissioners to the Community and Senior Services Commission. Commissioners shall be at least eighteen (18) years of age, and be a resident and registered voter of the City of West Covina at the time of his or her appointment and throughout their term of office.

(b) *Initial appointments.* Initial appointments shall be made as set out in the City of West Covina Municipal Code §2-68.

(c) *Vacancies.* Any vacancy on any commission, from whatever cause arising, shall be filled by the councilmember who made the appointment of the person who held the seat immediately prior to its vacancy. If the seat of the Councilmember who made the appointment is also vacant, the remaining councilmembers may fill the commission vacancy by majority vote. Upon a vacancy occurring, any appointment to fill such vacancy shall be for the un-expired portion of such term.

(d) *Removal.* Notwithstanding the provisions of Municipal Code §2-69, all commissioners shall serve at the will of their appointing Councilmember and can be removed with or without cause at any time. If the seat of the Councilmember who made the appointment is vacant, the remaining councilmembers may remove the commissioner by majority vote and fill the vacancy created as provided for in §2-67 (c). In addition, upon an affirmative vote of not less than four (4) members of the city council, any commissioner may be removed for

good cause, defined as (1) being convicted of any felony; or (2) being convicted of any crime of moral turpitude; (3) misuse of city property; (4) falsifying city records; or (5) a sustained written finding of harassment or discrimination against any city employee or member of the public on the basis of race, ancestry, ethnicity, national origin, religion, marital status, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, disability, medical condition, military and veteran status, or any other unlawful basis.

Any commissioner removed from a commission for good cause as defined above may not be appointed to any city commission, ad-hoc committee, employment with the City of West Covina (volunteer, part-time, or full-time) for a period of one (1) year from the date of removal.

(a) **Terms.** Each commissioner shall serve until removed by action of the City Council as provided for in Municipal Code §2-67(d), vacating the office for other reason(s), or until replaced following the date of expiration of the appointing councilmember's term.

(b) **Absent planning commissioners.** Notwithstanding, Planning Commissioners who are absent (whether or not excused) from three (3) consecutive regular Planning Commission meetings or from a total of six (6) regular Planning Commission meetings during any calendar year shall be deemed to have vacated the position at the close of the meeting at which he or she has been absent as set out here.

(c) **Other absent commissioners.** In addition, any other commissioner who is absent (whether or not excused) from two (2) consecutive regular commission meetings or from a total of three (3) regular commission meetings during any calendar year shall be deemed to have vacated the position at the close of the meeting at which he or she has been absent as set out here.

(d) **Resignation.** A commissioner may resign by submitting a written statement to the Assistant City Clerk. The resignation is effective when submitted.

(e) (1) At least twenty-one (21) days prior to certification of the results of each City Council election, the Assistant City Clerk shall advertise that vacancies in each commission for the corresponding council seats will occur on the date election results are certified and new council terms begin. Applications for such vacancies shall be accepted for a period designated in any published vacancy notice, and commissioners then serving terms set to expire shall be permitted to submit applications for such vacancies. Each councilmember elected at the immediately preceding election shall then make appointments at a duly noticed public meeting for each commission seat assigned to that councilmember, in order of seniority or mayoral selection priority, for terms to commence at the time specified in the appointment. Each commissioner shall continue to serve until his/her successor is appointed.

(2) At such other times as there may be one or more vacancies on any city commission for any reason other than the election of one or more councilmembers, the Assistant City Clerk shall advertise that such vacancy or vacancies have occurred as required by law. Applications for such vacancies shall be accepted for a period designated in any published vacancy notice. Appointments shall be made as provided for in §2-67.

3. SELECTION

Any West Covina resident over the age of 18 is eligible to apply to serve as a City Commissioner. Applications are available in the City Clerk's Office and on the City's website. Selection for appointment to commissions is generally based on the following:

- A broad perspective and concern for the welfare and progress of the City.
- A familiarity with the City's history, issues, and goals.
- An interest in the functions and area of responsibility of the particular commission.
- A readiness to devote time and effort to carrying out the duties and responsibilities of the particular office.
- A willingness to be aware of and understand the policies of the City Council.
- A willingness to serve as Chairperson of the particular board or commission.

4. ORGANIZATION

At its first meeting in June, (May for Planning Commission) or at the next meeting if a meeting is not held in June or May, each Commission shall elect a chair and vice-chair to serve one-year terms.

5. RALPH M. BROWN ACT

Elected bodies and appointed commissions in California are required to conduct business openly. The requirements of the Ralph M. Brown Act are explicit in this regard:

“In enacting this chapter, the legislature finds and declares that the public commissions, boards, and councils, and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

“The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know, and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” (Government Code, Title 5. Sec. 54950.)

The Brown Act requires that meetings of commissions be open to the public, that notice of the meetings be properly given, and that matters to be discussed be properly agendaized. City staff members are familiar with the Brown Act and will assist Commissioners in meeting this responsibility.

The provisions of the Brown Act are not intended to apply to meetings of committees of less than quorum of the entire commission, nor to social gatherings where no action is taken.

6. MEETINGS

The frequency of commission meetings are set by resolution of the City Council. Commissions meet at the time designated unless they act to change this time and/or location. Meetings must be held in a public place located

within the City limits. If a regular meeting falls on a holiday, the commission should reschedule the meeting to another date. Appropriate public notice is required for changes in meeting times and locations. Meetings should be conducted according to Robert's Rules of Order. If there are no items of business on the agenda, it is not necessary to convene.

7. ADJOURNED MEETINGS

A commission may adjourn any meeting to a time and place specified in the order of adjournment. An adjourned regular meeting is considered a regular meeting for the purposes of transacting business.

8. SPECIAL MEETINGS

Special meetings may be called at any time by the Chair or by a majority of the commission and subject to the approval of the Department Head overseeing the commission. Written notice of the special meeting must be delivered to each member at least 24 hours before the time of the meeting and must indicate the business to be considered at the meeting. Notice must also be given to the local newspaper and any radio or television station that has requested notice in writing, 24 hours in advance. No business may be discussed or considered that has not been identified in the notice.

9. HEARINGS

There are three different kinds of hearings; "informal" public hearings, "formal" public hearings, and "protest" hearings (a specific kind of formal public hearing).

An **informal public hearing** is one which is not required by law but which is called by the City Council or a Commission in order to give the public the chance to comment on a subject.

A **formal public hearing** is one which is required by State Law or local ordinance and which must be conducted according to specified procedures. Most such hearings are designated to solicit comment from the general public.

A **protest hearing** is usually associated with formation of a benefit assessment district or a Planning Department matter, and is called to give private property owners directly affected by the City's actions a chance to protest.

If directed by law, an official Notice of Public Hearing will be published in a local paper of general circulation and/or mailed/posted. Hearings held by a commission should be fair and impartial. Members need to address bias or conflict of interest issues prior to the hearing to determine if a member should disqualify himself/herself and not participate in the hearing. (Staff should contact the City Attorney if there are concerns in this area.)

Persons and/or groups who may be affected by the subject of the hearing must be given sufficient notice of the time and place of the hearing and a reasonable opportunity to be heard. They may be represented by counsel if they wish and may be permitted to present oral and documentary evidence.

The Agenda must indicate the time, date, and subject of the public hearing. At the appropriate time, the Chair opens the hearing and explains to the audience the hearing procedures.

If there are numerous persons who would like to participate, and all represent the same view and opinions, the chair may ask that a spokesperson be selected to speak for the group. If this arrangement cannot be made, the

chair may ask each speaker to limit his/her time so all may be heard. Irrelevant and off-the-subject comments should be ruled out of order-by the Chair.

The usual procedure after the hearing has been opened is for staff to present the staff report followed by commissioners' questions relating to the report itself. Proponents should then be given the opportunity to present their case first. This is followed by an opportunity for opponents to present their case. Proponents can then present their rebuttal to those points presented by opponents. (Comments by residents should be made during the proponent or opponent speaking periods.) Either side may ask questions through the Chair. After all interested persons have had an opportunity to speak, the hearing should be closed, ending audience participation. Commission members may then discuss the proposal and take action on the proposal.

10. MOTIONS

As a general rule, motions should follow Roberts Rules of Order to provide consistency. When a member wishes to propose an idea for the commission to consider, the member must make a motion. This is the only way an idea or proposal from a member can be presented to the body for discussion and possible action. A motion goes through the following steps:

1. The member asks to be recognized by the Chair.
2. After being recognized, the member makes the motion ("I move ...")
3. Another member seconds the motion.
4. The Chair states the motion and asks for discussion.
5. When the Chair feels there has been sufficient discussion, the debate is closed (i.e., "Are you ready for the question?" or "Is there any further discussion?").
6. If no one asks for permission to speak, the Chair puts the question to a vote.
7. After the vote, the Chair announces the decision ("The motion is carried" or "The motion fails," as the case may be.) (In addition the secretary of the commission must publicly report the vote or abstention on that motion of each member present for the motion.)

Phrasing a motion is often difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion (step 4), the member making the motion may rephrase or withdraw it. If the original motion has already been seconded, the consent of the second is required. After the motion has been stated by the Chair, the consent of the body is required to change or withdraw it. An amendment may be offered to a motion, which must also be seconded, and then acted upon by the members. After an amendment is approved, the original motion as amended still must be voted upon. It is particularly important when a motion is amended that the Chair restate the motion so that members are clear on what they are voting on.

11. DIVIDED MOTIONS

In making motions, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the Chair to divide the motion. If other members do not

object, the Chair may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion. The minutes should indicate how each member voted.

12. ADJOURNMENT

When a commission has finished its business, a motion to adjourn is in order. This motion is not debatable, and so it is the duty of the Chair to see that no important business is overlooked. If the body wishes to meet before the next regularly scheduled meeting, the motion to adjourn may adjourn the meeting to a stated time and place. If this is done, a notice of the adjourned meeting must be posted on the door of the regular meeting place within 24 hours after the time of adjournment.

13. MINUTES

Minutes of all meetings must be kept and will be prepared by staff. Verbatim minutes are not necessary unless so indicated on special items. Written minutes, upon approval by the commission, constitute the official record of its activities. Additions and corrections of the minutes may be made only in public meetings, with the approval of the body, and not by the private request of individual members. Minutes should be succinct and generally not extensive and should summarize findings and actions.

After the meeting, a copy of the approved minutes reflecting Commission decisions is submitted by staff to be included as a "receive and file" item on a future City Council Agenda. In certain instances, recommendations are in the form of a resolution (i.e. Planning Commission recommendations for zone changes).

14. ATTENDANCE

A majority of the members of a body constitutes a quorum. A quorum is essential to conduct business. Once a quorum is constituted, its majority can conduct business. If a quorum is not present, the meeting may be adjourned by the staff. Members are expected to attend all regularly scheduled meetings and should make every effort to do so. Members should notify the Chairperson and Department Head if they are not able to attend a meeting as soon as possible.

15. COMPENSATION

Commissioners shall be compensated in accordance with City Council resolutions pursuant to Section 2-71(c) of the City of West Covina Municipal Code.

16. BENEFITS

- Worker's Compensation

While working in their capacities as commissioners, members qualify for state workers' compensation.

- Life Insurance

Planning Commissioners are covered under a City policy for accidental death and dismemberment. The amount of the policy is \$100,000 with the premiums paid by the City. Some exceptions apply to the coverage.

- Credit Union

All Commissioners are eligible to join the employees' Credit Union.

- Deferred Compensation

All Commissioners may elect to use any of the deferred compensation plans available to City employees without City contributions.

SECTION II

1. RELATIONS WITH THE CITY COUNCIL

The primary responsibility of commissions and boards is to advise and make recommendations to the City Council. Boards and commissions should not attempt to relieve the Council of the responsibility for making political decisions. This responsibility properly rests with the City Council and cannot be delegated to any other body, however capable and interested it might be.

A commission or individual commissioner may disagree with the City Council on any matter, but once the Council has established its position on a matter, the commission should not do anything contrary to the established policies and programs adopted by the City Council. If personal ethical problems arise, resignation from the Commission is the appropriate response.

Business transacted with the Council should be in writing from the commission as a whole. Written communications to the Council should be submitted to the City Manager's Office at least five working days before Council meeting dates.

A commission should not present proposals to the City Council through other community organizations. This method of advancing proposals carries the political weight of the organization as well as the proposal, in which case the Council is in a difficult position to consider the proposal on its merits alone.

Commissions or members should not attempt to predict Council action, either publicly or privately. They may and should interpret Council policies or identify trends in Council thinking.

2. RELATIONS WITH STAFF

The City's administrative staff works for and is responsible to the City Manager. The City Manager may assign staff to act in a technical advisory capacity and provide supportive assistance to a board or commission.

Except where administrative authority is specifically conferred upon a commission, the commission should not attempt to direct or decide on the priority of work for the department providing staff to it. Since staff personnel are directly responsible to the City Manger, it becomes his responsibility to allocate their time and efforts. Commissions should, however, set priorities for their own agendas. Commissions should not ask staff to commit manpower for work that has not been budgeted or has not been approved by the City Council.

It is not expected that every staff recommendation will be approved; however, based on the technical knowledge of staff, consideration should be given to their proposals and recommendations. After a staff recommendation has been made, the commission may or may not agree; in the latter case, staff will present the Commissioner's decision or actions completely and accurately, but has the option of making their recommendation to the City Council, through the City Manager, which may be different from those of the commission.

Commissions or individual commissioners should not discuss individual concerns regarding employee-related matters with employees. These matters should be referred to their respective supervisors, department head, of the Human Resources Department.

New commissioners receive an orientation by the Department Head of their assigned department regarding the relationship between all City commissions and City staff, and the scope of activities within the field of influence of the particular commission. The City Manager will also review the means by which commissions or commissioners convey their recommendations or opinions to the City Council and other legislative or governing bodies.

3. RELATIONS WITH THE PUBLIC

Commissioners are encouraged to become aware of public opinion related to their field of influence and welcome citizen input at commission meetings.

Commissions are encouraged to take inventory of opportunities and resources to increase citizen involvement.

Commissions should ensure that rules and procedures are clear to the public in public hearings and meetings.

Commissions are encouraged to supplement traditional means of public communications with cable television on matters of significant public interest. Requests to cablecast Commission meetings should be made to the City Council by a formal motion during a commission meeting.

Commission members should conduct themselves at public meetings in a manner that is fair, understanding, and gracious as circumstances permit. Members should be considerate of all interests, attitudes, and differences of opinion. Members should take care to observe both the appearance and the principle of impartiality.

Commissioners should speak through the Chair and try to avoid speaker-to-audience conversation. The purpose of hearing the public is usually to help the commission act, not to engage in debate or argument with the public.

Commissioners should avoid making statements to the media or to the public on matters that have not been presented before the entire commission.

Commissioners should be aware that any statements or opinions made to members of the media could be considered "on the record" by reporters. Such statements should be made in consideration of the likelihood that they will be printed or broadcasted.

Relations with the City Council should also be kept in mind in communicating with the public or the media. Commissioners are considered by the public to be members of and spokesperson for the City. Because policy decisions are the sole responsibility of the City Council, it is inappropriate for commissioners, as representatives of the City, to publicly criticize established Council policies or Council members. If personal ethical problems arise, resignation from the commission is the appropriate response. This does not in any way preclude a commissioner's responsibility to advocate his or her position on a policy matter prior to the decision on an official policy.

4. POLITICAL REFORM ACT – CONFLICT OF INTEREST

Commission appointments are of such responsibility and accountability that they among other things, fall under the purview of the Political Reform Act.

The voters enacted the Political Reform Act in 1974 to ensure that public officials, whether elected or appointed, would perform their duties in an impartial manner, free from bias caused by their own financial

interests or the financial interests of persons who have supported them. Therefore, assets and income of public officials, which may be materially affected by their official actions, must be disclosed and in appropriate circumstances the officials must be disqualified from acting in order that conflicts of interest may be avoided. To this end, the State Fair Political Practices Commission has devised a standardized Statement of Economic Interest form for use throughout the State of California.

The City's Conflict of Interest Code specifies a disclosure category that is applicable to Commission positions. Commissioners will be reporting items that fall into that disclosure category, correlating them to "schedules" contained in the Statement of Economic Interest form.

Commissioners are required to file an **Assuming Office Statement within 30 days** of their appointment and then annually thereafter until their appointment expires. Upon terminating from their position, Commissioners will file a **Leaving Office Statement**. These forms are supplied by the City Clerk and filed by that office.

Commissioners shall not accept gifts from applicants or other persons concerned with matters, which have been or might come before the commission. To accept a gift could be considered a bribe or payoff and Commissioners should not place themselves in this compromising position. Generally a gift is anything that has a value of \$50 or more.

State law (AB 1234) imposes mandatory ethics training requirements on all local elected officials, including Commissioners. Each Commissioner must receive 2 hours training in ethics within the first year of service. Thereafter, Commissioners must receive 2 hours of training every 2 years. Govt C §§53235, 53235.1(b).

SECTION III

1. COMMISSION EFFECTIVENESS

Organized groups exist to get things done, to complete certain tasks, to achieve certain agreed upon purposes or goals. A commission is a set of individuals held together by a web of interrelationships and feeling. The nature and intensity of these feelings set the “climate” of the commission at any given moment. A positive climate encourages member involvement and responsibility to take action.

Optimum participation is achieved when the commission’s stated tasks are understood. Members should keep the tasks visible and clearly defined.

2. FUNCTIONS AND BEHAVIOR

The City of West Covina prides itself on striving to conduct its business in a professional, respectful, and courteous manner. As our Commissions are comprised of the citizens of West Covina, it is understood that citizens participating in Commission meetings and other forums are to conduct themselves in the same manner. Common courtesy and respect for your fellow Commissioners, City employees, City Councilmembers, and the general public is expected. Commissioners shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statement as to motives and personalities.

Effective Commissions usually pay attention to the following functions and behavior:

- Prioritizing tasks
- Anticipating problems
- Analyzing problems
- Setting clear objectives
- Developing actions/options
- Identifying implementation roadblocks
- Deciding
- Active listening
 - Not interrupting
 - Listening to feelings
 - Not judging others
 - Summarizing and feeding back
- Supporting your colleagues
 - Accepting their ideas
 - Showing warmth
 - Creating opportunities to involve members
 - Building on member’s ideas
 - Encouraging different ideas
- Confronting what’s happening
 - Questioning your and others’ assumptions
 - Dealing directly with conflict
 - Focusing attention on the idea; not the person
- Diagnosis skills
 - How are you working together?

- Who isn't involved?
- What isn't being discussed?
- Where is your help needed?
- When are YOU going to help?

3. EFFECTIVE CONFLICT MANAGEMENT

Public hearings or citizens input meetings are difficult to manage. Participants at public hearings are usually highly motivated and often nervous. When you have a group of potential adversaries in one room, the possibility of uncontrolled conflict is very high. As commissioners, your role is to guide conflict to positive results, not to eliminate it, which is usually not possible.

The following suggestions should help manage conflict and confrontation effectively.

- Anticipate conflicts by doing your homework so you can concentrate on the dynamics of the meeting rather than learning about the topic at hand.
- Treat all sides fairly. Set the rules of the hearing early and make sure everyone follows them without exception.
- Carefully explain the purpose of the public hearing and what action is expected at the conclusion of the hearing. Insistence on playing by the rules is your best tool for conflict management in the public hearing.
- All people speaking must clearly identify themselves, not only for the record, but also so you can address them by name.
- Set an acceptable time limit for testimony and stick to it.
- Make decisions as promptly as possible. Commissions may get so bogged down in procedural distractions, petty details, and endless searches for more information that the issue never seems to get resolved.
- Set time limits on the public hearing; don't let it ramble on and cause people to leave before a decision is made.
- Try not to overreact to such inflammatory comments as:

“Who thinks up these ideas, anyway?”

“You must be in the developer's pocket.”

“This whole idea stinks of politics.”

These types of comments do not require answers. Most are expressions of frustration. Try to turn frustration to constructive avenues. Ask questions. Be specific if you can. Refer to the speaker by name. Reinforce areas where you agree. Do not return insult for insult. Your insults can turn the audience against you for your lack of control and unfairness.

- Try to avoid speaker-to-audience conversation. The purpose of a hearing is to help your commission act, not engage in debate.
- If other commission members have questions of the speaker, the Chair should permit these questions only during the speaker's time at the podium.
- Be careful not to prejudge the action of the commission. Use the hearing to gather the necessary information about the project and individuals desires concerning the proposal. Your commission

members should not express their views on the proposal until after testimony has ended. Their comments and questions should not suggest a position one-way or the other.

In situations when a Commission's action constitutes a formal decision by the City (i.e. a zoning matter), a Commissioner's prior statements about the pending matter may cause the Commissioner to be disqualified or the Commission's decision to be invalidated.

- Once testimony has ended, commissioners should be invited to discuss their views on the proposal.
- View the public hearing as an example of basic democracy in action at the local level. Make it your personal goal to make the public hearing work. This means:

Everyone will feel fairly treated and believe the Commission had all the facts, was open in its deliberations and acted accordingly. No one person dominated the meeting, and there was sufficient time for all to speak. No one left the meeting feeling disenfranchised.

4. WORK PLACE HARASSMENT

The City of West Covina has as a priority the existence of a workplace that is free from workplace harassment. As such, anyone employed, doing business, volunteering or serving as political appointees are required to adhere to the City's Work Place Harassment Policy (See Attached).

Please be advised that under Federal, State and local laws and regulations, the City of West Covina has an affirmative duty to maintain a working environment free from harassment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation and/or age. Derogatory remarks are a form of harassment and when directed against any of the aforementioned protected classes can be actionable, exposing you and the City to potential liability.

It is important that all commissioners refrain from any behavior and/or comments that could be considered derogatory toward any of the aforementioned protected classes. As a Commissioner, you are a representative of the City and your actions necessarily reflect upon the City.

SECTION IV

Rules of Conduct & Decorum

The City of West Covina prides itself on striving to conduct its business in a professional, respectful, and courteous manner. As our Commissions are comprised of citizens of West Covina, serving in an advisory role to the City Council, it is understood that citizens participating in Commission meetings and other forums are to conduct themselves in the same manner. Common courtesy and respect for fellow Commissioners, City employees, City Councilmembers, and the general public is expected. Commissioners shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

City of West Covina Commissioners shall observe the following Rules of Conduct & Decorum.

1. A member of the Commission shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Commission, interrupt any fellow Commissioner while speaking, or disobey the orders of the Commission Chairperson.
2. Commissioners should provide the utmost courtesy to each other, to City Employees, and to the public appearing before the Commission. Commissioners should refrain from:
 - a. Rude and derogatory remarks;
 - b. Questioning the integrity of their fellow Commissioners and/or public speakers;
 - c. Abusive comments;
 - d. Directing City staff, other than within the context of a Commission meeting, subject to the consensus of the members of the Commission and subject to the review and approval of the Department Head and City Manager, and consistent to the Municipal Code;
 - e. Making comments on behalf of other individuals that may be considered hearsay;
 - f. Statements about the member's personal feelings about the speaker's motives; and
 - g. Personal attacks.
3. At all times Commissioners shall conduct themselves so as to ensure that their image and appearance befit the occasion and reflect their position within the community.
4. At no time shall Commissioners engage in conduct that substantially and unreasonably interferes with the ability of any other Commissioner or City employee to perform their official duties, violates any City policies, or that creates an intimidating or hostile work environment.
5. Commissioners are to refrain from conduct that is an abuse of a Commissioner's public office or utilizes the Commission in an inappropriate manner to further one's own political gains.
6. Commissioners shall not use their title or status as a City Official for personal purposes, or other unsanctioned activity not related to official Commission behavior, other than permitted by law.
7. Commissioners shall not engage in conduct that is in violation of any civil or criminal law.
8. Any person(s) making personal, defamatory or profane remarks or who willfully utters loud,

threatening or abusive language or engages in any disorderly conduct, which disturbs or disrupts the orderly conduct of any meeting shall be called to order by the Chairperson. If such conduct continues, the Chairperson of the Commission, at his/her discretion, may order such person removed from that meeting. If the Chairperson is in violation of any of the above rules of decorum, a majority vote of the Commission may order the removal of the Chairperson from the meeting.

SECTION V

Community and Senior Services Commission Responsibilities

The Community and Senior Services Commission resulted from the consolidation of the Community Services Commission and the Senior Citizens Commission by Ordinance No. 2229, adopted Mar. 20, 2012, retitled from "Community Services Commission Responsibilities" to "Community and Senior Services Commission Responsibilities." The Community and Senior Services Commission is composed of ten members and meets on the second Tuesday of every odd-numbered month at 6:00 p.m. in Room 314 of City Hall. The Community and Senior Services Commission may:

- (1) Aid and advise the City Council on matters pertaining to the community service needs of the citizens of West Covina relating to:
 - a. Public recreational services.
 - b. Cultural activities and special events.
 - c. Senior services.
 - d. Youth services.
 - e. Public transportation.
 - f. Neighborhood and human relations.
 - g. Human rights.

- (2) Review matters pertaining to the preparation, implementation, and evaluation of the city's community development block program.

- (3) Seek the assistance of citizen committees to investigate and research specific issues concerned with community services with the concurrence of the City Council.

- (4) Aid and advise the City Council in the identification of the needs of the senior population of West Covina, and recommend policies and programs to meet those needs.

- (5) Foster, enhance, and recognize volunteers of all ages within the community.

- (6) Provide input to the Planning Commission and the City Council on matters pertaining to the design and features of parks, community centers, and senior center that affect the provision of recreation and related services.

- (7) Recommend programs and activities directed toward enhancing the recreation, social, and senior service opportunities available to all persons in our community.

- (8) Recommend to the City Council programs and activities directed toward enhancing communication and relationships between residents, agencies, institutions, and businesses in our community.

- (9) Recommend to the city council measures to ameliorate physical, social and economic conditions adversely affecting the residents of our community.

(10) Seek involvement of residents, agencies, organizations, institutions, and the business community to further mutual regard and understanding between all persons of our city, and work toward constructive resolution of tensions whenever they occur.

(11) Recommend to the City Council delinquency prevention programs that foster respect, positive self-esteem, and personal and social responsibility.

(Ord. No. 2041, §§ 2, 3, 9-7-99; Ord. No. 2201, § 1, 2-2-10; Ord. No. 2229, § 1(Exh. A), 3-20-12)

Assigned Staff: Community Services Director

Human Resources Commission Responsibilities

The Human Resources Commission was established by Ordinance No. 666 on August 5, 1960. The Human Resources Commission is composed of five members and meets on the second Wednesday of even numbered months at 6:30 p.m. in Room 314 of West Covina City Hall. The Human Resources Commission may:

(a) Advisory capacity. As provided in article III of this chapter and the personnel rules, the Human Resources Commission may act in an advisory capacity to the City Council and the personnel officer on personnel matters not specifically delegated by law to other parties in the city service.

(1) *Review personnel administration.* The Human Resources Commission may continually review the recruitment and selection process for the classified service, including the publishing or posting of test notices and the preparation and scoring of tests, and the certification of [those] eligible for appointment, and review the city's position classification system; and make comments and recommendations regarding such processes to the personnel officer of the council.

(2) *Requests for hearings.* When requested by the City Council or the personnel officer, the Human Resources Commission may hold hearings and make other recommendations on any of the matters of personnel administration, within the limits of the request by the City Council or the City Manager.

(3) *Appeals.* As provided by article III of this chapter and by the personnel rules, the Human Resources Commission may receive and hear appeals submitted by any person in the city service relative to any dismissal, demotion, reduction in pay or alleged violation of such article III or the classification and salary resolution of the personnel rules; and to certify its findings and recommendations as provided in this chapter.

(4) *Hearing procedures; subpoenas.* In any hearing delegated to the commission under this section, it shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas, issued in the name of the city and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served; and refusal of a person to attend or testify in answer to such subpoena shall subject such person to prosecution, in the same manner set forth by law for failure to appear before the city council in response to a subpoena issued by the City Council. Each member of the Human Resources Commission shall have the power to administer oaths to witnesses.

(Ord. No. 2041, §§ 2, 3, 9-7-99; Ord. No. 2098, § 2, 4-15-03; Ord. No. 2201, § 1, 2-2-10)

On April 8, 1974, the City Council granted authority to the Human Resources Commission, formerly known as the Personnel Commission, to determine if a disability claim by a public safety employee is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System.

Assigned Staff: Human Resources Director

Planning Commission Responsibilities

The Planning Commission was established by Ordinance No. 136 on April 30, 1947. The Planning Commission is composed of five members and meets on the second and fourth Tuesday of the month at 7:00 p.m. in the City Council Chambers. The Planning Commission shall:

- (1) Prepare, adopt and recommend to the City Council a comprehensive long-term plan for the physical development of the city, which shall be known as the City of West Covina General Plan.
- (2) Prepare, adopt and recommend to the City Council plans based on the general plan and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the general plan.
- (3) Act on the advisory agency of the City Council in connection with the administration of the State Map Act.
- (4) Hear and decide applications for variances, unclassified use permits, tentative tract and parcel maps, as well as precise plans of design in accordance with adopted rules and procedures.
- (5) Investigate, hear and recommend to the City Council plans for the improvement and beautification of the city, including such matters supplementary or [relating to] change of zoning regulation and district.
- (6) Aid and advise the City Council on matters pertaining to the promotion and advancement of the visual and performing arts within the community, and carry out the responsibilities necessary for the administration, implementation, and promotion of the city's art in public places program as outlined in chapter 17 of this Code.
- (7) Perform all other duties as may be imposed by law or the City Council.

(Ord. No. 2041, §§ 2, 3, 9-7-99; Ord. No. 2201, § 1, 2-2-10; Ord. No. 2229, § 1(Exh. A), 3-20-12)

Assigned Staff: Planning Director

City of West Covina
Administrative Policy

SUBJECT: Policy Against Discrimination, Harassment,
and Retaliation

EFFECTIVE DATE: February 11, 2010

Replaces Policy of: December 14, 1994

PURPOSE: The purpose of this Administrative Policy is to define and prohibit discriminatory harassment and retaliation, and to set forth a procedure for the investigation and resolution of complaints about such conduct.

I. POLICY STATEMENT- EMPLOYEE STANDARDS OF CONDUCT

The City of West Covina is committed to providing a work environment free of discriminatory harassment and retaliation. Conduct that violates this policy will not be tolerated.

Discriminatory harassment of an applicant, employee, or person providing services pursuant to a contract, includes harassment based upon actual or perceived race, religious creed, sex and gender, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. It is also a violation of this policy to retaliate against any individual: a) who makes a complaint under this policy; b) who participates in an investigation conducted under this policy; or c) who supports those who complain or participate in an investigation under this policy.

It is the policy of this City that all employees are treated with respect, courtesy and in a professional manner.

Employees who violate this policy may be subject to disciplinary action, up to and including termination.

II. DEFINITIONS

Harassment may consist of any form of or combination of verbal, physical, visual, or environmental conduct. It need not be explicit, or specifically directed at the victim, or even intended to be harassing.

- A. Sexual Harassment - Conduct including but not limited to that which is based upon actual or perceived sex, gender, marital status, or sexual orientation, including unwanted sexual advances, making or threatening reprisals after a negative response to sexual advances; comments about an individual's body, attire, physical appearance or sexual prowess; flirting; touching; kissing; patting;

staring or leering; unnecessarily brushing against or blocking another person; patronizing and ridiculing comments, and other verbal, physical, or visual conduct of a sexual nature.

The City of West Covina specifically prohibits conduct, which makes either explicitly or implicitly a term or condition of an individual's employment based upon submission to any sexual conduct or activity. Submission to or rejection of such conduct by an individual may not be used as a basis for any employment decision affecting that individual.

By definition, sexual harassment is not within the course and scope of an individual's employment with the City of West Covina.

- B. Verbal Harassment - Inappropriate, derogatory or offensive remarks, epithets, derogatory or lewd comments, slurs, jokes, teasing, verbal abuse, insults, threats or intimidation based upon actual or perceived race, religious creed, sex and gender, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation.
- C. Visual Forms of Harassment - The display or circulation, including via email or on any City of West Covina computer, gestures, posters, cartoons, letters or writings, calendars, pictures or by any other means of visual communication of jokes, insults, epithets, slurs or other derogatory comments based upon actual or perceived race, religious creed, sex and gender, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.
- D. Physical Harassment - Gestures, display or use of force, threats, unwelcome touching, "horse-play," impeding or blocking movement or any other physical interference with normal work activity or movement based upon actual or perceived race, religious creed, sex and gender, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.
- D. Environmental - A work environment that is permeated with talk, innuendo, insults or abuse not relevant to the subject matter of the job or based upon actual or perceived race, religious creed, sex and gender, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. An environment may be hostile if unwelcome conduct is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings.

III. RESPONSIBILITIES

Individuals with supervisory or managerial responsibilities must ensure that all persons are provided a work environment free of discrimination, harassment and retaliation as defined under this policy. Supervisors and managers are required to respond to and report complaints made under this policy as outlined in section IV.

Every employee is encouraged to immediately inform the person harassing him/her that the behavior is unwelcome, offensive, or inappropriate. Every employee is encouraged to openly listen to feedback given to him/her, under this policy, and to clarify and apologize as appropriate.

The City of West Covina will respond to and investigate all concerns and complaints made under this policy, regardless of the identity of the complainant, victim, or alleged perpetrator, as may be appropriate, under the circumstances.

IV. COMPLAINT PROCEDURE

Any employee who believes that he/she has been subjected to conduct prohibited under this policy, is strongly encouraged to report this conduct to either his/her supervisor, manager, any employee in the chain of command, any other supervisor or manager, or directly to any one in the Human Resources Department.

Employees are strongly encouraged to bring complaints under this Policy within 7 calendar days of the incident.


- A. Upon receipt of a complaint under this Policy, the City's Human Resources Department may authorize or conduct an investigation of the alleged incident(s). The investigation shall be conducted in a manner that ensures, to the extent possible, the privacy of all involved individuals. All individuals involved in the investigation are required to maintain confidentiality to the greatest extent possible. Information related to the investigation will be provided on a "need to know" basis only.
- B. Upon completion of the investigation, the Department Head, in consultation with the Human Resources Department, will determine what, if any, disciplinary action will be taken. In the event that a Department Head is accused, the City Manager will make the determination.


V. DISCIPLINE

If it is determined that a violation of this policy occurred, appropriate disciplinary action, up to and including dismissal, will be taken. The severity of the discipline will be determined by the totality of the circumstances, including the severity and/or frequency of the offense.

VI. ADDITIONAL REFERENCES

Additional information can be obtained by contacting the U.S. Equal Employment Opportunity Commission at www.eeoc.gov, or the California Department of Fair Employment and Housing at www.dfeh.ca.gov.


Thomas Bachman
Assistant City Manager


Andrew Pasmant
City Manager

2-16-10
Date

ORDINANCE NO. 2301

**AN ORDINANCE OF THE CITY OF WEST COVINA, CALIFORNIA
AMENDING SECTION 2-67(d) OF CHAPTER 2, ARTICLE III, OF THE
WEST COVINA MUNICIPAL CODE REGARDING REMOVAL OF
COMMISSIONERS**

WHEREAS, Commissions are comprised of citizens of West Covina, serving in an advisory role to the City Council; and

WHEREAS, the rules and procedures for City Commissioners are outlined in Chapter 2 - Article III of the West Covina Municipal Code; and

WHEREAS, the City Council wishes to amend Section 2-67(d) regarding grounds for removal of commissioners.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION NO. 1: Section 2-67(d) of Chapter 2 of Article III of the West Covina Municipal Code, is amended to read as follows:

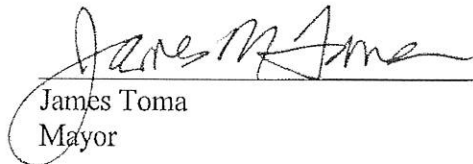
- (d) *Removal.* Notwithstanding the provisions of section 2-69, all commissioners shall serve at the will of their appointing councilmember and can be removed with or without cause at any time. If the seat of the councilmember who made the appointment is vacant, the remaining councilmembers may remove the commissioner by majority vote and fill the vacancy created as provided for in section 2-67(c). In addition, upon an affirmative vote of not less than four (4) members of the city council, any commissioner may be removed for good cause, defined as (1) being convicted of any felony; (2) being convicted of any crime of moral turpitude; (3) misuse of city property; (4) falsifying city records; or (5) a sustained written finding of harassment or discrimination against any city employee or member of the public on the basis of race, ancestry, ethnicity, national origin, religion, marital status, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, disability, medical condition, military and veteran status, or any other unlawful basis.

Any commissioner removed from a commission for good cause as defined above may not be appointed to any city commission, ad-hoc committee, employment with the City of West Covina (volunteer, part-time, or full-time) for a period of one year from the date of removal.

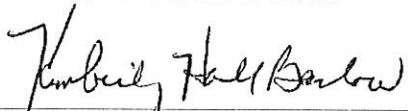
SECTION NO. 2: The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

SECTION NO. 3: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.


PASSED, APPROVED AND ADOPTED on this 18th day of October, 2016.


James Toma
Mayor

APPROVED AS TO FORM:

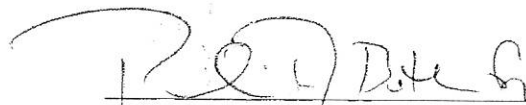

Kimberly Hall Barlow
City Attorney

ATTEST:


Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 4th day of October, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of October, 2016, by the following vote:

AYES: Johnson, Warshaw, Wu, Toma
NOES: Spence
ABSENT: None
ABSTAIN: None


Nickolas S. Lewis
City Clerk